

# Public Document Pack



## SCOTTISH BORDERS COUNCIL THURSDAY, 21 DECEMBER, 2017

A MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on THURSDAY, 21 DECEMBER, 2017 at 10.00 AM

J. J. WILKINSON,  
Clerk to the Council,  
14 December 2017

<b>BUSINESS</b>																				
1.	<b>Convener's Remarks.</b>																			
2.	<b>Apologies for Absence.</b>																			
3.	<b>Order of Business.</b>																			
4.	<b>Declarations of Interest.</b>																			
5.	<b>Jo Cox Memorial Exchange</b>  Presentation by Sanna Aziz from Galashiels Academy.	10 mins																		
6.	<b>NHS Borders</b>  Annual Presentation by John Raine, Chairman and Jane Davidson, Chief Executive.																			
7.	<b>Minutes</b> (Pages 5 - 22)  Consider Minutes of Scottish Borders Council meetings held on 2 and 30 November 2017 for approval and signing by the Convener. (Copy (a) & (b) attached.)	2 mins																		
8.	<b>Committee Minutes</b>  Consider Minutes of the following Committees:-  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">(a) Civic Government Licensing</td> <td style="width: 50%;">20 October 2017</td> </tr> <tr> <td>(b) William Hill Trust</td> <td>25 October 2017</td> </tr> <tr> <td>(c) Audit &amp; Scrutiny</td> <td>26 October 2017</td> </tr> <tr> <td>(d) Tweeddale Locality</td> <td>1 November 2017</td> </tr> <tr> <td>(e) Planning &amp; Building Standards</td> <td>6 November 2017</td> </tr> <tr> <td>(f) Executive</td> <td>7 November 2017</td> </tr> <tr> <td>(g) Local Review Body</td> <td>8 November 2017</td> </tr> <tr> <td>(h) Hawick Common Good Fund</td> <td>8 November 2017</td> </tr> <tr> <td>(i) Eildon Locality</td> <td>9 November 2017</td> </tr> </table>	(a) Civic Government Licensing	20 October 2017	(b) William Hill Trust	25 October 2017	(c) Audit & Scrutiny	26 October 2017	(d) Tweeddale Locality	1 November 2017	(e) Planning & Building Standards	6 November 2017	(f) Executive	7 November 2017	(g) Local Review Body	8 November 2017	(h) Hawick Common Good Fund	8 November 2017	(i) Eildon Locality	9 November 2017	5 mins
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	<p>(j) Police, Fire &amp; Rescue and Safer Comms 10 November 2017  (k) Audit &amp; Scrutiny 13 November 2017  (l) Hawick Common Good Fund 14 November 2017  (m) Teviot &amp; Liddesdale Locality 14 November 2017  (n) Lauder Common Good Fund 15 November 2017  (o) Civic Government Licensing 17 November 2017  (p) Local Review Body 20 November 2017  (q) Executive 21 November 2017  (r) Community Planning Strategic Board 23 November 2017  (s) Selkirk Common Good Fund 28 November 2017  (t) Audit &amp; Scrutiny 30 November 2017  (u) Planning &amp; Building Standards 4 December 2017  (v) Executive 5 December 2017  (w) Jedburgh Common Good Fund 6 December 2017  (x) Kelso Common Good Fund 6 December 2017  (y) Standards 7 December 2017  (z) Galashiels Common Good Fund 7 December 2017  (aa) Innerleithen Common Good Fund 12 December 2017</p> <p>(Please see separate Supplement containing the public Committee Minutes.)</p>	
9.	<p><b>Committee Minute Recommendations</b> (Pages 23 - 26)</p> <p>Consider the recommendations made by the following Committees:-</p> <p>Teviot &amp; Liddesdale Locality Committee – 14 November 2017  Civic Government Licensing Committee – 18 November 2017  Audit &amp; Scrutiny – 30 November 2017</p> <p>(Copy attached.)</p>	5 mins
10.	<p><b>Open Questions</b></p>	15 mins
11.	<p><b>Jedburgh Intergenerational Learning Campus</b> (Pages 27 - 160)</p> <p>Consider report by Service Director Children and Young People. (Copy attached.)</p>	15 mins
12.	<p><b>Hawick Flood Protection Scheme</b> (Pages 161 - 412)</p> <p>Consider report by Service Director Assets and Infrastructure. (Copy attached.)</p>	10 mins
13.	<p><b>Budget update on the Local Government Finance Settlement</b></p> <p>Consider report by Chief Financial Officer. (Copy to follow.)</p>	15 mins
14.	<p><b>Commercial &amp; Commissioned Services Strategy</b> (Pages 413 - 442)</p> <p>Consider report by Chief Financial Officer. (Copy attached.)</p>	15 mins
15.	<p><b>Charity Reorganisation Update</b> (Pages 443 - 470)</p> <p>Consider report by Chief Financial Officer. (Copy attached.)</p>	15 mins
16.	<p><b>Treasury Management Mid-Year Report 2017/2018</b> (Pages 471 - 486)</p> <p>Consider report by Chief Financial Officer. (Copy attached.)</p>	15 mins
17.	<p><b>Arrangements for By-Election in the Selkirkshire Ward</b> (Pages 487 - 490)</p>	5 mins

	Consider report by Chief Executive. (Copy attached.)															
18.	<p><b>Committee Appointments/Representatives on Outside Bodies</b></p> <p>Consider appointments to the following to replace Councillor Harry Scott:-</p> <p>(a) JCG Teachers</p> <p>(b) Armed Forces and Veterans Champion</p> <p>(c) Outside Bodies:-</p> <p>(i) EDF Energy Torness Power Station Liaison Committee</p> <p>(ii) Scottish Councils Committee on Radioactive Substances</p> <p>(iii) Edinburgh Airport Consultative Committee</p> <p>(iv) Lowland reserves Group</p>	10 mins														
19.	<b>Any Other Items Previously Circulated</b>															
20.	<b>Any Other Items Which the Convener Decides Are Urgent</b>															
21.	<p><b>Private Business</b></p> <p>Before proceeding with the private business, the following motion should be approved:-</p> <p>“That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”</p>															
22.	<p><b>Minutes</b> (Pages 491 - 494)</p> <p>Consider private Sections of Minutes of Scottish Borders Council held on 2 and 30 November 2017. (Copy (a) &amp; (b) attached.)</p>	1 mins														
23.	<p><b>Committee Minutes</b></p> <p>Consider private Sections of the Minutes of the following Committees:-</p> <table border="0"> <tr> <td>(a) Civic Government Licencing</td> <td>20 October 2017</td> </tr> <tr> <td>(b) Executive</td> <td>7 November 2017</td> </tr> <tr> <td>(c) Hawick Common Good Fund</td> <td>8 November 2017</td> </tr> <tr> <td>(d) Hawick Common Good Fund</td> <td>14 November 2017</td> </tr> <tr> <td>(e) Civic Government Licensing</td> <td>17 November 2017</td> </tr> <tr> <td>(f) Executive</td> <td>21 November 2017</td> </tr> <tr> <td>(g) Planning &amp; Building Standards</td> <td>4 December 2017</td> </tr> </table> <p>(Please see separate Supplement containing private Committee Minutes.)</p>	(a) Civic Government Licencing	20 October 2017	(b) Executive	7 November 2017	(c) Hawick Common Good Fund	8 November 2017	(d) Hawick Common Good Fund	14 November 2017	(e) Civic Government Licensing	17 November 2017	(f) Executive	21 November 2017	(g) Planning & Building Standards	4 December 2017	2 mins
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24.	<p><b>Common Good and Trust Fund Investments</b> (Pages 495 - 506)</p> <p>Consider report by Chief Financial Officer. (Copy attached.)</p>	10 mins														
25.	<p><b>Tweedbank Future Development Opportunities</b></p> <p>Consider joint report by Executive Director and Service Director Assets and Infrastructure. (Copy to follow.)</p>	15 mins														

## **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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Please direct any enquiries to Louise McGeoch Tel 01835 825005  
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## SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells on Thursday, 2nd November, 2017 at 10.00 am

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Present:- Councillors D. Parker, S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, K. Chapman, K. Drum, G. Edgar, J. Greenwell, C. Hamilton, S. Haslam, E. Jardine, H. Laing, S. Marshall, W. McAteer, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull (from para.8), T. Weatherston

Apologies:- Councillors M. Ballantyne, J. A. Fullarton and S. Hamilton

In Attendance:- Chief Executive, Executive Director (P Barr), Executive Director (R Dickson), Service Director Assets & Infrastructure, Service Director Customer and Communities, Service Director Regulatory Services, Service Director Children & Young People, Chief Social Work Officer, Chief Legal Officer, Financial Services Manager and Clerk to the Council.

### 1. CONVENER'S REMARKS.

- 1.1 The Convener congratulated Connor Price, Gillian Douglas and Duncan Morrison from the Flood Prevention Team for their work on the The Selkirk Flood Protection Scheme which had won the Environmental Award at the recent Saltire Civil Engineering Awards.

#### DECISION

**AGREED that congratulations be passed to those concerned.**

- 1.2 The Convener advised that an additional meeting of Scottish Borders Council would be held on 30 November 2017 to consider reports in relation to City Deal and Tweedbank. A briefing for Members on this would be held on 21 November 2017. He further advised that the Council meeting in December would be changed from 14 December to 21 December to allow the Leader, Chief Executive and Chief Financial Officer to attend a COSLA budget meeting.

#### DECISION

**NOTED.**

### 2. MINUTE

The Minute of the Meeting held on 28 September 2017 was considered.

#### DECISION

**AGREED that the Minute be approved and signed by the Convener.**

### 3. COMMITTEE MINUTES

The Minutes of the following Committees had been circulated:-

- |     |                                    |                   |
|-----|------------------------------------|-------------------|
| (a) | Community Planning Strategic Board | 7 September 2017  |
| (b) | Berwickshire Locality              | 7 September 2017  |
| (c) | Cheviot Locality                   | 13 September 2017 |
| (d) | Pension Fund                       | 14 September 2017 |
| (e) | Pension Board                      | 14 September 2017 |
| (f) | Local Review Body                  | 18 September 2017 |
| (g) | Executive                          | 19 September 2017 |
| (h) | LLP Strategic Governance           | 19 September 2017 |

(i)	Teviot & Liddesdale Locality	19 September 2017
(j)	Lauder Common Good Fund	21 September 2017
(k)	William Hill Trust	21 September 2017
(l)	Civic Government Licensing	22 September 2017
(m)	Audit & Scrutiny	25 September 2017
(n)	Innerleithen Common Good Fund	27 September 2017
(o)	Planning & Building Standards	2 October 2017
(p)	Tweeddale Locality	4 October 2017
(q)	Local Review Body	16 October 2017
(r)	Executive	17 October 2017

**DECISION**

**APPROVED the Minutes listed above.**

**4. OPEN QUESTIONS**

The questions submitted by Councillors Moffat, Bell and Brown were answered.

**DECISION**

**NOTED the replies as detailed in Appendix I to this Minute.**

**5. LOCAL DEVELOPMENT PLAN: DEVELOPMENT PLAN SCHEME 2017**

There had been circulated copies of a report by the Service Director Regulatory Services proposing approval of the annual update of the Development Plan Scheme. The report explained that publishing a Development Plan Scheme at least annually was a statutory duty and it must include a participation statement setting out how, when, and with whom, the Council would consult on the various Local Development Plan stages. The proposed Development Plan Scheme 2017, a copy of which was appended to the report, had been prepared to provide information on the development plan process and set out the latest position on the Council's development plans.

**DECISION**

**AGREED:-**

**(a) to approve the proposed Development Plan Scheme 2017, as detailed in Appendix 1 to the report, for publication deposit and copying to Scottish Ministers;**

**(b) that the Development Plan Scheme be reviewed and published at least annually; and**

**(c) to authorise the Service Director Regulatory Services to make any necessary minor editing and design changes to the Development Plan Scheme prior to publishing it.**

**6. SCOTTISH BORDERS COMMUNITY PLAN**

There had been circulated copies of a report by the Service Director Customer and Communities presenting the draft Local Outcome Improvement Plan (LOIP) for the Scottish Borders. In the Scottish Borders the LOIP would be known as the Community Plan and would specify the improvement priorities that had been identified for the Community Planning Partnership (CPP). The report explained that Part 2 (Community Planning) of the Community Empowerment (Scotland) Act 2015 came into force on 20 December 2016, which placed Community Planning Partnerships on a statutory footing and imposed duties on them around the planning and delivery of local outcomes, and the involvement of community bodies at all stages of community planning. Under the 2015 Act, CPPs were responsible for preparing and publishing a plan which had a specific focus on tackling inequalities and improve outcomes for those residing in the area of the local authority to which the plan related. The plan aimed to meet the needs and ambitions of local people so the voices of local people were especially important. CPPs would also

have to produce locality plans at a more local level for areas experiencing particular disadvantage. The draft Scottish Borders Community Plan, contained in Appendix I to the report, specified the outcomes that had been identified for the Scottish Borders CPP and focused the partnership on delivering better outcomes for the people of the Scottish Borders. It set the joint commitment to the delivery of an agreed set of priority outcomes based on the conclusions of the refreshed Strategic Assessment, Scottish Index of Multiple Deprivation (SIMD), other plans, strategies and initiatives, practitioner knowledge and engagement with communities and other key stakeholders. The Community Plan presented these outcomes under 4 themes and details of these themes were contained in the report. The draft Scottish Borders Community Plan would be presented to the Community Planning Strategic Board on 23 November 2017 for final approval. In response to a question on outcomes and measures, the Service Director advised that following work with Community Planning Partners a refreshed version of the Plan would be produced which would include agreed actions and outcomes. In future the Plan would be placed on the Council's website and would become an interactive document.

## **DECISION**

### **AGREED:-**

- (a) to approve the draft Scottish Borders Community Plan, contained in Appendix 1 to the report, as the key strategic document for partnership working in the Scottish Borders; and**
- (b) that the draft Scottish Borders Community Plan go forward to the Scottish Borders Community Planning Partnership Strategic Board for approval on 23 November 2017.**

## **7. AREA PARTNERSHIP PROPOSALS**

With reference to paragraph 6 of the Minute of 28 September 2017, there had been circulated copies of a report by the Service Director Customer and Communities containing proposals on the functions, framework and initial core membership, and future operation of Area Partnerships. The report explained that at its meeting on 28 September 2017, the Council had considered proposals to amend the current Locality Committees to become Area Partnerships as part of the review of the Council's Scheme of Administration. Members agreed to defer a decision on changes to the Locality Committees until there had been further political discussion. Subsequently the Members Sounding Board: Political Management Arrangements met on 3 occasions to consider proposals for the new Area Partnerships. To reflect the new statutory duties under the Community Empowerment (Scotland) Act 2015, it was proposed that the Locality Committees change their constitution, remit and focus to one of community engagement and involvement; at the same time it was proposed that they change their name to that of Area Partnerships to reflect this. With the greater emphasis on community empowerment, participative budgeting, and locality planning – not just for the Council, but for other public authorities/services - their main aim would be to form a community engagement platform to develop priorities and outcomes for the area. They would act as a community consultation body, not just for the Council but other service providers in the area, becoming a strong voice for their own area. A number of options were considered in terms of core membership for the new Area Partnerships, with proposals being recommended to have the relevant SBC Ward members (voting) and 4 Community Council representatives (non-voting) as core members, with invitations to wider representatives – including the Community Planning partners and representatives from communities of interest - to attend and consider matters on a meeting by meeting basis. Each Area Partnership could increase its core membership up to a maximum of 20. It was also suggested that locality Community Council networks were set up in each of the 5 areas, but this would be for the Community Councils themselves to agree and manage. It was important that any change to the focus of Area Partnerships should be reflected in their future operation. The basis and format of meetings would need to change to move away from the report-driven/officer presentation style of current meetings. Meetings of

Area Partnerships would be structured around the Locality Plan, with an open forum section, a themed section (from the Locality Plan), a progress update on the Locality Plan, and the final section on any decisions required by Councillors on Small Schemes, Quality of Life, or Pay Parking funding. The membership framework and functions of Area Partnerships were detailed in the Appendix to the report. There were 2 functions from Locality Committees which would be considered in future by the Executive Committee, after consultation with local Members, and 2 functions which would be delegated to the Service Director Assets & Infrastructure in the Scheme of Delegation. It was further proposed that Area Partnerships were reviewed after 18 months in operation. Members welcomed the proposals.

## **DECISION**

### **AGREED to:-**

- (a) amend the Scheme of Administration and replace Locality Committees with Area Partnerships, as detailed in the Appendix to this report, with effect from 1 January 2018;**
- (b) include within the Executive Committee functions in the Scheme of Administration “Approve all matters relating to street naming and numbering (where not already delegated to officers), after consultation with the relevant local Members”;**
- (c) include within the Scottish Borders Council functions in the Scheme of Administration “Consider and make recommendations for Local Byelaws and Management Rules, after consultation with the relevant local Members”;**
- (d) include in the Scheme of Delegation the following authority to the Service Director Assets & Infrastructure:**
  - (i) Approve local traffic management schemes after consultation with local Members, or consultation with Area Partnerships for major changes;**
  - (ii) Approve the making of temporary, permanent or experimental orders for the regulation of traffic, including stopping-up orders, after consultation with local Members, or consultation with Area Partnerships for major changes; and**
- (e) review Area Partnerships after 18 months in operation.**

## **8. EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL**

With reference to paragraph 26 of the private Appendix to the Minute of 29 June 2016, there had been circulated copies of a report by the Executive Director (R Dickson) providing an update on the overall composition of the City Deal, including both Governments’ financial offer and the Heads of Terms document signed in July and seeking authority to progress and implement the Edinburgh and South East Scotland City Region Deal through the establishment of a Joint Committee, and to delegate authority to the Chief Executive, in consultation with the Leader, to enter into a minute of agreement. The report explained that the Terms of Reference for a Deal were agreed in March 2016, Heads of Terms, as contained in Appendix 1 to the report, were received by partners from the Governments on 19 July 2017 and authority was granted to the Leader to sign the Heads of Terms of Agreement through an Emergency Powers Report on 19 July 2017. The specific financial offer in the City Deal for Scottish Borders amounted to £15m (against an “ask” of £26.9M), mainly to be used for development of the Business Park at Tweedbank/Lowood. The overall costs of delivering the Tweedbank/Lowood project were estimated to be in the region of £58m. The funding commitment approved by the Council in the capital programme was currently £5m over 2017/18 and 2018/19, with a further £1.7m being provided by Scottish Enterprise towards the development of business infrastructure. Commercial rents and contributions of £10.6m were assumed as part of



the funding package. This indicated a current shortfall in capital funding of £25.7m to deliver the full project. Members noted that further details on the proposals would be provided at the special Council meeting on 30 November 2017.

#### **DECISION**

- (a) **NOTED** the Heads of Terms of Agreement contained in Appendix 1 to the report.
- (b) **AGREED:-**
- (i) **to establish a Joint Committee under Section 57 of the Local Government (Scotland) Act 1973 with City of Edinburgh, East Lothian, Fife, Midlothian, and West Lothian Councils, representatives from the higher education and further education sector, and business to oversee the governance arrangements for the Edinburgh and South East of Scotland City Region Deal;**
  - (ii) **the arrangements that would inform the proposed Minute of Agreement establishing the Joint Committee as detailed in Appendix 2 to the report;**
  - (iii) **that the Leader of the Council be appointed to represent the Council on the Joint Committee;**
  - (iv) **to delegate authority to the Chief Executive, in consultation with the Leader of the Council, to negotiate and agree the final Minute of Agreement (the draft contained in Appendix 3 to the report) establishing the Joint Committee, in line with the principles stated in Appendix 2 to the report, and any financial and resource contributions, if they were required; and**
  - (v) **that updates would be provided to the Economic Development themed meetings of Executive on an ongoing basis on progress with the implementation of the Edinburgh and South East of Scotland City Region Deal.**

#### **MEMBER**

Councillor Turnbull joined the meeting during consideration of the above item.

#### **9. HAWICK FLOOD PROTECTION SCHEME**

With reference to paragraph 6 of the Minute of 2 March 2017, there had been circulated copies of a report by the Service Director Assets and Infrastructure requesting that the Council make a Preliminary Decision to confirm the proposed Hawick Flood Protection Scheme 2017 (the Scheme) with no modifications, under the Flood Risk Management (Scotland) Act 2009 (the FRM) and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010; as the Scheme required an Environmental Impact Assessment. It was also proposed to delegate further authority to continue the Statutory Approvals Processes, the Scheme's Detailed Design and preparation for the Advanced Works. The report explained that as part of the Scheme being approved under the FRM it was required to give notice of the Scheme in accordance with Paragraph 1 of Schedule 2 of the FRM. The date the notice was published under Paragraph 1 (1) (a) was 18 April 2017. The 28-Day Objection Period concluded on 29 May 2017 and forty eight objections were received to the Scheme. All objections were deemed to be a 'valid objection' as defined within the FRM. The project team, including the Chief Legal Officer, undertook a detailed analysis and consideration of the topics within the objections. The Project Team provided a detailed reply to every topic identified in every objection and then engaged with the objectors who had expressed an interest in further discussions and meetings. It was clear from the meetings with objectors that there were some common misinterpretations of what was being proposed by the Scheme, so the Project Team undertook a series of

public events to enable the community to obtain a clear understanding of the proposals and raise any topics of concern. The Project Team believed that these evenings were successful and gave objectors and supporters the chance to express their views in a public forum. The Project Team believed that all of the points raised in the objections were answered by the mitigation strategies in the suite of published documents to provide a balanced scheme to meet all of the project objectives from a national, Council and local perspective. The way forward for the scheme had been developed following the strong interest within the community to be part of the detailed design phase, so Design Working Groups and a Traffic Management Working Group would be formed. The Project Board agreed that the Project Team had fully and robustly considered the objections and determined that no modifications were required. The parallel processes of Deemed Planning and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (i.e. CAR licence) had progressed well with the CAR licence being issued on 18 September 2017. It was noted that before making a Preliminary Decision on a flood protection scheme with an Environmental Statement the Council must consider the environmental information to comply with Regulation 10 (3) of the FRM's 2010 Regulations and state in their decision that they had done so. Members spoke in support of the Scheme and noted that a further report would be brought to Council in December.

#### **DECISION**

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

- (a) note the progress made with the project since the update in February 2017;**
- (b) make a Preliminary Decision to confirm the proposed Hawick Flood Protection Scheme 2017 with no modification, under the Flood Risk Management (Scotland) Act 2009 and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010; as the Scheme required an Environmental Impact Assessment;**
- (c) confirm that the Council had taken into account the environmental information as detailed in section 7 of the report; and**
- (d) provide the Scheme's Project Executive with the authority to commence the preparations for the Advanced Works and the Detailed Design stages to allow the project to stay on programme.**

#### **DECLARATION OF INTEREST**

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

#### **10. BOUNDARY COMMISSION FOR SCOTLAND - REVIEW OF UK PARLIAMENT CONSTITUENCIES**

There had been circulated copies of a report by the Chief Executive giving details of the Boundary Commission for Scotland's revised proposals from its Review of UK Parliament constituencies in Scotland which impact on the constituents in the Council's Tweeddale East and West Wards. The report explained that the 2018 Review of Westminster parliamentary constituencies was being conducted simultaneously by the four Boundary Commissions in Scotland, England, Northern Ireland and Wales, with the aim of reducing the number of constituencies from 650 to 600, with Scottish constituencies decreasing from 59 to 53. There was a number of criteria applied by the Commission in its proposals for Scottish Constituencies relating to geographic size, Council boundaries and minimum/maximum electorate numbers. The proposed constituencies which covered the Scottish Borders Council area were Berwickshire, Roxburgh & Selkirk County Constituency, and Midlothian and Upper Tweeddale County Constituency. This latter Constituency covered the Midlothian Council area, along with SBC Ward 1 (Tweeddale West), and part of SBC Ward 2 (Tweeddale East), where it was stated that the boundary

partly followed a Community Council area and an historic ward boundary. In effect, this meant that Innerleithen and Walkerburn would move away from the rest of Tweeddale into the Berwickshire, Roxburgh and Selkirk County Constituency. However, if the electorate within Traquair (c. 200), Innerleithen (c. 2,500) and Walkerburn (c.590) were to be placed in Midlothian and Upper Tweeddale, this would increase the total electorate for that constituency to 80,114, which was beyond the maximum allowed electorate of 78,507. Members noted the proposals. Members queried which Community Council covered Cardrona and the Clerk to the Council offered to check and confirm this with the Tweeddale Members.

## **DECISION**

**NOTED the proposals for the Boundary Commission for Scotland's Review of UK Parliament constituencies in Scotland and the changes affecting the constituents in the Tweeddale East and West Wards.**

### **11. MOTION BY COUNCILLOR PATERSON**

Councillor Paterson, seconded by Councillor Bell, moved the Motion as detailed on the agenda in the following terms:-

“That the Leader of Scottish Borders Council writes to the UK Government expressing the Council's concerns about reports that the changes that are being introduced by the UK government in 2019 will lead to a real-term cut in Scottish Government Funding for investment in the railways in Scotland. It has been announced that there could be as much as a £600 million gap in funding for projects that the Scottish Government has earmarked and these projects may not now happen. There are real concerns that this may be the death knell for any plans to extend the Borders Railway from Tweedbank to Hawick and then on to Carlisle via Newcastleton; this move by the UK Government may also have a detrimental effect on future rail improvements to the Borders Railway”

Councillor Paterson spoke in support of his Motion. Councillor Rowley, seconded by Councillor Edgar, moved the following amendment:-

“That the Leader of Scottish Borders Council writes to the Scottish Government's Minister for Transport and the Islands, Humza Yousaf MSP, requesting confirmation of his recent "unwavering" commitment to "have the stations built as early in CP6 as practicable and commitment to that objective is unwavering" and to ask him to recognise the significant part which Scottish Borders Council's £2.84 million commitment to Reston plays in delivering sustainable development in one of the lowest income areas of Scotland.

We reaffirm that this Council has the strongest-possible commitment to ensuring the economic and social benefits of the Borders Railway are extended through to Hawick, Newcastleton and on to Carlisle, so the Leader will ask the Minister to make clear that current East Coast Main Line projects and budgets have no connection to future proposals for extension of the Borders Railway and an early meeting will be sought to see how best to progress extension of the Borders Railway to Hawick, Newcastleton and beyond.”

Councillor Laing, seconded by Councillor H. Anderson, moved as an addition to the original Motion that the words “It could also threaten plans to re-open Reston Station” be added after “improvements to the Borders Railway. Councillor Paterson agreed to accept this amendment to his Motion.

## VOTE

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

<i>Motion as amended</i>	-	12 Votes
<i>Amendment</i>	-	17 Votes

*The amendment was accordingly approved.*

**DECISION**

**DECIDED** that the Leader of Scottish Borders Council write to the Scottish Government's Minister for Transport and the Islands, Humza Yousaf MSP, requesting confirmation of his recent "unwavering" commitment to "have the stations built as early in CP6 as practicable and commitment to that objective was unwavering" and to ask him to recognise the significant part which Scottish Borders Council's £2.84 million commitment to Reston played in delivering sustainable development in one of the lowest income areas of Scotland. We reaffirm that this Council had the strongest-possible commitment to ensuring the economic and social benefits of the Borders Railway were extended through to Hawick, Newcastleton and on to Carlisle, so the Leader would ask the Minister to make clear that current East Coast Main Line projects and budgets had no connection to future proposals for extension of the Borders Railway and an early meeting would be sought to see how best to progress extension of the Borders Railway to Hawick, Newcastleton and beyond."

12. **MAJOR CONTACTS GOVERNANCE GROUP**

With reference to paragraph 6 of the Minute of 28 September 2017, Councillor Haslam, seconded by Councillor Turnbull, proposed that the membership of the Major Contracts Governance Group be as follows:-

Councillor G. Turnbull (Chairman)  
Councillor G. Edgar  
Councillor J. Fullarton  
Councillor T. Miers  
Councillor D. Moffat  
Councillor E. Thornton-Nicol  
Councillor T. Weatherston

This was unanimously approved.

**DECISION**

**AGREED** the membership of the Major Contracts Governance Group as detailed above.

13. **REPRESENTATIVES ON OUTSIDE BODIES**

Following the resignation of Councillor Marshall as the Council representative on the Roxburgh Sports Council, Councillor Haslam, seconded by Councillor Weatherston, moved that Councillor Richards be appointed. This was unanimously approved.

**DECISION**

**AGREED** to appoint Councillor N. Richards as the Council representative on the Roxburgh Sports Council.

14. **PRIVATE BUSINESS**

**DECISION**

**AGREED** under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.

**SUMMARY OF PRIVATE BUSINESS**

15. **MINUTE**  
The private section of the Council Minute of 28 September 2017 was approved.
16. **COMMITTEE MINUTES**  
The private sections of the Minutes listed in paragraph 3 of this Minute were approved.
17. **BORDERCARE MONITORING**  
The report was withdrawn from the agenda.

***The meeting concluded at 12.00 noon.***

**SCOTTISH BORDERS COUNCIL**  
**2 NOVEMBER 2017**  
**APPENDIX 1**

**Questions from Councillor Moffat**

1. To Executive Member for Children & Young People

The Greenlaw Parent Council have raised concerns regarding the disrepair of the school windows which don't open properly and have a substantial amount of wood rot. I believe that this issue has been ongoing for around 7 years and that there have been visits from previous Executive Members, local MPs etc. Surely this should now be deemed as a priority for replacement. Can the Executive Member please advise when action will be taken to replace these windows which must be detrimental to the safety of the children and result in increased heating costs?

Reply from Councillor C. Hamilton

There is an extensive, planned, assessed and ongoing rolling programme for window replacement across the school estate.

It has been noted that the windows in this school are in poor condition and as a result, Greenlaw is on the window replacement programme for 2018/19 school session.

To the Executive Member for Roads & Infrastructure

2. Parents in Duns have raised concerns regarding children's safety when crossing the A6105 between Berwickshire High School and the new Duns Primary School. There are controlled crossings outside Eyemouth High School and the new Kelso High School and also on the A6105 in Earlston. Can the Executive Member advise if there are plans to install a similar crossing in Duns between the two schools?

Reply from Councillor Edgar

At this time there are no plans to provide a light controlled crossing (Puffin) on the A6105 in Duns. National criteria on the provision of light controlled crossings is based on vehicle numbers and pedestrian crossing numbers to determine if there is available time gaps to allow safe crossing. The situation at Duns, even taking into account those using the swimming pool through the day, falls considerably short of what would be required to justify a light controlled crossing.

During the planning process for the primary school moving, the traffic and road safety section considered a crossing point for the primary school and it was agreed that a build out (to narrow the crossing width) in conjunction with the school crossing patrol would be the most appropriate solution. This was in consultation with the local community who were keen to retain the school crossing patrol. In addition, and in agreement with the school & parents the boardwalk to the school was extended to allow an off road route away from the A6105.

Selkirk High School and Jedburgh Grammar, both on trunk roads do not have puffin crossings - nor do Gala Academy or Peebles High Schools.

Supplementary

Councillor Moffat was surprised that the numbers did not warrant a crossing and asked if a traffic counter could be used at the site. Councillor Edgar advised that this information had already been gathered by officers and had ascertained that the criteria for a crossing had not been met.

3. Can the Executive Member advise what authority does the Council have to cut back private hedges which are either causing problems for sight lines at road junctions or

overgrowing onto paths/pavements and causing difficulties for those using such paths for example wheelchair users or those with pushchairs?

Reply from Councillor Edgar

While the Council does have the authority to trim private hedges, preferred good practice is for an owner to be served a notice and given the opportunity to carry out the works themselves, at their own cost, within a reasonable defined period of time.

If this does not occur, then the Council may decide to carry out the works and try to recover any reasonable costs for doing so.

Supplementary

Councillor Moffat asked what distance the Council could cut back a hedge at a road junction to improve visibility and what was the position regarding hedges which were leaning out over a pavement. Councillor Edgar emphasised that the responsibility for cutting back private hedges lay with the owner but officers would be able to help with the details regarding distances.

4. A resident in Duns complained to the Council regarding water run-off onto Duns/Grants House Road covering it in mud and gravel making it unsafe on various bends. The resident travels this road daily to Torness on his motorcycle and although he did receive an acknowledgement he has had no further contact and the road was never swept clear of the mud and gravel. Does the Executive Member not think that more should have been done in this case for the safety of road users and to send a proper reply in due course?

Reply from Councillor Edgar

This matter was raised earlier in the summer following a flash flood over the previous weekend. The road in question was inspected that week and it was identified that "*some gravel deposits etc were present in some areas but quite minimal in others*"

A list of sweeping locations was drawn up with work to be undertaken at the earliest opportunity but due to limited staff resources and competing priorities this work did take longer than originally intended but the work was carried out.

While it is always the intention of the Department to reply to enquiries of this nature, on occasion the number of such requests and any parallel lack of resource can cause delays.

For clarity, it should be noted that "mud on the road" from farm traffic etc is an issue for the Police to enforce. If, on the other hand, the main issue is surface water being discharged to the road, then that would be an issue for the landowner to manage, albeit the Council can serve notice on them to do so.

To the Executive Member for Adult Social Care

5. What is being done to stop bed blocking at the Knoll and other hospitals as a result of people losing care packages or not getting the package to assist going home?

Reply from Councillor Weatherston

The Health and Social Care Partnership is exploring ways of helping people to leave hospital when they are clinically fit and able to be assessed for care and support in a community setting. As winter approaches we will add additional care bed resource to our communities to allow this to happen. Our aim will be to support people to leave hospital as soon as possible and be assessed in a place where care can best determine how to meet their needs. In this way we can make best use of the valuable care at home services that are supporting people in their own homes.

6. It has been raised with me by a number of residents that there is a need for a care home in Duns. What if anything is being done by Social Work to encourage care providers to provide a home in Duns?

Reply from Councillor Weatherston

We are currently developing an understanding of the housing needs for older people across the Borders for the next years and have included our care homes and care homes with nursing in this approach. We aim to support people in their own homes and communities for as long as possible working in particular to develop extra care housing in the places where people want to live. The good news for Duns is that we are working in partnership with Trust Housing Association and the Scottish Government to build 35 new extra care homes in the Todlaw area. There will be a further 14 amenity homes as part of this development. It is anticipated that these will be ready in 2019/20. Further developments will follow in Galashiels and Hawick.

**Question from Councillor Bell**

To the Executive Member for Transformation and HR

Many members of the public still think that the Council is scrapping its welfare advice service. I know that is not an accurate representation; but could you clearly state how the Council will – going forward - monitor and ensure both the quality and the speed of response to welfare benefits questions from the Borders public?

Reply from Councillor Mountford

The work of the Welfare Benefits Service is one of a number of service areas that have been fully integrated in to the new Customer Advice & Support service with the dual aim of improving the customer experience whilst delivering efficiencies. The welfare advice currently provided is continuing albeit with some changes to how this will be done.

The implementation of the new organisational structure has only very recently been completed and work is now underway to ensure everyone is aware of the new arrangements.

Going forward the overall service will be supported by a modern digital telephony system and an electronic enquiry and case handling system, which support management reporting and customer satisfaction measurement.

The changes will improve the speed of response from the first point of contact whilst more accurate recording of enquiries, responses and outcomes will be possible including speed of response.

I hope this gives some assurance that by the combination of these changes, as well as the Councils complaints procedure, a more accurate picture of the volume of enquiries, as well as the speed and quality of the response can be provided in the future.

Supplementary

Councillor Bell noted that responses would be measured but asked for assurances that advice would continue to be provided to deal with the roll out of universal credit and if not that the Administration would seek a pause in its implementation. Councillor Mountford acknowledged on a personal level that there were some flaws in Universal Credit. He further advised that he was confident that Council staff would provide first class advice. However, he had no leverage in terms of UK Government Policy.

**Question from Councillor Brown**



To the Executive Member for Children & Young People

With Regard to the Jedburgh Lifelong Education Campus can the Executive Member guarantee that the sporting and recreation facilities envisaged in the early public meetings can and will be achieved?

Reply from Councillor C. Hamilton

Consistent with our other recent schools, the external sports brief for Jedburgh was 1 synthetic and 2 grass pitches. Through the use of the SportsScotland funding it has been possible to enhance one of the grass pitches to a 3G surface.

Through the design process though it became apparent that for cost reasons it was not possible to include a grass pitch with grass running track on the area of land originally identified to the north of the new school and to the rear of Priors Court. This was due to the levels on the ground. The project team are therefore exploring alterations/improvements to the existing playing fields at Howdenburn Drive to allow grass based sports such as field athletics to be played. Although this playing field is off campus, the distance is considered to be manageable and indeed may be closer than the original proposal for a grass pitch at Priors Court would have been.

However, it is noted that the project has been able to provide a 6 lane x 100m running track within the campus and this is in addition to that shown to the community at the start of the consultation process.

Supplementary

Councillor Brown advised that he was fully behind the development but that there was a need for an urgent meeting between Scottish Borders Council and Jedburgh Sports Hub to ensure there were no delays. Councillor Hamilton advised that she would be happy to attend such a meeting to discuss the matter further.

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# SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCOTTISH COUNCIL held in Council Chamber, Council Headquarters, Newtown St. Boswells on Thursday, 30 November, 2017 at 10.00 am

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Present:- Councillors D. Parker, S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, K. Chapman, K. Drum, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton (from paragraph 3), S. Hamilton, S. Haslam, E. Jardine, H. Laing, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Ramage, N. Richards, E. Robson, M. Rowley, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull and T. Weatherston

Apologies:- Councillors S. Marshall, W. McAteer and H. Scott

Absent:- Councillor M. Ballantyne

In Attendance:- Chief Executive, Executive Director (P Barr), Executive Director (R Dickson), Chief Financial Officer, Service Director Assets & Infrastructure, Chief Planning Officer, Clerk to the Council

## 1. CONVENERS REMARKS

- 1.1 The Convener congratulated Fiona Riddell, an Additional Needs Support Assistant from Stow Primary School who had received the award of Quality Improvement Champion at the Quality Improvement Awards for her work in improving the lives of local children.
- 1.2 The Convener advised that with regard to the Scottish Borders Council Christmas Card it was his intention to ask a Primary School from a different locality each year to hold a competition to design the card. Kingsland Primary School in Tweeddale had been chosen this year and the winning design had been produced by Ailsa Jarvis from P6. He intended to choose a school in Teviot & Liddesdale next year.

## DECISION

**AGREED that congratulations be passed to those concerned.**

## 2. SHARED CHIEF AUDITOR POST BETWEEN MIDLOTHIAN COUNCIL AND SCOTTISH BORDERS COUNCIL

There had been circulated copies of a report by the Service Director Regulatory Services asking the Council to consider the benefits and potential challenges of sharing a Chief Auditor/Audit Manager Post between Midlothian and Scottish Borders Councils and to consider progressing with a pilot arrangement which would also create the opportunity for a wider exploration of joint working activities and benefits. The report explained that the opportunity had arisen to develop joint working to sustain and deliver Internal Audit and Corporate Fraud Services between Midlothian Council and Scottish Borders Council. Initially this would involve Scottish Borders Council's Chief Officer Audit & Risk leading both the Midlothian and Scottish Borders Internal Audit teams on a strategic level supported operationally and on a day to day basis by Senior Auditors in each Council. It was proposed that this arrangement be piloted over a 12 month period, with a 6 month review of the arrangement. The shared post would provide a platform for continuous improvement, leadership and direction to both teams. The proposed 12 month pilot would also allow information to be gathered to support the analysis of the potential benefits and challenges of further partnership working in these areas. Members supported the proposal and agreed that the report following the 6 month review would be submitted to the Audit & Scrutiny Committee.

## DECISION

**AGREED:-**

- (a) to approve proceeding with an interim appointment of a shared Chief Internal Auditor post between Midlothian and Scottish Borders Council with effect from 1 December 2017;
- (b) to progress with a pilot arrangement to share management resource for a period of 12 months, commencing on 1 December 2017;
- (c) to the development of a wider exploration of joint working activities and benefits on the proposals set out in the report following the appointment of a shared post;
- (d) to instruct the Service Director Regulatory Services to develop a detailed programme for developing and implementing the joint arrangements set out in this report including wider staff and trade union consultation; and
- (e) that the Audit & Scrutiny Committee receive a further report from the Service Director Regulatory Services after an initial 6 month period.

**MEMBER**

Councillor C Hamilton joined the meeting.

**3. SUPPLEMENTARY GUIDANCE & SIMPLIFIED PLANNING ZONE SCHEME:  
CENTRAL BORDERS BUSINESS PARK, TWEEDBANK**

With reference to paragraph 15 of the Minute of 22 December 2016, there had been circulated copies of a report by the Service Director Regulatory Services seeking approval of Supplementary Guidance (SG) and a Simplified Planning Zone (SPZ) Scheme relating to the Central Borders Business Park at Tweedbank, as contained in Appendix 1 to the report. The report explained that the purpose of the Supplementary Guidance was to provide a framework vision for the future development of the sites which were allocated within the Scottish Borders Local Development Plan 2016. The purpose of the Simplified Planning Zone was to enable development to take place without the need for planning consent, provided the development complied with development parameters and conditions. It would create an employment led redevelopment, providing choice and quick delivery for businesses considering locating in this part of Scotland. The report detailed in Appendix 2 all of the representations received following a 12-week public consultation on both documents, the proposed response and any changes which had been made to the recommendations as a result. The Chief Planning Officer sought delegated powers to make any minor amendments to the plans and Members supported the proposals.

**DECISION**

**AGREED to:-**

- (a) approve the Supplementary Guidance, as detailed in Appendix 1 (Part I) to the report;
- (b) approve the Simplified Planning Zone Scheme, as detailed in Appendix 1 (Part II) to the report;
- (c) note the representations received and responses within Appendix 2 to the report; and
- (d) note that the Simplified Planning Zone Scheme would cease to have effect at the end of the period of ten years beginning with the date of adoption and that the Council would monitor and review the document periodically as considered necessary.

4. **PRIVATE BUSINESS  
DECISION**

**AGREED** under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix I to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.

**SUMMARY OF PRIVATE BUSINESS**

5. **CENTRAL BORDERS BUSINESS PARK - TWEEDBANK**

Members considered and approved a report by the Executive Director on a programme of work to deliver the Central Borders Business Park at Tweedbank.

6. **URGENT BUSINESS**

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

7. **BORDERCARE MONITORING**

Members considered and approved a report by the Managing Director, SB Cares on an alternative service delivery model for BorderCare monitoring.

***The meeting concluded at 11.20 am***

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## SCOTTISH BORDERS COUNCIL 21 DECEMBER 2017

### STARRED ITEMS FROM COMMITTEE MINUTES

#### TEVIOT & LIDDESDALE LOCALITY COMMITTEE – 14 NOVEMBER 2017

##### 7. SCOTTISH FIRE & RESCUE SERVICE

- 7.1 There had been circulated a report from Station Manager Russell Bell, Hawick Fire Station, presenting service delivery activity in the Teviot and Liddesdale Area for the month of November 2017. In summary, the report detailed that during the period of the report there had been one deliberate house fire; two special service occurrences and 10 unwanted fire signals. Mr Bell was also pleased to report that there had been no issues in the Hawick area on bonfire night.
- 7.2 Mr Bell went on to advise that unfortunately, the Out of Hospital Cardiac Arrest trial had been suspended, until national negotiations with the Fire Brigades' Union had been concluded. Firefighters in the region were disappointed with this decision, the trial's aim was to dramatically increase patients' survival chances and they had already assisted in saving a number of lives. It was hoped that the service would be reinstated as soon as possible. It was noted that at the Police, Fire & Rescue and Safer Communities Board meeting on 10 November, the Board had expressed their disappointment with this decision to the Chair of the Scottish Fire and Rescue Service Board who was in attendance at the meeting. Members agreed that the Chairman, on behalf of the Committee, should also write to the Chief Officer of the Scottish Fire and Rescue Service expressing disappointment at the decision and that it was hoped this valuable service would be reinstated as soon as possible.

##### DECISION

- \* **AGREED TO RECOMMEND to Scottish Borders Council that the Convener write to the Chief Officer of the Scottish Fire and Rescue Service expressing concern that the Out of Hours Cardiac Arrest trial has been suspended.**

#### CIVIC GOVERNMENT LICENSING COMMITTEE – 18 NOVEMBER 2017

##### 3. TAXI DRIVER AND PRIVATE HIRE DRIVER MEDICAL ASSESSMENTS

There had been circulated copies of a report by the Service Director Regulatory Services which sought approval for the introduction of a formal policy regulating the assessment of medical fitness to drive taxi and private hire cars. The report explained that the Council as Licensing Authority for the Scottish Borders area was responsible for the licensing of taxi drivers and private hire car drivers under the Civic Government (Scotland) Act 1982. In April 2016 the DVLA issued guidance to Licensing Authorities which recommended that taxi drivers and private hire car drivers should be medically assessed to a Group 2 driving licence standard as required for lorry and bus drivers. In November 2016 the Scottish Government wrote to the Conveners of all Licensing Authorities in Scotland specifically directing them to the updated guidance issued by DVLA. The recommendation contained in the report followed the conclusions of the Working Group set up to assess the need for a policy as explained in paragraphs 3.3 and 3.4 of the report. In the event that the introduction of the policy was approved then Officers within the Council's Licensing Team would require to intimate the adoption and implementation date of the policy to the Taxi trade and to notify and liaise with the medical profession. In addition, Officers within the Council's Licensing Team would require to make appropriate amendments to the application forms and to the conditions attached to the grant of taxi driver and private hire car driver licences to make it mandatory for licence holders to report any disability or medical condition which may affect their ability to drive to the Council's Licensing Team.

##### DECISION

- \* **AGREED TO RECOMMEND to Council the introduction of a policy requiring all taxi and private hire drivers licensed by Scottish Borders Council to be medically assessed to DVLA Group 2 standards:**

- (i) **From the age of 18 and thereafter reassessed at age 45**
- (ii) **From age 45 onwards reassessed on a five year basis.**
- (iii) **From Age 65 to be reassessed on an annual basis.**
- (iv) **In the event of a disability or medical condition which may affect an applicant's ability to drive being disclosed to the Council's Licensing Team whilst the grant of a licence is in force.**

## **AUDIT & SCRUTINY COMMITTEE 30 NOVEMBER 2017**

### **2. SCRUTINY WORK PROGRAMME 2017-2018**

With reference to paragraph 2 of the Minute of 26 October 2017, there had been circulated copies of a report by the Chief Executive which sought approval for areas for Scrutiny review as part of a future Scrutiny work programme to be approved by Council. The report explained that as detailed in the Scheme of Administration, the Audit and Scrutiny Committee was required to develop an annual programme of work for approval by Council. There were a number of ways in which the Audit and Scrutiny Committee could proceed with reviews – either by Information Briefing, Hearing, or Working Group review. The final proposed work programme was detailed in the Appendix to the report and while it was normal practice to submit an annual work programme to Council, it was proposed that due to the timing of the proposals, the work programme take place over 15 months. Any other areas submitted for review in that period would be considered by Audit and Scrutiny Committee and approval sought from Council for inclusion in the work programme as appropriate. The report detailed the proposed reviews and there was some discussion about the prioritisation of reviews. Members agreed that the Home Schooling Update and the 2G and 3G Sports Pitches Update be considered first as these were the two which had been outstanding the longest and that the remaining reviews be considered in the order detailed in the Appendix.

### **DECISION**

#### **AGREED:-**

- (a) **the Scrutiny review work programme as detailed in the Appendix to this Minute;**
- \* (b) **to recommend approval to Council of the Scrutiny work programme from January 2018 to March 2019 as detailed in the Appendix to this Minute;**
- (c) **to consider in future - as appropriate - additional items for inclusion in the Scrutiny work programme, with Council approval, up until March 2019; and**
- (d) **that the Home Schooling Update and the 2G and 3G Sports Pitches updates be considered as a matter of priority and the remaining programme of reviews be undertaken in the order detailed in the Appendix .**



## Scrutiny Work Programme 2018/19

	Review subject	Outcome/Lead Officer
1	Home Schooling Update	<ul style="list-style-type: none"> <li>• Presentation giving an update on any legislative or guidance changes to home schooling requirements from the previous Scrutiny review carried out in February 2017. (Lead Officer: Donna Manson, Service Director Children &amp; Young People)</li> </ul>
2	2G and 3G Pitches Update	<ul style="list-style-type: none"> <li>• Presentation giving an update on 2G and 3G artificial pitch provision in the Scottish Borders from the previous Scrutiny review carried out in February 2017. (Lead Officer: Martin Joyce, Service Director Assets &amp; Infrastructure)</li> </ul>
3	Health and Social Care Integration Joint Board	<ul style="list-style-type: none"> <li>• Greater understanding of how the Integration Joint Board is delivering the Health and Social Care Strategic Plan to improve the lives of Borderers and meet the growth demands in the care sector. (Lead Officer: Rob McCulloch-Graham, Chief Officer, H&amp;SCI)</li> </ul>
4	SB Cares	<ul style="list-style-type: none"> <li>• The performance of SB Cares in relation to the aims and targets set within SB Cares Business Plan. (Lead Officer (SB Cares): Philip Barr, Managing Director, SB Cares)</li> </ul>
5	Delivery of the IT Strategy and Plan within Scottish Borders Council	<ul style="list-style-type: none"> <li>• Confirm the deliverables set out in the ICT programme are in place to deliver the business transformation programme and other corporate plan outcomes (Lead Officer: David Robertson, Chief Financial Officer)</li> </ul>
6	Community Access to Schools	<ul style="list-style-type: none"> <li>• Ensure community groups and the public make full use of availability of infrastructure in schools for learning, leisure and sport. (Lead Officer: Martin Joyce, Service Director Assets &amp; Infrastructure)</li> </ul>

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## JEDBURGH INTERGENERATIONAL LEARNING CAMPUS

**Report by Service Director, Children and Young People**  
**SCOTTISH BORDERS COUNCIL**

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**21 December 2017**

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### **1 PURPOSE AND SUMMARY**

- 1.1 **Following the completion of a public consultation process as set out in the Schools (Consultation) (Scotland) Act 2010 (as amended), this report requests that Scottish Borders Council approves the proposals to build an Intergenerational Learning Campus in Jedburgh, and thereafter formally closes the Nursery, Primary, Secondary and Specialist Provision in Jedburgh.**
- 1.2 At its meeting on 6 September 2016, the Executive Committee agreed to proceed with Phase 1 of the School Estate Review, including focused pre-consultations on the Education provision in several Borders towns including Jedburgh.
- 1.3 Initial Ward Member and Community Council engagement and feasibility design work has been undertaken in the town since September 2016 to provide sufficient detail to allow pre-consultation engagement with the wider community.
- 1.4 Pre-consultation events were held in Jedburgh on 25 and 26 April 2017 where a very positive response was received. Over 500 people attended over the two days.
- 1.5 A statutory consultation was undertaken in terms of the Schools (Consultation) (Scotland) Act 2010 from 8 May 2017 to 18 June 2017.
- 1.6 The statutory consultation is complete. A Consultation Report in respect of the proposals was prepared and published on 16 October 2017. The Consultation Report is Appendix 1. The Consultation Report was advertised in the press, with all interested parties given until 6 November 2017 to raise concerns or pose alternative solutions through written or electronic submissions.

### **2 RECOMMENDATIONS**

- 2.1 **I recommend that the Council approves the following proposals:**
  - a) **That an Intergenerational Learning Campus is built in Jedburgh;**
  - b) **Once the Intergenerational Learning Campus is complete (expected date of new build completion is March 2020) the following schools are permanently closed and pupils transfer to the Learning Campus in a planned move :**

- (i) Howdenburn Primary School;**
- (ii) Howdenburn Nursery;**
- (iii) Parkside Primary School;**
- (iv) Parkside Nursery;**
- (v) Jedburgh Grammar School;**
- c) Howdenburn Schoolhouse is permanently closed with the educational support for secondary aged pupils with Additional Support Needs being transferred to the Intergenerational Learning Campus;**
- d) The policy regarding pupils from Ancrum Primary School transitioning to Parkside Primary School for Primary 6 and Primary 7 is amended to facilitate transition to the Intergenerational Learning Campus;**
- e) The primary school catchment zones are rezoned from Howdenburn Primary School and Parkside Primary School to the Intergenerational Learning Campus; and**
- f) The secondary school catchment zone is rezoned from Jedburgh Grammar School to the Intergenerational Learning Campus.**

### **3 BACKGROUND**

- 3.1 The report to Executive Committee on 6 September 2016 identified a strategic way forward to the phased delivery of a School Estate Review across Education provision in the Scottish Borders. This report followed a series of nine consultation events in the High School clusters in March 2016.
- 3.2 The report specifically identified the high level of community engagement in Jedburgh where concern was raised about the challenge of sustaining a broad curriculum of education, the condition of the school estate in the town and the quality of the sports and recreational facilities.
- 3.3 On 25 and 26 April 2017 Scottish Borders Council held two successful events at Jedburgh Grammar School where over 500 people came along to see and discuss what work had been carried out regarding education in Jedburgh. These events were highly engaging and informative, and very supportive of the proposals.
- 3.4 On 21 April 2017, Scottish Borders Council took the decision under Emergency Powers to formally undertake a statutory consultation process in respect of proposals to build an Intergenerational Learning Campus in Jedburgh, replacing the Nursery, Primary and Secondary schools and Additional Support Needs educational support provision within the town. The Consultation process has been carried out in compliance with the Schools Consultation (Scotland) Act 2010 as amended (the 2010 Act).
- 3.5 Officers proceeded to arrange for a Proposal Paper to be published and the consultation period ran from 8 May 2017 until 18 June 2017. The statutory consultation period has now been completed. In accordance with the statutory requirements and process set out in the Proposal Paper, Education Scotland have been consulted on the proposals and have prepared a Report. Officers have, as required by the 2010 Act, considered both the Education Scotland Report and all consultation responses received and have prepared a Consultation Report responding to the key issues raised. The 2010 Act stated that the Education Authority may only proceed with a "relevant proposal" a minimum of three weeks after they have published the Consultation Report in both electronic and printed form, to provide interested parties with a further period to raise concerns or pose alternative solutions through written or electronic submissions. The Consultation Report was prepared and published on 16 October 2017 and all interested parties were given until 6 November 2017 to respond. The (Consultation) Report is Appendix 1 to this report. The Proposal Paper is contained within the Consultation Report.
- 3.6 The Consultation Report responds in detail to the consultation responses received and sets out the reasons why, having taken cognisance of these responses, Officers recommend that Council approve the establishment of an Intergenerational Learning Campus within the town of Jedburgh.
- 3.7 The power to establish a new school, following appropriate Statutory Consultation, rests solely with the Education Authority in terms of the 2010 Act. If the Council approves this proposal, officers can commence implementation without further procedure.
- 3.8 Where a decision is taken to approve a school closure proposal, the Council is required to notify Scottish Ministers within 6 days of the decision. A

further period of 3 weeks is then allowed for any party to make representations, either in support or against the Council's closure decision, to Scottish Ministers. The Scottish Ministers have a period of 8 weeks following the Council's decision to decide whether to call the closure decision in or not. If the Ministers do not make a decision within that period the proposal is automatically permitted to proceed. If the decision is taken to call the Council's decision in the Scottish Ministers will advise the Council in writing as expeditiously as possible.

#### **4 JEDBURGH CONTEXT – WHY A NEW INTERGENERATIONAL LEARNING CAMPUS IS REQUIRED**

- 4.1 The rationale for a new Intergenerational Learning Campus in Jedburgh is contained in the Proposal Paper which is in Appendix 1 of the Consultation Report, which is attached as Appendix 1 of this report.

#### **5 IMPLICATIONS**

##### **5.1 Financial**

The construction of the Intergenerational Learning Campus is being supported by the Scottish Government's Schools for the Future Programme by providing revenue support for their 2/3rds funding share. The Council's support can be made in both revenue and capital. Details of the financial implications of the closure of the education provision in Jedburgh are contained in Appendix 5 of the Proposal Paper, which is in Appendix 1 of the Consultation Report, which is attached as Appendix 1 of this report.

##### **5.2 Risk and Mitigations**

There is a risk register for the Jedburgh Intergenerational Learning Campus project that is regularly reviewed and updated. The key risks relating to this stage in the project process are as follows:

- (a) There is a risk that the Scottish Ministers may call the proposals to close the schools in Jedburgh in for review, referring the proposals to the Schools Closure Review Panel. This may result in a delay with the project, or result in the Council being unable to proceed with closures without further consultation in a minimum of five years' time. The grounds for call in concern failure by the Council to comply with the requirements of the 2010 Act, or that it has failed to take proper account of a material consideration. This significant risk has been mitigated by Council officers closely adhering to the terms of the legislation and commencing the pre-consultation and consultation with all stakeholders at the earliest opportunity, to ensure that all concerns and issues could be identified, assessed and managed. Public engagement has been extremely strong and very positive. The Consultation Report attached as Appendix 1 details the responses made to the main comments and questions received during the Statutory Consultation process. Education Scotland has confirmed its strong support for the proposals and the Scottish Government has confirmed its support to jointly fund the proposals.
- (b) There is a risk that Planning Permission may not be obtained for the proposed Intergenerational Campus in time to allow construction to take place within the timeframe specified by the Scottish Government funding proposal. This has been mitigated through the assembly of a strong professional team, which has considerable expertise in delivering projects of this scale. A collaborative approach has been

adopted at all times and several public engagement events and private meetings have been held to provide the community with as much detail as possible regarding the planning proposals.

### 5.3 **Equalities**

An Equalities Impact Assessment was carried out on the overall proposals set out in the Proposal Paper and, given the proposals are unchanged in terms of the Consultation Report, it continues to be anticipated that there are no adverse equality implications.

### 5.4 **Acting Sustainably**

Economic, social and environmental issues are fully incorporated within the statutory consultation documentation.

### 5.5 **Carbon Management**

A carbon management plan will be fully developed and will be a key design of the new building

### 5.6 **Rural Proofing**

This report does not relate to new or amended policy or strategy and, as a result, rural proofing is not an applicable consideration. However, it must be stated that Ancrum Primary School will remain as a small rural school within the Jedburgh cluster.

### 5.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained in this report.

## **6 CONSULTATION**

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

### **Approved by**

**Donna Manson**  
**Service Director, Children and Young People**

**Signature .....**

### **Author(s)**

Name	Designation and Contact Number
Donna Manson	Service Director, Children and Young People

### **Background Papers:**

#### **Previous Minute Reference:**

**Appendices:** Appendix 1 – Consultation Report

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Donna Manson can also give information on other language translations as well as providing additional copies.

Contact us at Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

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**SCOTTISH BORDERS COUNCIL  
CHILDREN AND YOUNG PEOPLE SERVICES**

**JEDBURGH SCHOOLS CONSULTATION REPORT  
CONSULTATION PERIOD FROM 8 MAY 2017 TO 18 JUNE 2017**

Consultation has taken place, under the terms of the Schools (Consultation) (Scotland) Act 2010 as amended, on proposals that:-

- (1) An Intergenerational Learning Campus is built in Jedburgh;
- (2) Howdenburn Primary School is permanently closed;
- (3) Howdenburn Nursery is permanently closed;
- (4) Parkside Primary School is permanently closed;
- (5) Parkside Nursery is permanently closed;
- (6) Jedburgh Grammar School is permanently closed;
- (7) Howdenburn Schoolhouse is permanently closed with the educational support for secondary aged pupils with Additional Support Needs being transferred to the Intergenerational Learning Campus;
- (8) The policy regarding pupils from Ancrum Primary School transitioning to Parkside Primary School for P6 and P7 is amended to facilitate transition to the Intergenerational Learning Campus;
- (9) The primary school catchment zones are rezoned from Howdenburn Primary School and Parkside Primary School to the Intergenerational Learning Campus; and
- (10) The secondary school catchment zone is rezoned from Jedburgh Grammar School to the Intergenerational Learning Campus.

*This Public Consultation Report has been issued by Scottish Borders Council Children and Young People Services in terms of the Schools (Consultation) (Scotland) Act 2010 as amended*

## **Contents**

1. Summary of the Process for this Consultation Report .....	3
2. Background .....	7
3. Public Meetings .....	8
4. Meetings with Pupils and Staff .....	9
5. Representations .....	18
6. Education Scotland Report .....	35
7. Inaccuracies in the Proposal Paper .....	39
8. Compliance with Statutory Process. ....	39

## **Appendices**

**Appendix 1** .....Proposal Paper dated 8 May 2017

**Appendix 2** .....HMIE Report dated August 2017

**Appendix 3** .....Presentation from SBC dated 30 May 2017

**Appendix 4** .....Minutes from Public Meeting 30 May 2017

**Appendix 5** .....Frequently Asked Questions

## SUMMARY OF THE PROCESS FOR THIS CONSULTATION REPORT

### Committee Decision

- 1.1 This Consultation Report has been issued as a result of the decision by Scottish Borders Council on 21 April 2017 to formally undertake a statutory consultation process in respect of proposals to build an Intergenerational Learning Campus in Jedburgh replacing the nursery, primary and secondary schools and Additional Support Needs educational support provision within the town. The consultation process and this Consultation Report have been prepared in compliance with the Schools (Consultation) (Scotland) Act 2010 as amended (the **2010 Act**).

### Proposal Paper

- 1.2 In compliance with the 2010 Act, Scottish Borders Council prepared a Proposal Paper which was published on 8 May 2017. A copy of the Proposal Paper is attached as [Appendix 1](#). The Proposals contained in the Proposal Paper are that:

- An Intergenerational Learning Campus is built in Jedburgh;
- Howdenburn Primary School is permanently closed;
- Howdenburn Nursery is permanently closed;
- Parkside Primary School is permanently closed;
- Parkside Nursery is permanently closed;
- Jedburgh Grammar School is permanently closed;
- Howdenburn Schoolhouse is permanently closed with the educational support for secondary aged pupils with Additional Support Needs being transferred to the Intergenerational Learning Campus;
- The policy regarding pupils from Ancrum Primary School transitioning to Parkside Primary School for P6 and P7 is amended to facilitate transition to the Intergenerational Learning Campus;
- The primary school catchment zones is rezoned from Howdenburn Primary School and Parkside Primary School to the Intergenerational Learning Campus; and
- The secondary school catchment zone is rezoned from Jedburgh Grammar School to the Intergenerational Learning Campus

- 1.3 A copy of the Proposal Paper was made available free of charge in these locations –

- Council Headquarters, Newtown St Boswells, TD6 0SA
- Howdenburn Primary School and Nursery, Jedburgh, TD8 6LA
- Howdenburn Schoolhouse, Jedburgh, TD8 6LA
- Parkside Primary School and Nursery, Jedburgh, TD8 6HD
- Jedburgh Grammar School, Jedburgh TD8 6DQ
- Ancrum Primary School, Jedburgh, TD8 6XA
- Denholm Primary School, Denholm, TD9 8LZ
- Laidlaw Memorial Hall, Bonchester Bridge, TD9
- Jedburgh Library, 23 Castle Gate, Jedburgh TD8 6AS

And published on the Scottish Borders Council website:

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

1.4 The publication of the Proposal Paper was advertised in various Borders newspapers, on the weeks commencing 1 and 8 May 2017, providing the dates for the consultation period and the public meeting.

1.5 As stated in the Proposal Paper, the Proposals have implications for:

- Howdenburn Primary School;
- Howdenburn Nursery;
- Howdenburn Schoolhouse;
- Parkside Primary School;
- Parkside Nursery;
- Jedburgh Grammar School;
- Ancrum Primary School;
- Denholm Primary School; and
- Hobkirk Primary School (currently mothballed).

which are all deemed **Affected Schools** in terms of the 2010 Act.

1.6 Formal notice of the Proposals was sent by letter or email to:

- the parents/carers of children attending the Affected Schools;
- the Parent Councils of the Affected Schools;
- the parent/carers of any children likely to attend the Affected Schools or any Affected School within two years of the date of the publication of the Proposal Paper, as far as known to the Council;
- the pupils attending the Affected Schools insofar as the Education Authority considers them to be of a suitable age and maturity;
- any Trade Union which is representative of the staff;
- the Staff (teaching and non-teaching) at the Affected Schools;
- the Community Councils of Jedburgh; Ancrum; Denholm and District; Hobkirk; Jed Valley; Lanton; Oxnam Water; Crailing, Eckford and Nisbet;
- the community planning partnership (as defined in section 4(5) of the Community Empowerment (Scotland) Act 2015) for the area where any Affected School is situated or any other community planning partnership that the Education Authority considers relevant;
- the constituency Member of the Scottish Parliament;
- the constituency Member of Parliament;
- the List Members of the Scottish Parliament.

### **Length of Consultation Period**

1.7 The consultation for the Proposals ran from 8 May 2017 until 18 June 2017 (both dates inclusive). This period allowed for the statutory minimum of 30 school days. There were 805 written and online representations in respect of this statutory consultation, these

representations are summarised and responded to in **Section 5 below**.

### **Public Meetings**

1.8 A public meeting was held on:

**30 May 2017 at 19.00 at Jedburgh Grammar School.**

Details of the meeting are included in **Section 3 below**.

### **Meetings with Pupils and Staff**

1.9 Several meetings and assemblies were held with pupils and staff in the Affected Schools. A record of questions, views and responses is included in **Section 4 below**.

### **Involvement of Education Scotland**

1.10 Education Scotland was notified in advance of this Statutory Consultation process being approved. On completion of the Statutory Consultation period, a copy of the Proposal Paper was sent by Scottish Borders Council to Education Scotland. Education Scotland also received a copy of all relevant additional materials including the minutes of public meeting, written representations and responses received and by the Council following the consultation period.

1.11 Education Scotland has prepared a report on the educational aspects of the Proposals, based on the representations and documents mentioned above as well as their interviews with pupils, parents and staff. In preparing their report, Education Scotland visited the Affected Schools and made reasonable enquiries of people there as they considered appropriate. This can be found at [Appendix 2](#) and also on the Education Scotland Website at

<http://www.educationscotland.gov.uk/>

1.12 Issues raised in the Education Scotland Report with regards to the Proposals and the Authority's responses are set out in **Section 6** of this Consultation Report.

### **Preparation of Public Consultation Report**

1.13 The Council has reviewed the Proposals having regard to the responses received during the consultation period and the Education Scotland Report. This Consultation Report will be published on **16 October 2017** and is available for further consideration for a period of three weeks from that date, until **6 November 2017**. The intention is that interested parties should have time to consider the Consultation Report and if they so wish, to raise concerns and pose alternative solutions by making written or electronic submissions to:

Jedburgh Schools Consultation  
Children and Young People's Services  
Scottish Borders Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA  
or

Email Address: [schoolestates@scotborders.gov.uk](mailto:schoolestates@scotborders.gov.uk); or

If you wish to respond by letter or electronically, you are invited to state your relationship with the school – for example, “pupil”, “parent”, “carer”, “relative”, “former pupil”, “teacher in school”, “member of the community” etc. Responses from Parent Councils, Staff and Pupil Councils are particularly welcome.

Those sending in a response, whether by letter or electronically should know that their response will be open to public scrutiny and may have to be supplied to anyone making a reasonable request to see it. If they do not wish their response to be made publicly available, they should clearly write on the document: “I wish my response to be considered as confidential with access restricted to Councillors and Council Officers of Scottish Borders Council”. Otherwise, it will be assumed that the person making the response agrees to it being made publicly available.

For any written or electronic response to be considered it must be received by the Council no later than 5.00pm on the last day of the consultation period, **6 November 2017**.

## Distribution

1.14 A copy of the Consultation Report will be made available free of charge for public consultation from **16 October 2017 to 6 November 2017** in these locations –

- Council Headquarters, Newtown St Boswells, TD6 0SA
- Howdenburn Primary School and Nursery, Jedburgh, TD8 6LA
- Howdenburn Schoolhouse, Jedburgh, TD8 6LA
- Parkside Primary School and Nursery, Jedburgh, TD8 6HD
- Jedburgh Grammar School, Jedburgh TD8 6DQ
- Ancrum Primary School, Jedburgh, TD8 6XA
- Denholm Primary School, Denholm, TD9 8LZ
- Laidlaw Memorial Hall, Bonchester Bridge, TD9 8JR
- Jedburgh Library, 23 Castle Gate, Jedburgh TD8 6AS

and published on the Scottish Borders Council website:  
[www.scotborders.gov.uk/jedburgh](http://www.scotborders.gov.uk/jedburgh)

## Decision

1.15 This report together with any other relevant documentation will be considered by Scottish Borders Council who will be asked to make a decision at a full Council meeting.

1.16 Where a decision is taken to approve a school closure proposal, the Council is required to notify Scottish Ministers within 6 days of the decision and place a notice on its website stating the decision and advising that there is a period of 3 weeks from the date of the decision for any party to make representations, either in support or against the Council's closure decision, to Scottish Ministers.

1.17 Representations should be made to:

[schoolclosure@scotland.gsi.gov.uk](mailto:schoolclosure@scotland.gsi.gov.uk)

or

The Scottish Government  
School Infrastructure Unit  
2A (South)  
Victoria Quay  
EH6 6QQ

1.18 The Scottish Ministers have a period of 8 weeks following the Council's decision to decide whether to call the closure decision in or not. If the Ministers do not make a decision within that period the proposal is automatically permitted to proceed. If the decision is taken to call the Council's decision in the Scottish Ministers will advise the Council in writing as expeditiously as possible.

1.19 There are clear grounds within the 2010 Act for calling in a proposal. The Ministers can call in a proposal where it appears to the Scottish Ministers that the education authority may have failed:

- (a) in a significant regard to comply with the requirements imposed on it by (or under) this Act so far as they are relevant to the closure proposal, or
- (b) to take proper account of a material consideration relevant to its decision to implement the proposal.

1.20 Any closure decision called in by the Scottish Ministers will be referred to the School Closure Panel for determination. The School Closure Panel has a period of 8 weeks to notify the Education Authority of its decision. In the event that the Panel refuses to consent to the closure, the Education Authority can appeal the decision on a point of law. In the event the Panel's decision is upheld there will be a 5 year restriction on the Education Authority making a further school closure proposal in respect of these schools.

## **2 BACKGROUND**

2.1 In February 2016, Scottish Borders Council commenced a pre-consultation process in respect of the school estate across the Borders region and what the future school estate should look like. The community of Jedburgh provided the highest level of engagement across the Borders region during this process and significant concerns were expressed about:-

- 2.1.1 the school buildings were generally considered to be in very poor condition and to have fallen behind other schools within the Borders;
  - 2.1.2 the quality of the facilities; in particular the sports provision. It was considered that the facilities were not equal to those offered at other schools within the Borders;
  - 2.1.3 the challenges to sustain a broad curriculum for all pupils from 2-18 years old;
  - 2.1.4 the safety implications of the road that runs through the Jedburgh Grammar School site, and traffic congestion around Parkside Primary School and Jedburgh Grammar School.
- 2.2 Following this engagement process, the Council's Executive (Education) Committee agreed in September 2016 to proceed with the commencement of a focused pre-consultation process regarding the future of education in Jedburgh. A scoping exercise was undertaken by the Education Authority with members of the Parent Council and local Councillors. It was decided to further develop a proposal for a single educational campus to provide education, learning and training opportunities for 2-18 year olds within the catchment and for the wider community which would replace the current schools within the town. Feasibility works were undertaken which identified a preferred site within the town which is central and can accommodate all the proposed facilities within one site.
- 2.3 A decision was taken on 19 April 2017 by the Council to commence a statutory consultation process on 8 May 2017. The proposals for the consultation were that an Intergenerational Learning Campus would replace the current nursery, primary and secondary schools in the town with a state of the art campus that will provide education and learning opportunities for all in the community; including facilities for children with additional support needs. The campus will not only provide an innovative and flexible environment for learning but will also include excellent sports facilities and a community hub for recreation and public services.
- 2.4 The Council's detailed reasoning for this proposal is set out in the Proposal Paper. The Council considers that there will be strong Educational Benefits for current and future pupils within the Jedburgh catchment area, for the staff and for the Community.
- 2.5 The Proposals have been endorsed by Education Scotland in their Report dated August 2017 and attached as [Appendix 2](#).

### **3 PUBLIC MEETINGS**

- 3.1 A Public Consultation meeting was held at 7pm on Tuesday 30 May 2017 at Jedburgh Grammar School.



- 3.2 260 members of the public attended the public meeting.
- 3.3 A presentation was given at the meeting by the Council's Service Director of Children and Young People. A copy of the presentation is attached as [Appendix 3](#).
- 3.4 Minutes of the public meeting detailing the questions, comments and the Council's responses are attached as [Appendix 4](#).
- 3.5 Two FAQs have been prepared answering questions that had been asked by the community during the consultation process and are attached in [Appendix 5](#). The first FAQ was distributed at the public meeting and the second FAQ at was prepared at the end of the consultation period.

#### **4 MEETINGS WITH PUPILS AND STAFF**

- 4.1 Meetings were held with pupils and staff in the Affected Schools. Pupils were encouraged to submit Response Forms as individuals and as teams/groups/classes. Support was given to primary pupils and pupils with Additional Support Needs to express their views. The Council notes and welcomes the high level of responses from pupils and will continue to engage with all pupils if the Proposals proceed. A record of questions, responses and views is summarised below.

##### **Jedburgh Grammar School**

- 4.2 Assemblies and class discussions were held with pupils from Jedburgh Grammar School. Pupils who will still be attending secondary school when the new Campus is opened submitted 197 response forms as individuals, groups and teams. Of these responses only 1 disagreed with the proposals to build the new campus as the proposed site is too close to houses. The senior pupils, who will no longer be attending school when the new campus opens, also expressed their support for the campus with 94 (100%) confirming their support for the Proposals, as they considered the facilities at the new campus would be significantly better than at the current schools.

The pupils' comments in support of the Proposals are summarised below:

- **The town requires an overhaul of its education provision as the current facilities are inadequate for the educational needs of the pupils**
- **The new campus will improve sports facilities in the town and will hopefully include 3G pitches, running track, hockey facilities**
  - **There will be more space to learn, work and relax**
  - **There could be more clubs to join: sports, film etc.**
  - **The canteen will be much larger**
  - **There will be more opportunities for interaction with younger and older people**
- **It will be much easier access to college courses – some people cannot afford to go at the moment**

- The buildings will be better – some are currently temporary or poorly built
- The campus will can be used after you have left school – college courses
- It will bring new opportunities and income for Jedburgh
- There will be improved theatre and drama space
- There will be updated technology – access to Wi-Fi
- There will be better access to extra-curricular activities
- There will be easier transition between primary and secondary
- Jedburgh Grammar School is currently disadvantaged to other schools
- The campus will have improved facilities for arts subjects. There is no current provision for careers in dance/musical theatre
- The Campus will encourage the community to be active and healthy
- The bathrooms are currently unsanitary
- There will be improved facilities for support for mental health problems
- The new campus will allow Jedburgh to hold sporting events which can't happen at the moment due to inadequate facilities. Jedburgh has been at a disadvantage
- The current buildings are unsound
- The new campus will improve safety as there will not be a road running through it and buildings are run down and not fit for purpose
- The old school sites will provide more opportunities; retail or housing for the community
- There are currently no meeting places at the school
- It will allow for more integration with additional support needs pupils

4.3 Five Grammar School pupils did not agree with the closure of Howdenburn Primary School and considered that pupils should retain a choice of primary school.

**Council's Response:** *Noted. The current condition of Howdenburn Primary School is rated as C – Showing major defects and/or not operating adequately. The costs to upgrade and improve the school to a sufficiently high standard would be considerable. It would not be possible for one of the schools to remain open as the finances and structure of the campus proposal requires all 3 schools to be included. There is strong appetite to close the school during the consultation with over 94% of respondents agreeing with the proposal to close Howdenburn Primary School In the event the Proposals proceed, Ancrum and Denholm Primary Schools will remain as a rural and small school option for parental choice.*

## Primary Schools

- 4.4 In order to provide more support to the pupils of the four Affected Primary Schools staff had discussions with each class and officers from the Council met with groups of pupils from each school representing their classmates to listen to and discuss their views on the Proposals.
- 4.5 Details of the children's comments and questions from the meetings with Council officers and from class room discussions are summarised below:

### Denholm Primary School

The pupils were all in support of the Proposals although they had some concerns regarding they size of the new school and the potential impact that the campus may have on Denholm Primary School. These are the main points that they raised:

#### Positive Comments:

- It will be good to be at one school in one place
- There will be more support and help for pupils
- The facilities will be better and there will be more opportunities to be active and healthy
- It will be good to have one community place for clubs
- It will be good for the community to have access to all the facilities
- As the new school will be so big the sports teams will be strong and they will win everything. Big schools dominate
- Maybe shops could be built on the old sites
- The new school could attract more pupils to Jedburgh

#### Negative Comments, Concerns and Questions:

- Worried that there will not be separate playgrounds for different stages  
*Council's Response: Noted. There will be distinct areas for each stage of education.*
- Will Denholm get to access the facilities?  
*Council's Response: Noted. The intention is that Denholm pupils will access the campus to use the facilities particularly the specialist facilities, sport and social spaces.*
- It would be good if there was only one catchment school for Denholm as then we would all stay together rather than friends going to Hawick High School.  
*Council's Response: Noted. This will be considered. Any proposed changes to the catchment will be fully consulted upon.*
- It might affect the popularity of Denholm and less pupils may come here

**Council's Response:** *Noted. Denholm is currently a popular school with good, modern facilities and is the school of choice for c90% of its catchment. The Council considers that this will continue to be the case.*

- **Denholm may close if no one comes here**

**Council's Response:** *Noted. Denholm is currently a popular school and as stated above it is a modern school with good facilities and is the school of choice for c90% of its catchment.*

- **It might make it more difficult for Denholm to recruit and retain teachers**

**Council's Response:** *Noted. The school has a strong reputation and is located in a modern building with good facilities. It is considered that it will continue to be an attractive employment opportunity for staff.*

### **Howdenburn Primary School**

The majority thought that the new campus was a good idea however they did have some concerns about the proposed site and the potential impact on wildlife and the environment. It was clear that they were fond of their school but the older pupils were aware of the current condition of the Howdenburn buildings. The younger pupils were more apprehensive about moving to a new school. These are the main points that they raised:

#### **Positive Comments:**

- **We need a new building as this one is falling apart**
- **It would be better to have one big new building than 3 separate buildings**
- **There shouldn't be two separate primary schools in Jedburgh**
- **The schools buildings are all old. It will be good to have a new one**
- **A bigger school will have more space**
- **The facilities will be better**
- **It will be good to have vocational and college courses in Jedburgh**
- **It might bring people to Jedburgh**
- **There will be more sport teams**
- **We will be able to make bigger friendship groups**
- **The sports facilities and pitches will be much better**
- **It will be good to be all together and we can make more friends**
- **It will be good to have siblings in one place**
- **It will be good for the community and the town**

### **Negative Comments, Concerns and Questions:**

- **What will happen to Howdenburn and the other school buildings?**  
*Council Response:* The site will be masterplanned for redevelopment as part of the process to build the campus and may be redeveloped into housing or shops. There will be full consultation on any proposals for the sites.
- **What will they do with the trees?**  
*Council Response:* Detailed surveys are being carried out and as many mature trees will be retained as possible.
- **There can be a lot of noise from the factories next to the site**  
*Council Response:* Noted. The Council is aware of the issue and is working with the design team to ensure that the levels of noise within the campus are within recommended levels.
- **The new school could impact on the local businesses and shops as it's further away**  
*Council response:* Noted. Council officers have walked from the campus site to the High Street and it will still be readily accessible at lunchtimes. The Council considers that the new campus could attract more people and businesses to the town which may further stimulate the local economy. The redevelopment of the existing school sites will also assist to stimulate growth.
- **Hope the new classrooms won't be open plan which would be too noisy**  
*Council Response:* Noted. A detailed design process is underway to ensure that the best learning environments are created. This will include a specialist acoustic design.
- **Don't want to build on the green space. We should protect the ecology of the area and the wildlife**  
*Council Response:* Noted. All steps are being taken to minimise the impact on trees and wildlife and to maximise the retention of the natural landscape.
- **Worried about bullies as it will be a bigger school with more big kids**  
*Council response:* Noted. There is currently a strong ethos across the Jedburgh schools' cluster and bullying is rare. It is expected that this ethos will be brought to the campus and that pupil and teacher relationships will remain strong. Pupils will be supported by a buddying/mentor system and any bullying will be addressed promptly.
- **What will the uniform look like?**  
*Council Response:* This is still to be decided.
- **Will there still be houses, what colours will they have?**  
*Council Response:* There will be houses but they may have new names.
- **What will the new school be called?**  
*Council Response:* This will be consulted upon with a short list being presented to Councillors.
- **Who will the headteacher be? How many teachers will there be? Will people lose their jobs?**  
*Council Resonse:* The full management structure and staffing levels is still to be decided. There may be some changes but there will be new and some different jobs and opportunities at the campus. Teacher numbers are calculated in accordance with a Scottish Government set formula.

- **When will school finish?**  
*Council Response:* Pupils will continue to spend the same amount of time at school. Any changes to school times will be consulted upon in advance.
- **Will pupils get a tour of the new school?**  
*Council Response:* Yes - pupils will get to visit during the build and before it opens.
- **How will the classes merge together?**  
*Council Response:* It is most likely that there will be a 2 stream primary with a mixture of pupils from each school. There may be some composite classes depending on the pupil numbers as there are government regulations regarding class size.

## **Parkside Primary School**

The pupils were almost all in favour of the new campus although some had reservations about the size. The pupils were obviously very proud of and attached to their school; with some of the younger pupils less keen on the proposed move as they were nervous about the size of the new school and some about the location. Their main comments and questions were:

### **Positive Comments:**

- It is a good idea as the school has been here a long time (my granny came here!)
- It would be better to have one big school
- The new school will be safer than the old buildings
- There are lots of leaks and cracks at Parkside
- The new sports facilities will be great and we will all get to use them
- There will be more space and bigger rooms
- We will be able to learn more which will help us get jobs
- We will be able to have more friends across the school
- We won't need to travel to do sports/activities
- The playground will be bigger and better, with more equipment
- There will be more clubs at one place
- Parkside should be turned into a park
- There will be better equipment and internet
- It will be better for the community – a hub for the town
- We could join together more for sports (different age groups)
- Primary schools will get access to facilities that only high schools usually have
- There will be jobs created in the campus
- The road through the Grammar is dangerous and it can flood
- It will save time and money as we won't need to travel to college
- There will be a wider choice of subjects

### **Negative Comments, Concerns and Questions:**

- **Worried that it will be open plan as people with hearing impairment may not hear as well**  
*Council's Response:* Noted. The Council is aware that open plan classrooms can present problems for some pupils. An acoustic specialist has been appointed as part of the design team and there will be an appropriate acoustic design solution.
- **We might get lost**  
*Council's Response:* Noted. All pupils will be assisted with their orientation of the building.
- **It will be a shame to lose trees and a park area**  
*Council's Response:* Noted. All steps are being taken to minimise the impact on the trees and to maximise the retention of the natural landscape.
- **There will be a negative impact on wildlife**  
*Council's Response:* Noted. Detailed surveys are being carried out and all steps are being taken to minimise the impact on the wildlife.
- **Don't want to move as it is further away from my house**  
*Council's Response:* Noted. The campus site is directly behind Parkside so will not be too much further. Access to the site is being fully considered to ensure that the pupils, staff, parents and community can access the site at different points.
- **It will be shame to lose the Jedburgh inter primary school competition**  
*Council's Response:* Noted. There will lots of opportunities for competition – perhaps inter house competitions?
- **Don't want Parkside to close as I will lose all my memories of the school**  
*Council's Response:* Noted. The Council recognises that many pupils are attached to their school and consideration is being given to ensuring that some elements are brought into the campus to maintain the links to the past – this may include incorporating the badges or specific items such as stained glass windows or dux boards into the new school.
- **Moving to a new school could be disruptive to our studies**  
*Council's Response:* Noted. The Council recognises that any move may be disruptive for some pupils so planning has already begun to minimise the impact and ensure that the transition to the new campus is as smooth as possible.

### **Ancrum Primary School**

The pupils were broadly supportive of the new school and had some concerns about the move from a small school to a large campus school for P6 and P7. They were all clearly happy at Ancrum and also had a few concerns about the future of their school. Their main points were:

### **Positive Comments:**

- Like the idea as there will be lots of space
- Will be good to go to school with friends we already have in Jedburgh
- Will there be animals that we can learn to take care of?
- Each stage should be separate with their own classrooms
- It will be great to have the best technology

### **Negative Comments, Concerns and Questions:**

- **Will Ancrum get access to the facilities at the campus?**  
*Council's Response:* Noted. The campus will be open to the wider community and access will be available to Ancrum community. It is also the intention that Ancrum pupils will regularly access the facilities at the campus in particular the specialist facilities, sports and social spaces.
- **Will there be ELC provision at Ancrum? Don't want the school to close**  
*Council's Response:* Noted. This will be considered as part of our review of the expansion of ELC in line with Scottish Government guidelines for 2020.
- **Can we go to the campus in P4 rather than P6?**  
*Council's Response:* Noted. The intention is that Ancrum will continue to offer primary education until P5. Any change to this would require a full statutory consultation.
- **Can we get a tour of the school?**  
*Council's Response:* Noted. Yes this will be arranged.
- **It's an okay idea but if it's too big we might get lost**  
*Council's Response:* Noted. Each stage of education will have its own areas. Staff will help with orientation and pupils will be given tours of the school.
- **It would be better to keep things as they are with Ancrum going to Parkside for P6 and P7 before going to the new school. It will be too big a jump**  
*Council's Response:* Noted. However if the Proposals proceed Parkside will be closed and Ancrum pupils will transfer to the campus for P6 and P7. There will be support provided to pupils transitioning to the campus before, during and after transition.
- **Not sure if it's a good idea to have everybody together through each stage of school**  
*Council's Response:* Noted. There will be larger numbers in each stage of education and there will be many opportunities for different stages to work together and separately.
- **Is it fair that the primary kids in P1-P4 at the campus will have access to better facilities than the kids at Ancrum**  
*Council's Response:* Noted. Parents will be able to decide where they want their children to be educated. Some children may prefer a smaller school option for primary. It is intended that Ancrum pupils will also have timetabled access to the campus.
- **It will be a lot bigger so I don't know if I will like it**  
*Council's Response:* Noted. It is acknowledged that the campus may be however pupils will be supported before, during and after their transition to the campus.



## **Howdenburn Schoolhouse**

Staff at Howdenburn Schoolhouse discussed the Proposals with the students. They were asked what they liked about their current setting and what they would like to change. These comments will assist the Council in shaping and designing the ASN provision within the campus. Their comments are summarised below:-

### **What they like about the Schoolhouse:**

- We have our own space as it's a smaller group compared to when at school
- That there is a kitchen and we can cook our own meals which helps prepare for independent living
- It's like your own house, with room to chill out
- We can have music on
- We can all get together to eat, play games or watch things
- We have our own garden
- We can develop life skills and we enjoy learning to look after ourselves and be more independent e.g. hoovering
- That there is not a school uniform making it a more comfortable, relaxing environment
- That there is a conservatory to relax in
- There is not a bell so there are no time pressures regarding finishing work. We can take our time and it makes it a more relaxing environment
- Visitors can come to help with learning, life skills, health and recreation e.g. Tesco for healthy food advice, and teachers for music, PE and pottery
- We can all cook together, eat together and relax together

### **What they would like to change:**

- A separate building with
  - A conservatory
  - More bedrooms
  - Work area
  - Kitchen – big enough for more than person to use at a time
  - Changing rooms
  - Plenty of space – especially for wheel chairs
  - A place to do laundry
  - A display area for art and projects
- Keys
- A garden with benches and flowers and an area where we can grow vegetables
- A greenhouse
- A hydro pool with big changing rooms and a steam room
- A PE area and the chance to do more sports and activities e.g. football, basketball and swimming
- New posters
- Be near a library

- **More computers**
- **A smart board**
- **Access to shops to buy ingredients**

## **Staff**

- 4.6 Staff have been engaged with throughout the pre-consultation and consultation process with several members of staff attending the pre-consultation engagement events at Jedburgh Grammar School on 25 and 26 April. Responses were received from 45 members of staff with only one member of staff disagreeing with any part of the Proposals as they considered that the campus may be better positioned on the current site of Jedburgh Grammar School. The Council has noted this suggestion but does not consider that site large enough to include all the sports facilities that the campus will require.
- 4.7 Several members of staff have been very active with suggestions about what should be included in the new campus and what curriculum changes they would like to see. Several members of staff have advised that they wish to be involved with the design of the campus and in particular would like to have input into the facilities comprised in the campus and the use of space.
- 4.8 The Council welcomes that staff are keen to be involved with the planning of the campus and, if the Proposal proceeds, workshops will be arranged to capture the ideas and opinions of staff during the transition planning process.

## **5**

- 5.1 There were 805 written representations made during the initial consultation period in respect of the Statutory Consultation Proposals, with 286 online responses and 519 written responses.
- 5.2 We have analysed the responses based in the completed forms into (1) Statutory Consultees and (2) Community Consultees. 75% of all responses were received from Statutory Consultees in terms of the 2010 Act with a further 196 responses from the Community; reflecting the community nature of the Proposals and the strong interest in the Proposals from the Community. A breakdown of the interest in the Schools from all the Responses is listed below:-

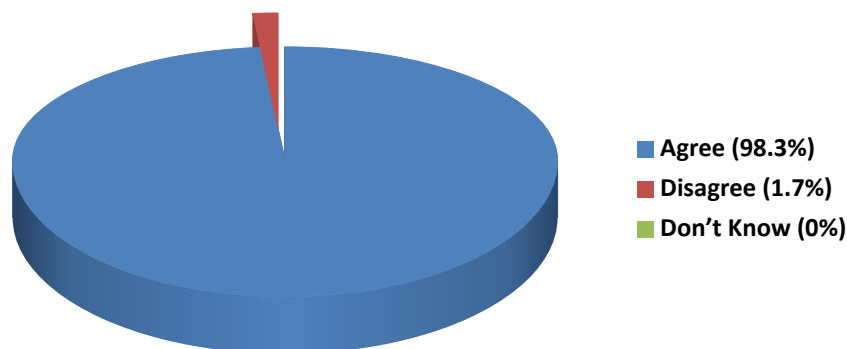
	ONLINE	PAPER	TEAMS/ CLASS	TOTAL
<b>STATUTORY CONSULTEES</b>				
Parent/carer	129	43		172
Parent/carer, Parent council member	14			14
Parent/carer, Relative of pupil	2			2
Parent/carer, Staff	4	1		5
Parent/carer, Staff, Parent council member	1			1
Pupil	10	1	355	366
Relative of pupil & Community Planning Partner		1		1
Staff	31	7		38
Parent council member	4	2		6
Parent/Carer, Staff & Relative of pupil		1		1
Elected Member/MSP/MP	2			2
Community Planning Partner	1			1
<b>TOTAL</b>	<b>198</b>	<b>56</b>	<b>355</b>	<b>609</b>
<b>COMMUNITY CONSULTEES</b>				
Community member	29	58		87
Lives adjacent to Jedburgh Grammar School		1		1
Relative of pupil	37	29		66
Relative of pupil, Community member	7	1		8
Relative of pupil, Other	1	1		2
Other (Former Pupil)		1		1
Other (Member of Rotary Club)		1		1
Community member (live in area to be damaged)		1		1
Community member (former pupil)		1		1
Resident in Jedburgh		1		1
Other (child went to Jedburgh schools)		1		1
Other	14			14
Not Answered (N/A)		12		12
<b>TOTAL</b>	<b>88</b>	<b>108</b>	<b>0</b>	<b>196</b>
<b>OVERALL TOTAL</b>	<b>286</b>	<b>164</b>	<b>355</b>	<b>805</b>

5.3 The responses to the Proposals have been very positive. The table below indicates the overall responses to each Proposal

<b>Question</b>	<b>Agree</b>	<b>Disagree</b>	<b>N/A</b>	<b>Total</b>
<b>Do you agree with the proposal to build an intergenerational learning campus in Jedburgh?</b>	791	14	0	805
<b>Do you agree with the proposal to close Howdenburn Primary School?</b>	759	15	31	805
<b>Do you agree with the proposal to close Howdenburn Nursery?</b>	762	12	31	805
<b>Do you agree with the proposal to close Parkside Primary School?</b>	779	12	14	805
<b>Do you agree with the proposal to close Parkside Nursery?</b>	774	15	16	805
<b>Do you agree with the proposal to close Jedburgh Grammar School?</b>	759	17	29	805
<b>Do you agree with the proposal to close Howdenburn Schoolhouse with the educational support for secondary aged pupils with complex additional support needs being transferred to the intergenerational learning campus?</b>	765	21	19	805
<b>Do you agree with the proposal to amend the arrangements for pupils from Ancrum Primary School transitioning to Parkside Primary School for P6 and P7 to facilitate the transition to the intergenerational learning campus?</b>	762	23	20	805
<b>Do you agree with the proposal to rezone primary school catchment zones from Howdenburn Primary School and Parkside Primary School to the intergeneration learning campus?</b>	781	15	9	805
<b>Do you agree with the proposal to rezone the secondary school catchment zone from Jedburgh Grammar School to the intergenerational learning campus?</b>	778	18	9	805

5.4 The Council has reviewed all the responses made during the consultation period in respect of Proposals. The Council notes and welcomes all the responses. A summary is given below of the main points contained in the responses regarding each Proposal and the Council's response to concerns or questions raised in the forms.

## Do you agree with the proposal to build a new Learning Campus in Jedburgh?



The overall response to this Proposal was very positive with less than 2% of responders disagreeing with the Proposal to build a learning campus in the town. Only 3 of the Statutory Consultees disagreed with this Proposal.

### **Summary of Comments in favour of the Proposal**

- The current school buildings are not fit for purpose
- The current school buildings are in a poor state of repair
- Safety concerns regarding the fabric of the current buildings (asbestos) and the road running through Jedburgh Grammar School site
- The schools in Jedburgh have not got the same facilities nor had the same investment as other Borders' schools
- The proposed campus will offer more opportunities for both primary and secondary pupils to achieve their potential
- It will be beneficial to have all pupils from 2-18 in one place with state of the art facilities
- The new campus will lead to easier transitions through stages of education and will provide innovative and progressive learning environment
- The new campus will allow primary and secondary staff to work collaboratively
- The new campus will reduce out of catchment placement requests
- The new campus is in the best interests of the children
- The whole community will benefit from the campus
- The town needs a boost to stop it becoming a retirement town
- Jedburgh will be able to host sporting events
- Better ICT facilities which in turn create opportunities and be more efficient
- An enhanced physical learning environment can increase attainment and health and well-being
- The new campus will attract new families to the town and new businesses and employment opportunities
- The campus will be more environmentally friendly

- The campus will provide vocational opportunities (Developing the Young Workforce) and should help create jobs
- Place for parents to meet and learn
- The campus should facilitate a broader curriculum
- The primaries will have access to much improved facilities
- Provide opportunities for older pupils to mentor/buddy younger pupils
- Once in a lifetime opportunity for Jedburgh and the surrounding areas
- The campus will allow better engagement of families and stronger relationships between school and home, built over a longer period of time
- There will be improved social space for pupils
- There will be increased opportunities for cross-sector work and intergenerational projects
- There will be opportunity for pupils with complex ASN to have their whole education in the town which will improve integration. The campus will also give better opportunities for work experience and improve employment opportunities for school leavers with ASN
- There will be opportunities to continue post-school education in the town, overcoming transport issues
- The campus will improve access to the arts and provide more opportunity for performing arts

#### **Summary of Comments/Questions not in favour of the Proposal**

- **The construction will cause a great deal of disruption to the town and in particular to the houses neighbouring the site and near the accesses to the site**

**Council's Response:** *Noted. The Council acknowledges that there will be increased traffic during and after the build. If planning permission is granted it will be a stipulation that the Council works with all contractors to develop a detailed construction management plan which will enable the planning of drop off times for delivery of materials to the site, particularly significant loads such as steel works. The plan would take account of busy times for town and would understand the constraints, with deliveries planned to minimise disruption for the town. Deliveries would be planned on a day to day basis during the length of the construction phase, which we would estimate taking 20 months. The contractors will take all mitigating measures to minimise disruption, including cleaning of roads. All major operations would be carried out within normal working hours recognising that people are living close to the site. The safety for young people accessing the school is paramount.*

- **Concerns about the potential impact a large campus school and community hub will have on neighbouring houses and the surrounding roads and accesses**

**Council's Response:** *Noted. The Council is currently undertaking a detailed design process. This will seek to find the optimum design for the campus, while minimising the impact on its neighbours e.g. the positioning of sports fields will be planned to minimise disruption. The creation of accesses and egresses for the site will require a full transport assessment, which will look at all journeys and then devise a*

full plan. The Council's roads planning team will be involved and will give an independent view. This may well lead to road improvements such as traffic calming and new speed limits. Safety of all campus users will be paramount. The Council will ensure all routes to school by bus, car and on foot are implemented within the requirements of the Safe Routes to School team.

- **Concerns regarding losing the green space in the town and the negative impact on the environment (trees, flora and fauna)**

**Council's Response:** The Council is currently carrying out detailed site based surveys and a full ecological survey report will be required to be submitted as part of the planning application. This report will identify the potential impact on the flora and fauna in the area and will propose mitigation or protection measures. This report will be available (as far as permissible by law) as part of the planning application.

- **Concerns that larger schools do not necessarily mean better education**

**Council's Response:** The Council's Education Team has considered many different options for the schools in Jedburgh. The Council believes that there will be strong educational benefits for all pupils in the new campus. The new campus will result in enhanced facilities and the improved experiences for all children, young people and local residents. The scale of the campus will allow a more collaborative approach and clear progression for each pupil. The new campus will allow changes to the curriculum and increase the opportunities available particularly regarding STEM, the arts, sports and vocational studies. Education Scotland also considers that there will be clear educational benefits from the Proposals (see [Appendix 2](#)).

- **There is already a large number of sports facilities in the town**

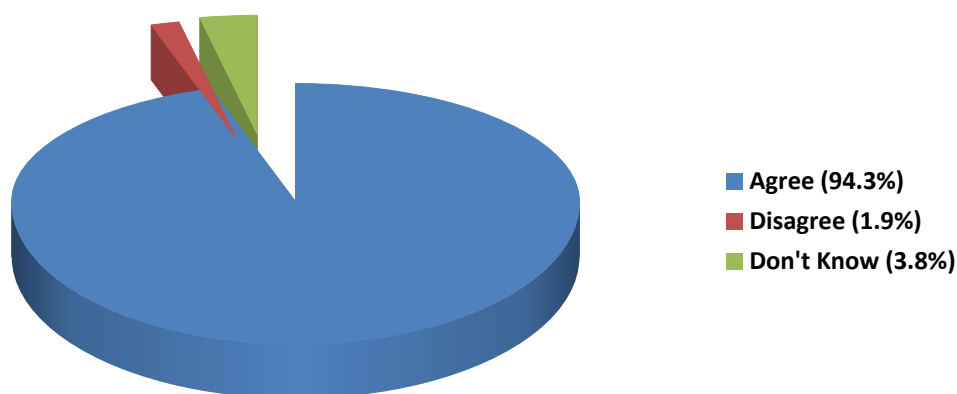
**Council's Response:** Through the consultation process there has been a clear demand for increased and improved sports facilities at the campus. Currently each of the schools has limited facilities and pupils require to travel to certain activities which restricts teaching time. By locating more facilities in one location all the pupils will be able to utilise the facilities on site which should increase participation. The Council intends to hold further consultations in the community regarding the location of a 3G pitch.

- **Larger schools can lead to more bullying and earlier exposure to alcohol and drugs**

**Council's Response:** The Council is seeking to build on the strengths of the existing schools, where bullying incidents are rare and the relationships between staff and children are strong. The schools have a great ethos and benefit from great community involvement and support. There are strong values of inclusion, wellbeing and equalities across the schools. The campus will strive to maintain these strengths and positives through strong leadership and management. The management team will visit other campus schools across Scotland to view best practice and to learn how they operate. At the campus, staff will be able to build early relationships with pupils and their families and maintain these throughout the learning journey. The pastoral team will be involved at the start of every learning journey and will develop greater knowledge and understanding of the young people within their care.

- **Concerns regarding the safety of pupils on the campus**  
**Council's Response:** *Safety of the children/pupils is always a priority. The new campus will specifically designed to ensure safety of all children/pupils, with areas for each age group being distinct with secure entries/exits for all children/pupils and all areas will have lockdown facilities. Staffing ratios will be maintained to ensure safety at all times and children/pupils will be supervised at all times.*
- **Concerns about the safety of pedestrian and road access and egress**  
**Council's Response:** *ensuring safety for young people accessing and exiting the school will be paramount. During the planning process we will ensure all routes to school by bus, car and on foot are implemented within the requirements of the Safe Routes to School team. There may be some requirement to make changes to roads and crossings. This will be fully evaluated and reported on as part of the planning application.*

## Do you agree with the proposal to close Howdenburn Primary School?



Of the 805 responses 759 were in favour of this Proposal (94%) and 15 were against (2%). 31 responders either didn't respond or didn't know. Only one of those who disagreed with the Proposal was a statutory consultee.

### Summary of Comments in favour of the Proposal

- The school has fulfilled its purpose
- The school has good play areas but the fabric of the building is not good. A wall fell down in 2015 which could have been catastrophic
- The children accept the school in its current state but they deserve better. They should not accept this is all they are worth. They deserve to be inspired to aspire
- Being on the campus would be good for continuity for pupils and limit transitions
- The building is reaching the end of its life, the roof is an ongoing battle to keep it watertight, small sections are renewed each year but there are often buckets out to catch drips

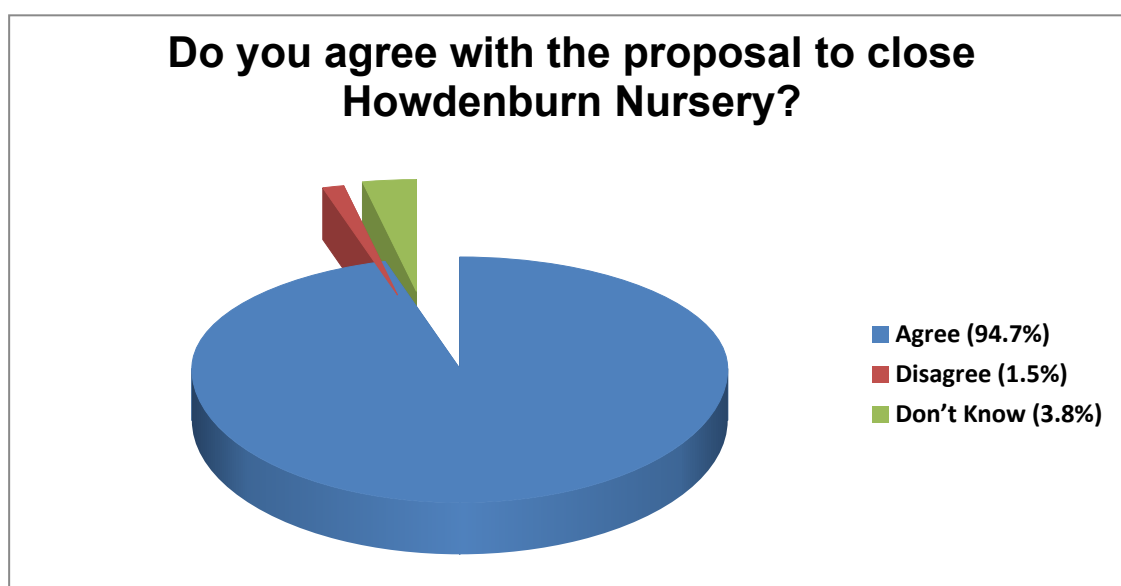


- This area could provide more affordable housing
- Howdenburn school is a super school with the luxury of an expansive play area, however, the building itself is dated, and as we saw in Dec 2015, not robust. The new school will provide pupils with the opportunity to learn in a modern building, hopefully fit for dealing with the demands required to develop learning fit for the real world with all its technological demands and I feel there would never be money available to renovate Howdenburn and Parkside to these standards individually
- The campus gives the pupils more opportunities in terms of sports and also with a larger and more adequate school the children have more learning opportunities as well

### Summary of comments not in favour with the Proposal

- The money available to build a new school would be better to modernise and upgrade the current schools

**Council's Response:** *Noted. The new campus is being jointly funded by the Scottish Future Trust and the Council. This funding is only available in respect of new build schools. The Council has reviewed the condition and suitability of each of the schools and has determined that given the issues and constraints with each of the schools that it would be preferable to build a single campus with state of the art facilities than patch up each of the schools which would continue to have issues regarding facilities, space, safety (JGS road) etc. The new campus will allow all pupils to have access to the new enhanced facilities throughout their education.*



There were 762 (95%) responses in favour of the Proposal to close Howdenburn Nursery. 12 responders disagreed and 31 did not know or did not answer. Only one statutory consultee disagreed with the Proposal.

### Comments in favour of the Proposal

- For the size of the town, having two separate primary schools doesn't appear needed, cost effective or sustainable - bringing the primary schools, nurseries and grammar together will allow for better facilities and opportunities for the children
- A more modern facility will be beneficial, it will allow all Jedburgh children to mix at Nursery
- At the campus ELC will be in a bigger better facility which will be for the whole of the Jedburgh area including the increased hours being introduced in 2020
- Transitions will be improved

### Summary of comments not in favour of the Proposal

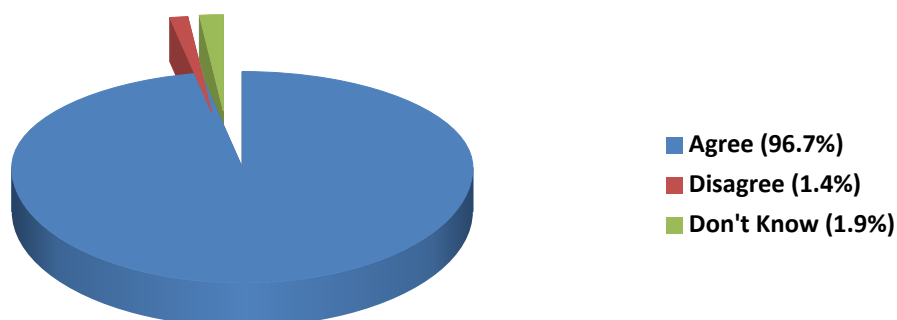
- Young children need to feel safe and secure and the best way to do this is to have the nursery separate from the campus

**Council's Response:** *The children in the ELC setting (which will be secured separately from the campus) will benefit from a bespoke facility and will have access to other areas of the campus as required. The safety and security of all children and young people will be paramount and will in no way be compromised by each different setting forming part of a larger development.*

- There should be one nursery in the town either at Howdenburn or Parkside for the under 5 year olds

**Council's Response:** *The Council has carried out a suitability and conditionality review of both nurseries and both require significant expenditure/replaced. In line with Scottish Government proposals ELC entitlement is due to increase from 600 hours per year to 1140; neither nursery will be in a position to accommodate this increased provision. The Council believes that there are strong educational benefits in providing all local authority provided ELC at the campus as there will be bespoke space with state of the art facilities. Transitions will be improved and it will allow for children to access the campus facilities in a controlled and safe environment.*

### **Do you agree with the proposal to close Parkside Primary School?**



779 (96.7%) of the responses agreed with the Proposal to close Parkside Primary School. 12 (1.4%) disagreed and 14 (1.9%) didn't know or left it blank. Only 4 statutory consultees did not agree with the Proposal.

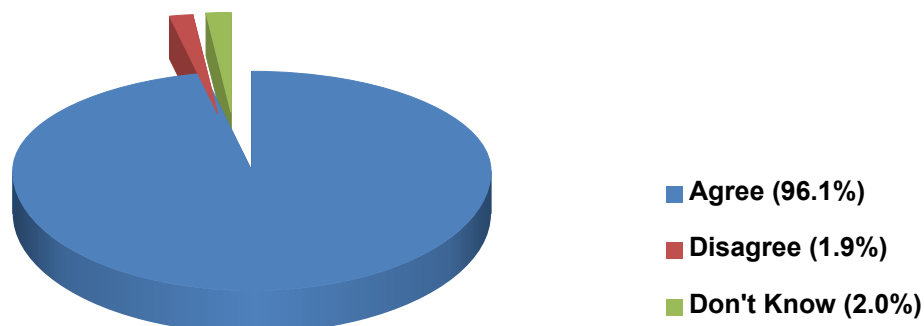
### Summary of Comments in favour of the Proposal

- Parkside has very few suitable areas for sport. There is no outdoor green space - sports day has to be held at Riverside Park which is a fair distance from the school. This limits the range of activities they can do
- Classes walking or travelling to and from sports pitches takes time away from learning opportunities
- It isn't safe sitting on such a busy road; with poor parking and drop off issues
- The school has damp and is a very poor facility to teach in. The building is old and past its sell by date
- Not fit for purpose. The kids deserve a more modern school with technology at the fore front
- For the size of the town, having two separate primary schools doesn't appear needed, cost effective or sustainable - bringing the primary schools, nurseries and grammar together will allow for better facilities and opportunities for the children
- Built in 1956. Patched up ever since. Must cost a fortune to heat in winter. Hard to cool in summer
- Need a bigger better school
- Jedburgh is small enough to enable the creation of an intergenerational learning campus. The land would then be fine for other use

### Summary of comments not in favour of the Proposal

- Concern regarding all age ranges being combined within one complex, There should be 'age specific' areas  
**Council's Response:** *Noted. The building will be designed to provide separate areas for each stage of education.*
- It would be better to have two primary schools at either side. Traffic at one area would be an issue, class sizes, parents can easily travel to either Howdenburn/Parkside dependent on where they live  
**Council's Response:** *Noted. Both primary schools buildings are currently rated as Poor as they have major defects and are not operating adequately. Each school has issues including condition, facilities and access. The new campus will address these issues and allow every pupil access to the same state of the art facilities.*

## Do you agree with the proposal to close Parkside Nursery?



759 (96%) of all responses were in support of this Proposal; with 15 (1.9%) against and 16 (2%) didn't know or left it blank.

### Summary of comments in favour of the Proposal

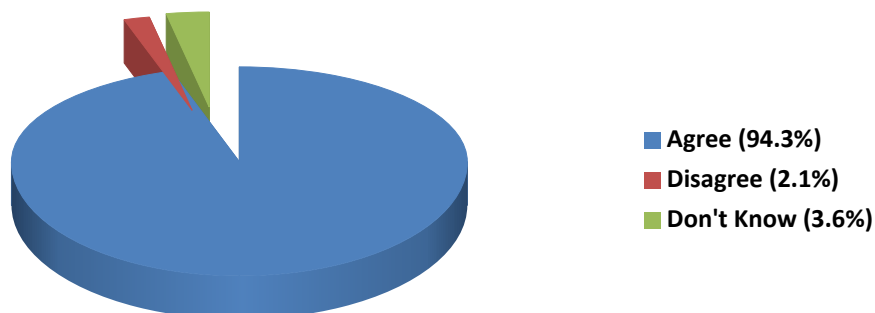
- Would be great to have all children together. It will bring a small community further together
- At present, the children are housed in a portacabin due to the building being condemned, so the new nursery within the new school will provide much more up to date and state of the art facilities and opportunities for the children.
- Concerns that there is asbestos in the building
- The outdoor learning and play area at the nursery is very small. With a bigger school comes more outdoor facilities
- My daughter loved the nursery but the building and facilities were very poor. Staff make the best of the environment but they are limited in what they can do
- As long as the nursery is not neglected when all is combined all age groups are each important as the other

**Council's Response:** *Noted. The Council will ensure that each stage of education is treated fairly and will be required to meet high standards. ELC is considered as equally important to all other stages of learning.*

### Summary of comments not in favour of the Proposal

There were no comments specifically against the Proposal.

## Do you agree with the proposal to close Jedburgh Grammar School?



759 (94.3%) of responses were in favour of the Proposal; with 17 (2.1%) against and 29 (3.6%) either didn't know or left the response blank. 8 of the statutory consultees disagreed with the Proposal.

### Summary of comments in favour of the Proposal

- The buildings are currently unfit for purpose i.e. many are old and pupils are required to move between buildings. The buildings vary in quality. The newer parts of the school are very good, but the older parts require major renovation work just to bring them up to standard. The canteen is not big enough to house all pupils at lunchtime, pupils with packed lunches generally don't have anywhere to sit to have their lunch, and there is limited appropriate ICT facilities available
- A main road divides the school – children are required to cross the road in all weathers
- The sporting facilities at JGS are terrible; the Astro is full of sand and in the winter becomes unplayable. The track is falling to bits in at least one lane, and when there is heavy rain the whole track in the middle tends to flood. The surface and markings of the tennis court are awful. There is no area to play a field game, unless we walk ten minutes away to the Glebe. We are at a huge disadvantage to other schools
- A new campus will provide all the facilities on one site. It is a no-brainer we must support the proposal for an intergenerational learning campus for Jedburgh
- I think all under one campus would be good for continuity for pupils
- It would be good to see all ages mixing
- The games hall was a useful addition but as the buildings won't be required they could be used for other options as some of the buildings aren't that old

**Council's Response:** *Noted. A masterplan will be developed for the former school sites if the Proposals proceed. This will involve public consultation.*

- Grammar school kids deserve a facility like children in Duns and Eyemouth
- Like idea of campus for multi-use - other recreations as well, building classes etc.
- Chance to upgrade IT system - incorporate other workshops - joinery, hair dressing, cooking etc.
- The 'ROSLA' building was built as a temporary measure, but remains

- decades after it was built. The social dining centre is in disrepair, single glazed windows, and outdated bathroom facilities
- Lack of parking facilities also makes it difficult for parents picking up pupils, the buses and students and staff leaving or arriving for school
- The school needs a boost to encourage more pupils to stay
- A new campus with a 3G pitch, a 2G pitch, a 4 badminton court sized games hall and a 400m athletics track with a grass throwing area would enable the PE department to significantly improve the amount of and the quality of the teaching time we offer the pupils in Jedburgh
- IT provision is not adequate
- There is a lack of IT infrastructure within the school

#### **Summary of Comments not in favour of the Proposal**

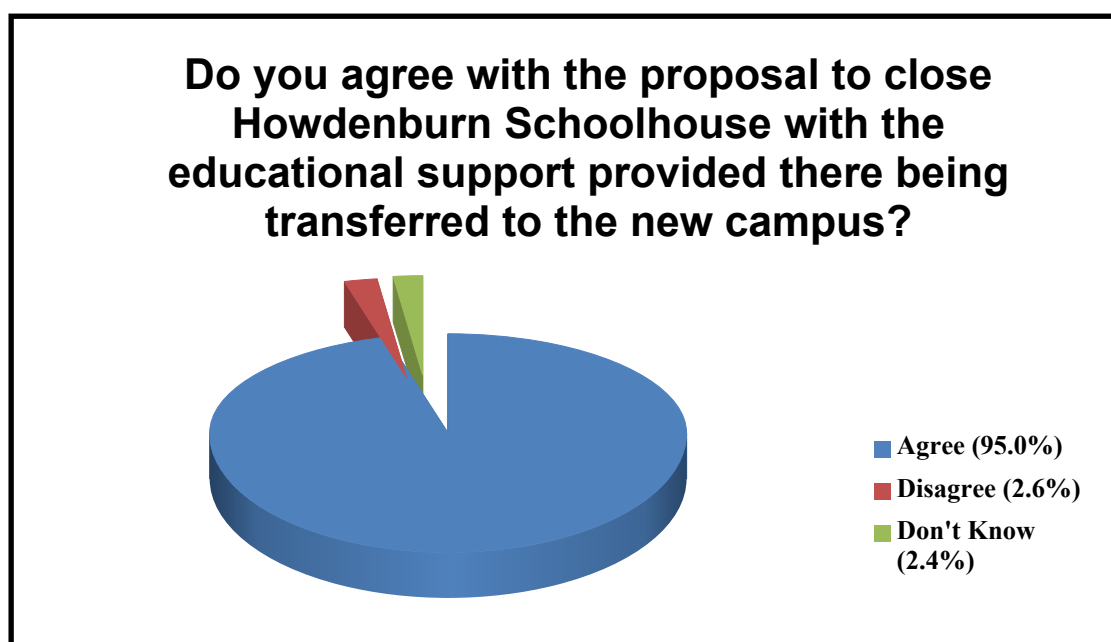
- **Do not want to lose the history of the School and the name ‘Jedburgh Grammar’**  
**Council’s Response:** *Noted. The Council is very aware of the history and reputation of the schools in the town. Discussions have already commenced with staff, pupils and the historical society to establish what we can take from the old schools and incorporate into the campus, including stained glass windows, dux boards etc. A consultation exercise will be undertaken regarding the name of the new campus.*
- **Jedburgh Grammar School has always maintained high standards; students go on to university/further studies from a reputable school. If something isn't broken why fix it?**  
**Council’s Response:** *Noted. The Council has assessed attainment at the school over a long period and recognises the significant achievements and contribution from pupils over many years. However the Council considers that there are strong educational benefits to the Proposal to create a new campus, which significantly improve the learning and training opportunities for the children and young people and these have been verified by Education Scotland in their report (see [Appendix 2](#)).*
- **I think separation between nursery, primary and secondary develops you as a person, teaches you inter personal skills and develops confidence**  
**Council’s Response:** *Noted. The Council recognises that some pupils thrive on the challenge of transitioning to different stages of education. However the creation of a combined campus will allow learners to progress through stages of learning at a level appropriate for them. The new campus will afford more opportunities for individuals to develop skills and confidence as there will be more opportunities for vocational learning/training, volunteering and close links across all generations at the campus. Pupils will still transition through the separate stages but will always have access to the same high quality facilities at every stage.*
- **Why not just merge the two primary schools and keep the Grammar separate?**  
**Council’s Response:** *Noted. Given the size of the Jedburgh school population the Council considers that the best way to improve the curriculum and the standards of education at the Grammar would be to combine all three schools. The campus will allow all pupils at all stages to get access to state of the art facilities while allowing the teaching resourced to better applied in teaching a wider curriculum, thus increasing the opportunities available to the pupils.*

- The Grammar school would be an ideal site for the new school. The road could be closed and the school layout restructured. The Grammar is in a good location for children to access shops and local amenities at lunch time on during free periods. They do not have to cross the busy main A68 route which passes through the town

**Council's Response:** Noted. The Council has carried out a detailed options analysis of the sites available in the town. While the Grammar site had some positives, the Council considers that the site is too small to incorporate all the facilities required for the campus and there are other issues regarding the listed buildings and the road that make the site too challenging and put delivery of the site at risk. More details of the site analysis are given in [Appendix 5](#).

- It's a great school offers so much to the kids and community

**Council's Response:** Noted and Agreed. The Council considers that new campus will build on the strengths of the current schools and will offer more opportunities to not only the pupils but also the wider community.



9 (2.6%) of the responders disagreed with this Proposal with 4 statutory consultees not supporting the Proposal.

#### **Comments in favour of the Proposal**

- Being part of the new campus will help children with Additional Support Needs feel like they are part of the school and the community
- I think all under one campus would be good for continuity for pupils. Continuity would be especially good for the pupils who need learning support
- Children with special needs are better mixing with children their own age. It brings them on
- Integration for complex needs pupils can only be of benefit for the education and future of all concerned

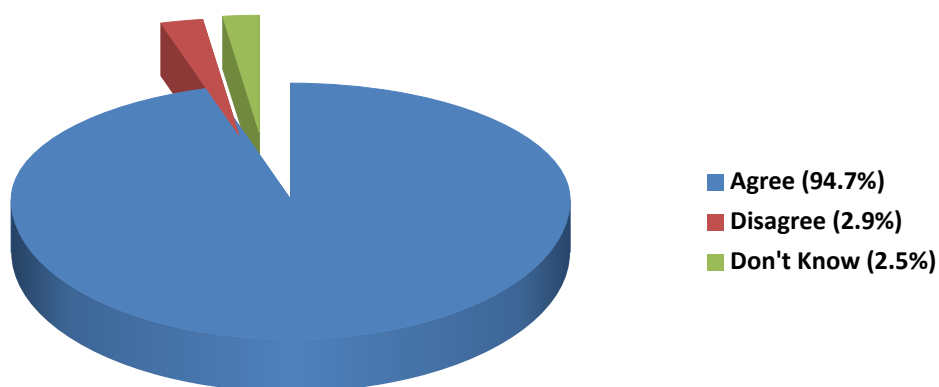
- I think the schoolhouse a valuable asset to additional needs but not the cramped conditions they work in
- Purpose built facilities for additional needs children based in Jedburgh would be brilliant
- Makes financial sense to have all the facilities in one place

**Summary of Comments not in favour of the Proposal**

- This may isolate the children who need additional support and make them targets for bullying

**Council's Response:** *Noted. The Council's intention is that the pupils with Additional Support Needs will be an intrinsic part of campus life. The Council recognises that children with Additional Support Needs thrive in a community but that they also need tailor made facilities. The pupils will share the resources. The Campus will also allow the opportunity for Additional Support Needs pupils to form wider relationships with peers and the Community. The new build will offer pupils an enhanced environment for learning with opportunities for outdoor education, new and improved additional resources and areas for life skills development. The pupils will benefit from the opportunities within the campus to develop through work experience and Community involvement. The Council intends that children with Additional Support Needs will be able to start and complete their education in the town and this will look beyond school age and look at life skills and lifetime opportunities. There will be links with Borders College so vulnerable people in the community can be supported with learning journey, life skills and opportunities.*

**Do you agree with the proposal to amend the transition arrangement for P6 and P7 Ancrum pupils from Parkside to the new campus?**



781 (94.7%) responders agreed with this Proposal. 14 (2.9%) responders did not agree with the Proposal (14 of these were statutory consultees) and 9 either left the question blank or did not know.



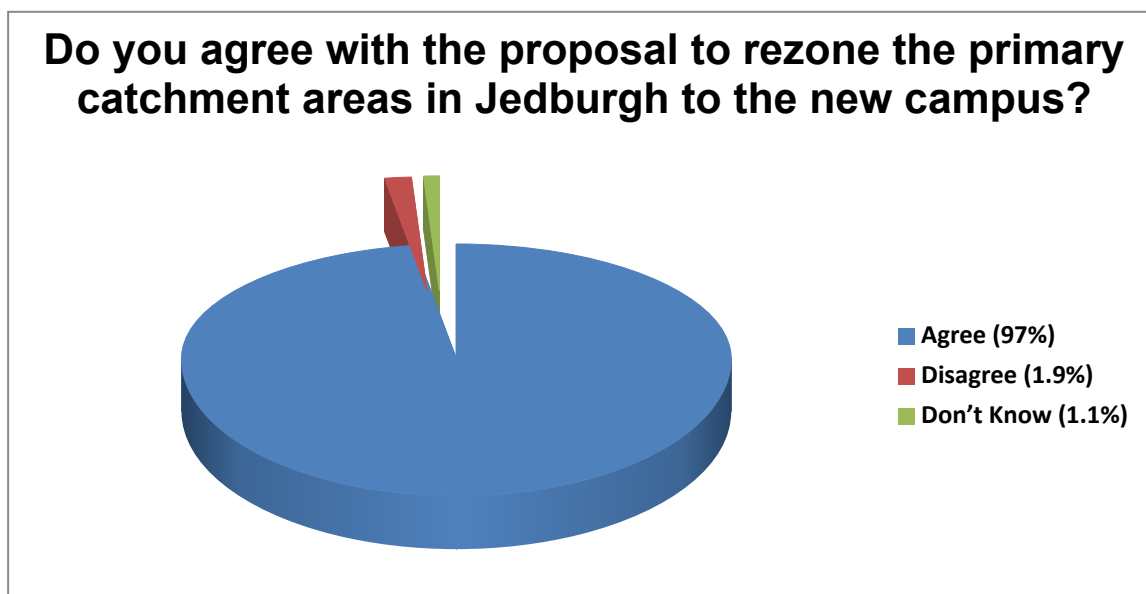
**Summary of comments in favour of the Proposal**

- It is good that a rural school will still be open
- Important to keep a primary school in Ancrum for the benefit of the village. The current arrangement works well that they transfer in P6
- Improved integration for pupils will assist in the transition to a bigger school especially as the difference between them will be so dramatic. Greater inclusion of Ancrum in Jedburgh schooling would be beneficial
- Makes financial sense to have all the facilities in one place
- The pupils will make friends and bond earlier
- I feel it is nice for Ancrum learners to join Parkside in P6/7 however for the purpose of the campus being built they could join the campus or join Denholm

**Summary of comments not in favour the Proposal**

- As the children attending primary school at the campus will have access to the new facilities, the children of Ancrum will miss out. Consideration should be given to integrating Ancrum Primary School into the campus to save on the running costs of the building, transporting the children for sports etc. and then the children of Ancrum would also get to benefit from the new facilities

**Council's Response:** *Noted. It is the Council's intention that Ancrum remains open as the rural primary school option within the cluster. Parents and carers will have the option to choose the primary setting they wish.*



781 (97%) of responders agreed with this Proposal with 15 (1.9%) disagreeing and 9 either leaving the questions blank or didn't know. 4 statutory consultees disagreed with the Proposal.

**Summary of comments in favour of the Proposal**

- Many of the current facilities at these schools are not fit for purpose and the students deserve so much better

- All of the town's children would be learning together and could be put into classes suited to their needs for instance those who need extra support in primary school due to things such as dyslexia could be helped together
- It will be much easier when children move to secondary school
- One town, one school = no more rivalry and no more favouritism
- All Jedburgh children should benefit as long as the school is big enough with no composite classes and enough teachers and assistants to cater for all children

**Council's Response:** *Noted. Class sizes and teacher numbers are calculated in line with Scottish Government regulations.*

- It will be safer; having all pupils within one campus also cuts down on traffic throughout the areas where Howdenburn & Parkside are located at present. School transport would be easier to organise too
- One place for all kids and better facilities make for better education, also easier for transport and parents with one drop off point, also brings more business and people into the town and help it to prosper
- Pupils will be with their classmates all the way through all stages of education and it will create a single school team ethic
- My only concern would be Ancrum being forgotten about even though the decision to keep it open is a fantastic one; which we are all very happy about

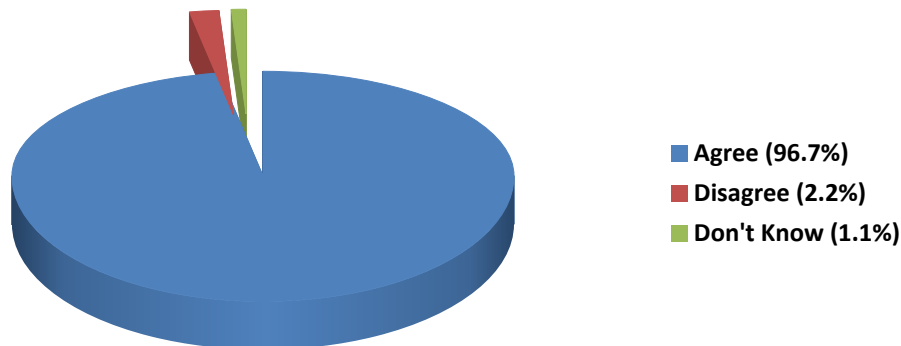
**Council's Response:** *It is the Council's intention that Ancrum continues as a rural school option for parents.*

- Many of the pupils will already take part in extra-curricular activities that are not defined by which school they go to, the re-zoning of the catchment zones should take away the issue of which school you attend

### **Summary of comments not in favour of the Proposal**

- The new campus may not be as accessible for parents with a disability  
**Council's Response:** *Noted. It is the Council's intention that the campus is accessible to the whole community. The building and car park will comply fully with all current disability and accessibility provisions, regulations and legislation.*

## Do you agree with the proposal to rezone the secondary catchment area in Jedburgh to the new campus?



778 (96.7%) of responders agreed with this Proposal with 18 (2.2%) disagreeing and 9 either leaving the question blank or did not know. Only 1 responder who disagreed was a statutory consultee.

### **Summary of comments in support of the Proposal**

The comments in support of the catchment change were all comments supporting the concept of the campus or that the catchment rezoning was a formality if the campus is to proceed.

### **Summary of comments not in favour of the Proposal**

There were no comments made against this Proposal.

## **6 EDUCATION SCOTLAND REPORT**

6.1 In line with the requirements of the 2010 Act, a report was provided by Education Scotland on the educational aspects of the Proposal. This report is attached as [Appendix 2](#).

6.2 Issues raised in the Education Scotland Report with regards to the Proposals are set out below:

### **HM Inspectors considered:**

- “3.1 **The proposal has clear educational benefit. This will allow learning to take place for children and young people aged 2-18, bringing greater potential for continuity and progression in their learning. The condition of a number of existing educational buildings in the town would require significant investment to bring them up to standards expected for 21<sup>st</sup> Century learning. Improved provision for digital technology has the potential to support innovative use by staff and pupils. Sport and recreation facilities will be much improved and on a par with those currently enjoyed by children and young people in other**

parts of the Region. Importantly, teaching time will be increased through improved arrangements for accessing sports pitches. The proposal improves the scope for enhanced joint professional learning for teachers and support staff currently working in different locations and in separate sectors. This has the potential to result in more flexible approaches to children's learning in a number of areas, for example, science, technology and drama. The community is very positive about the scope to develop further intergenerational learning and the positive benefits this will bring, including to developing the young workforce. Greater opportunities for learning linked to the world of work will be available to young people of all ages. The new purpose-built accommodation will be an inclusive environment for all children and young people, including those with additional support needs. This will allow all age groups to develop and learn important life skills in a suitable environment. All children and young people, including those in the nursery provision, will have much better access to quality areas to develop their learning outdoors. The new facilities will support the delivery of increased hours for children attending early learning and childcare centres. The creation of a community hub within the new campus will benefit the wider community in terms of improved opportunities for social and recreational use. There is also potential to support economic development."

*Council's Response: Noted and agreed.*

#### **HM Inspectors considered:**

"3.2 Children, staff and parents from Howdenburn Primary School were very positive about the proposal. Children particularly looked forward to improved opportunities for sport, more clubs and activities, showing off their art work in nice surroundings, quiet spaces to work. They liked that all of the town's children would be together in the one site where they were learning in the same place as their friends and older siblings. The nursery currently has very limited outdoor space and the proposal would improve this significantly. Staff are keen to be involved further in making suggestions if the proposal goes ahead."

*Council's Response: Noted and agreed. If the Proposals proceed, the Council intends to work with staff to capture their opinions and ideas regarding use of the new campus, the facilities, transition planning and proposed changes to the curriculum.*

#### **HM Inspectors considered:**

"3.3 All children, staff and parents from Parkside Primary School who spoke with HM Inspectors are delighted with the proposal and noted that the current school building, particularly the nursery class, were in a poor condition. The school community is very positive about the proposal and having more modern up-to date facilities and resources. Staff feel excited about the proposal and to be part of such an innovative project. Currently, children do not have easy access to outdoors and the surface is slippery in inclement weather. They like the community use which is being proposed. "

*Council's Response: Noted and agreed.*

**“Nursery staff would like more information on arrangements for two year old provision and their deployment in a larger provision. “**

**Council’s Response:** *Noted and agreed. The Council notes the comments from the nursery staff and would advise that a full review of Early Learning and Childcare (ELC) provision in the Borders is currently being undertaken by the Council. The review ties in with the Scottish Government’s policy to increase ELC funded provision for all eligible 2 years olds and all 3 and 4 year olds from 600 to 1140 hours by 2020. The Council will consult fully with nursery staff as further guidance is issued by the Government and the plans for the increased service evolve.*

**“Primary stage teachers would like to continue to be involved in any future decision-making as plans progress. They are particularly keen to be involved in practical decisions, for example, the campus design and how space is used. “**

**Council’s Response:** *Noted and agreed. The Council welcomes the willingness for teachers to be involved and would advise that, if the Proposals proceed, it is the intention to hold workshops to capture the ideas and comments from staff regarding the use of space, facilities, transition planning and the curriculum.*

#### **HM Inspectors considered:**

**“3.4 Children, staff and parents from Ancrum Primary School who spoke with HM Inspectors are all in favour of the proposal. Their main concern was that there is equity in terms of accessing resources, particularly digital technology. “**

**Council’s Response:** *Noted. The Council will review the current provision of resources at Ancrum Primary School and will investigate the options available regarding access to the campus and the available technology solutions available.*

**“Parents would also like the Council to explore the possibility of having an early learning and childcare setting for children aged three to four to encourage local children to attend the school and remain as pupils in Ancrum.”**

**Council’s Response:** *Noted. The Council is currently undertaking a consultation and review of its ELC provision to tie in with the Scottish Government proposals to increase funded ELC provision from 600 to 1140 hours for eligible 2 year olds and all 3 and 4 year olds by 2020. This will involve a detailed strategy being developed for each school cluster area. As part of this exercise the Council will be considering the demand for ELC provision at Ancrum and the viability of providing ELC at this setting. The local community will be kept informed as the plans evolve.*

**“All pupils who met with HM Inspectors considered that the proposal was worthwhile. They were very well informed about the proposal, including resources and community use of the building. They are keen to be involved in having a say in the proposed new school. For example, the new school badge, uniform and the name of the campus.”**

**Council’s Response:** *Noted and agreed. The Council will consult with pupils across the Jedburgh school cluster regarding proposals for the new campus including name, badge, uniform and motto.*

“3.5 Parents, staff and young people from Jedburgh Grammar are very positive about the proposal. They saw benefits in greater flexibility with staffing and delivery of the curriculum. The young people look forward to improved specialist rooms for science, information and communication technology, art and drama that would provide the best opportunities, including for school performances and shows. Young people described current traffic arrangements around their school as hectic and dangerous. However, they acknowledged that recently this had improved. Stakeholders all recognised the need for improved social areas inside and within the grounds of the proposed new school building. Parents and young people welcome aspects of the proposal which will provide opportunities to be more creative, working in partnership with the local college and businesses, and in so doing widen choices for young people. Staff are pleased with the prospect of less teaching time being lost through easier access to college courses and sports facilities.”

**Council’s Response:** *Noted and agreed.*

“ 3.6 If the proposal goes ahead, young people with additional needs, including those with autistic spectrum disorders who would be due to attend the Howdenburn Schoolhouse, will see the benefits of improved accessibility, more appropriate facilities for learning and personal care and increased opportunities to socialise with their peer group in the new campus.”

**Council’s Response:** *Noted and agreed.*

“4 HM Inspectors strongly agree that the proposal has the potential to bring significant educational benefits to the children, young people and community of Jedburgh. Children, staff, parents and almost all of the community are excited and energised by the prospect of the enhanced facilities and the improved experiences this will bring for children, young people and local residents. Stakeholders who spoke with HM Inspectors were extremely positive about all of the town’s children coming together to learn in the one establishment. The proposal will help Scottish Borders Council meet its obligations to secure best value by making efficient and effective use of its school estate as well as increase the hours for nursery-aged children. In taking the proposal forward, Scottish Borders Council should continue to work closely with stakeholders to maintain the strong community ‘buy-in’ to the development. In so doing, they should also provide re-assurance to the few locals who raised concerns that these will be addressed appropriately as plans are more fully developed.”

**Council’s Response:** *Noted and agreed. The Council is committed to maintaining the strong community ‘buy in’ and will continue to maintain communication with the community to keep them informed of progress. The Council is committed to working with parties who have concerns regarding the proposed new campus and have already undertaken a full pre-planning consultation period. More information regarding the proposed location and design of the campus was made available at pre planning application engagement events. There will be opportunities during the detailed planning process for parties to raise further concerns and meet with officers to discuss the Proposals.*

## 7 INACCURACIES IN THE PROPOSAL PAPER

There were no material inaccuracies or omissions found or notified to the Council in respect of the Proposal Paper.

## 8 COMPLIANCE WITH STATUTORY PROCESS

- 8.1 Throughout this consultation, the Scottish Borders Council Children and Young People Services team has given due regard to the provisions of the Schools (Consultation) (Scotland) Act 2010 and Children and Young People (Scotland) Act 2014.
- 8.2 The statutory consultation process was robust, with high levels of engagement from the local community, and provided an opportunity for all stakeholders to identify key issues. Any areas of concern are responded to within **Sections 4, 5 and 6**. This final consultation document seeks to present all information and ask for any further views or alternatives to the Proposals to close the current nursery, primary secondary and specialist education provision within Jedburgh following the creation of a new Intergenerational Learning Campus and the associated rezoning of catchment areas and variations to the transition arrangements from Ancrum Primary School.
- 8.3 A recommendation will be made to the Council at a meeting to make a final decision on the Proposals. The recommendation will be based on the documents and information presented in this Consultation Report and will take due cognisance of any further views or alternatives to the Proposals expressed during the consultation period regarding this Consultation Report.
- 8.4 Parties are invited to raise any concerns and pose alternative solutions by making written or electronic submissions to:

Jedburgh Schools Consultation  
Children and Young People's Services  
Scottish Borders Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA  
or

Email Address: [schoolestates@scotborders.gov.uk](mailto:schoolestates@scotborders.gov.uk);

If you wish to respond by letter or electronically, you are invited to state your relationship with the school – for example, “pupil”, “parent”, “carer”, “relative”, “former pupil”, “teacher in school”, “member of the community” etc. Responses from Parent Councils, Staff and Pupil Councils are particularly welcome.

Those sending in a response, whether by letter or electronically should know that their response will be open to public scrutiny and may have to be supplied to anyone making a reasonable request to see it. If they do not wish their response to be made publicly available, they should clearly write on the document: "I wish my response to be considered as confidential with access restricted to Councillors and Council Officers of Scottish Borders Council". Otherwise, it will be assumed that the person making the response agrees to it being made publicly available.

For any written or electronic response to be considered it must be received by the Council no later than 5.00pm on the last day of the consultation period 6 November 2017.

**CHILDREN AND YOUNG PEOPLE SERVICES  
SCOTTISH BORDERS COUNCIL**

**13 October 2017**



**Appendix 1 – Proposal Paper dated 8 May 2017**



**CHILDREN AND YOUNG PEOPLE'S SERVICES  
JEDBURGH CONSULTATION PROPOSAL PAPER  
CONSULTATION PERIOD FROM 8th MAY 2017 TO 18th JUNE 2017**

It is proposed that, subject to the outcome of this statutory consultation process as set out in the Schools (Consultation) (Scotland) Act 2010 (as amended):

- (1) An Intergenerational Learning Campus be built in Jedburgh;
- (2) Howdenburn Primary School be permanently closed;
- (3) Howdenburn Nursery be permanently closed;
- (4) Parkside Primary School be permanently closed;
- (5) Parkside Nursery be permanently closed;
- (6) Jedburgh Grammar School be permanently closed;
- (7) Howdenburn Schoolhouse be permanently closed with the educational support for secondary aged pupils with Additional Support Needs being transferred to the Intergenerational Learning Campus;
- (8) The policy regarding pupils from Ancrum Primary School transitioning to Parkside Primary School for P6 and P7 be amended to facilitate transition to the Intergenerational Learning Campus;
- (9) The primary school catchment zones be rezoned from Howdenburn Primary School and Parkside Primary School to the Intergenerational Learning Campus; and
- (10) The secondary school catchment zone be rezoned from Jedburgh Grammar School to the Intergenerational Learning Campus.

Pupils attending Denholm Primary School and Hobkirk Primary School have the option to elect to attend either Jedburgh Grammar School or Hawick High School for secondary education and accordingly the following schools are affected by the Proposals:

- (1) Howdenburn Primary School and Nursery
- (2) Howdenburn Schoolhouse
- (3) Parkside Primary School and Nursery
- (4) Jedburgh Grammar School
- (5) Ancrum Primary School
- (6) Denholm Primary School
- (7) Hobkirk Primary School

*This Proposal Paper has been issued by Scottish Borders Council Children and Young People's Services in terms of the Schools (Consultation) (Scotland) Act 2010. as amended*

## 1. THE PROPOSALS

### 1.1 Statutory Context

This Proposal Paper has been prepared by Scottish Borders Council's Children and Young People's Services in accordance with the Schools (Consultation) (Scotland) Act 2010, as amended (**the 2010 Act**).

The 2010 Act sets out a consultation procedure that a Local Authority must follow for certain proposals affecting schools in their area. The current proposals to:-

1. Build an Intergenerational Learning Campus in Jedburgh;
2. Close Howdenburn Primary School;
3. Close Howdenburn Nursery;
4. Close Parkside Primary School;
5. Close Parkside Nursery;
6. Close Jedburgh Grammar School;
7. Close Howdenburn Schoolhouse with the educational support for secondary aged pupils with Additional Support Needs being transferred to the Intergenerational Learning Campus;
8. Amend the arrangements for pupils from Ancrum Primary School transitioning to Parkside Primary School for P6 and P7 to facilitate transition to the Intergenerational Learning Campus;
9. Rezone primary school catchment zones from Howdenburn Primary School and Parkside Primary School to the Intergenerational Learning Campus; and
10. Rezone the secondary school catchment zone from Jedburgh Grammar School to the Intergenerational Learning Campus.

are deemed relevant proposals in terms of the 2010 Act (**the Proposals**) and are therefore subject to the statutory consultation procedure specified in the 2010 Act.

***None of the schools proposed for closure in the Proposals is a rural school in terms of the Scottish Government's Rural Schools List 2015.***

### 1.2 Proposals and Affected Schools

It is proposed that, subject to the outcome of this statutory consultation process, a new Intergenerational Learning Campus is built in Jedburgh to provide a single campus site for learning and education for all within Jedburgh. The Campus will not only provide an innovative and flexible environment for learning for the whole community but will also comprise sports facilities and a community hub for recreational space and public services. The Campus will provide a secondary age setting specifically designed for young people across the Borders with Additional Support Needs. The existing schools, school nurseries and Howdenburn Schoolhouse within Jedburgh will then be closed with the catchments consolidated to the Intergenerational Learning Campus.

Pupils attending Denholm Primary School and Hobkirk Primary School (currently mothballed) have the option to attend either Jedburgh Grammar School or Hawick High School for secondary education and accordingly these Proposals have implications on:-

1. Howdenburn Primary School;
2. Howdenburn Nursery;
3. Howdenburn Schoolhouse;
4. Parkside Primary School;
5. Parkside Nursery;
6. Jedburgh Grammar School;
7. Ancrum Primary School;
8. Denholm Primary School; and
9. Hobkirk Primary School (currently mothballed).

which are all deemed **Affected Schools** in terms of the 2010 Act.

The proposed date for the opening of the new Intergenerational Learning Campus is 31<sup>st</sup> March 2020. However there may need to be flexibility for transition for staff and pupils from the existing schools. Therefore it is proposed that the closure of Howdenburn Primary School and Nursery, Parkside Primary School and Nursery, Howdenburn Schoolhouse and Jedburgh Grammar School will be implemented following the opening of the new Campus.

## 2. SUMMARY OF THE PROCESS FOR THIS PROPOSAL PAPER

### PUBLICATION INFORMATION

#### 2.1 Proposal Paper Published

2.1.1 The proposal paper will be available for inspection, free of charge, at:

- Council Headquarters, Newtown St Boswells, TD6 0SA
- Howdenburn Primary School and Nursery, Jedburgh, TD8 6LA
- Howdenburn Schoolhouse, Jedburgh, TD8 6LA
- Parkside Primary School and Nursery, Jedburgh, TD8 6HD
- Jedburgh Grammar School, Jedburgh TD8 6DQ
- Ancrum Primary School, Jedburgh, TD8 6XA
- Denholm Primary School, Denholm, TD9 8LZ
- Laidlaw Memorial Hall, Bonchester Bridge, TD9
- Jedburgh Library, 23 Castle Gate, Jedburgh, TD8 6AS

and published on the Scottish Borders Council website:

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

2.1.2 Copies of this Proposal Paper are also available on request from:

Jedburgh School Consultation  
 Children and Young People's Services  
 Scottish Borders Council  
 Council Headquarters  
 Newtown St Boswells  
 Melrose  
 TD6 0SA  
 Telephone: 01835 825080  
[E-mail: schoolestates@scotborders.gov.uk](mailto:schoolestates@scotborders.gov.uk)

2.1.3 This Proposal Paper is available in alternative formats or in translated form for readers whose first language is not English. Please apply to:

Jedburgh School Consultation  
 Children & Young People's Services  
 Scottish Borders Council  
 Council Headquarters  
 Newtown St Boswells  
 Melrose  
 TD6 0SA  
 Telephone: 01835 825080  
[E-mail: schoolestates@scotborders.gov.uk](mailto:schoolestates@scotborders.gov.uk)

2.1.4 Formal notice of the Proposals and relevant information will be given and be made available, free of charge, to the consultees listed as follows:

- the parents/carers of the children who attend Howdenburn Primary School, Howdenburn Nursery, Howdenburn Schoolhouse, Parkside Primary School, Parkside Nursery, Jedburgh Grammar School, Ancrum Primary School, Denholm Primary School and Hobkirk Primary School (the **Affected Schools**);
- the Parent Councils of the Affected Schools;

- the parent/carers of any children likely to attend the Affected Schools or any Affected School within two years of the date of the publication of the Proposals Paper;
- the pupils attending the Affected Schools insofar as the Education Authority considers them to be of a suitable age and maturity;
- any Trade Union which is representative of the staff;
- the Staff (teaching and non-teaching) at the Affected Schools;
- the Community Councils of Jedburgh; Ancrum; Denholm and District; Hobkirk; Jed Valley; Lanton; Oxnam Water; Crailing, Eckford and Nisbet.
- the community planning partnership (as defined in section 4(5) of the Community Empowerment (Scotland) Act 2015) for the area where any Affected School is situated or any other community planning partnership that the Education Authority considers relevant;
- the constituency Member of the Scottish Parliament;
- the constituency Member of Parliament;
- the List Members of the Scottish Parliament.

## **2.2 Advertisement in Local Media**

Advertisements were placed in the relevant local media the weeks beginning 1<sup>st</sup> and 8<sup>th</sup> May, giving the dates for the consultation period and for public meetings.

## **2.3 Consultation Period**

The consultation for this Proposal will run from 8<sup>th</sup> May 2017 and will end on 18<sup>th</sup> June 2017. This period allows for the statutory minimum of six weeks, including at least thirty school days.

## **2.4 Public Meetings**

A public meeting will be held, the details of which are set out below:

30<sup>th</sup> May 2017 at 7pm  
 at  
 Jedburgh Grammar School  
 High Street  
 Jedburgh  
 TD8 6DQ

## **2.5 Format of Public Meeting**

Anyone wishing to attend the public meeting is invited to do so. The meeting, which will be convened by Scottish Borders Council, will be addressed by the Director of Children and Young People's Services and other relevant parties.

The meetings will provide an opportunity to:

- Hear more about the Proposals

- Ask questions about the Proposals
- Have your views recorded so that they can be taken into account as part of the Proposals process.

A note will be taken at the meeting of comments, questions and officer responses. These notes will be published on the Council website and a copy will be made available on request. These notes will be forwarded to Education Scotland, along with other submissions and comments received by the Council during the consultation process.

## 2.6 Meetings with Pupils and Staff

Meetings will be held with pupils and staff in the Affected Schools. A record of questions, responses and views will be taken and this will be published in the Consultation Report.

## 3. RESPONSES TO THE PROPOSAL

3.1 A consultation regarding a proposed change to your child's or your community's school is your chance to share your views. Your responses can really shape and influence future decisions; you can play your part by:

- Submitting a written or electronic response to Scottish Borders Council as outlined below;
- Attending the public meeting on 30<sup>th</sup> May at Jedburgh Grammar School and asking questions;
- Speaking to your local Councillors;
- Engaging with your school's Parent Council. The Parent Council can play a key role in engaging with the Council throughout the process;
- Make representations as part of your Community;
- Informing Scottish Borders Council if you think that this Proposal Paper has significant inaccuracies or omissions.

3.2 All interested parties are invited to respond to the Proposal by making written or electronic submissions on the Proposal to:

Jedburgh School Consultation  
 Children and Young People's Services  
 Scottish Borders Council  
 Council Headquarters  
 Newtown St Boswells  
 Melrose  
 TD6 0SA  
 Or

Web Address: [www.scotborders.gov.uk/jedburgh](http://www.scotborders.gov.uk/jedburgh)

3.3 A response form is available from Children & Young People's Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA or online at [www.scotborders.gov.uk/jedburgh](http://www.scotborders.gov.uk/jedburgh). A copy of the response form is provided in

**Appendix 4**

- 3.4 Use of the response form is not compulsory. If you wish to respond by letter or electronically, you are invited to state your relationship with the school – for example, “pupil”, “parent”, “carer”, “relative”, “former pupil”, “teacher in school”, “member of the community” etc. Responses from Parent Councils, staff and Pupil Councils are particularly welcome.
- 3.5 Those sending in a response, whether by letter or electronically, should note that their response will be open to public scrutiny and may be supplied to anyone making a reasonable request to see it. If they do not wish their response to be made publicly available, they should clearly write on the document: “I wish my response to be considered as confidential with access restricted to Councillors and Council Officers of Scottish Borders Council”. Otherwise, it will be assumed that the person making the response agrees to it being made publicly available.
- 3.6 All written responses must be received by the last day of the consultation period, **18<sup>th</sup> June 2017 at 5.00pm.**
- 3.7 Education Scotland has prepared guidance regarding School Consultations. This can be accessed at [Education Scotland's Guidance on School Consultations](#).

#### **4. INVOLVEMENT OF EDUCATION SCOTLAND**

A copy of this Proposal document will be sent to Education Scotland by Scottish Borders Council. Education Scotland will also receive a copy of any relevant written representations that are received by the Council from any person during the consultation period or, if Education Scotland agree, a summary of them. Education Scotland will further receive a summary of any oral representations made to the Council at the public meeting that will be held and, as available (and so far as otherwise practicable), a copy of any other relevant documentation. Education Scotland will then prepare a report on the educational aspects of the proposal not later than 3 weeks after the Council has sent them all representations and documents mentioned above. In some cases, it is possible for them to extend the 3 weeks with the agreement of the Authority. However, for the avoidance of doubt, the 3 week period will not start until after the consultation period has ended. In preparing their report, Education Scotland may enter the affected school(s) and make such reasonable enquiries of such people there as they consider appropriate and may make such reasonable enquiries of such other people as they consider appropriate.

#### **5. PREPARATION OF CONSULTATION REPORT**

- 5.1 The Council will review the Proposals having regard to the Education Scotland report, the written representations that it has received and oral representations made to it by any person at the public meeting. It will then prepare a Consultation Report.
- 5.2 This Report will be published in electronic and printed formats and will be advertised in local newspapers. It will be available on the Council web-site and from Council Headquarters, public libraries in the vicinity of the Affected Schools, as well as the Affected Schools, free of charge. Anyone who made written representations during the consultation period will also be informed about the report. The report will include a record of the total number of written representations made during the consultation period, a summary of the written representations, a summary of the oral representations made at the public meeting, the Authority’s response to the Education Scotland Report

as well as any written or oral representations it has received, together with a copy of the Education Scotland Report and any other relevant information, including details of any alleged inaccuracies and how these have been handled.

- 5.3 The Consultation Report will also contain a statement explaining how it complied with the requirement to review the Proposal in light of the report by Education Scotland and representations (both written and oral) that it received.
- 5.4 The Consultation Report will be published and available for further consideration for a period of three weeks, before it is presented to Full Council at the next scheduled Council meeting.

## **6. NOTE ON CORRECTIONS**

If any inaccuracy or omission is discovered in this Proposal Paper, either by Scottish Borders Council or any person, Scottish Borders Council will determine if relevant information has been omitted or there has been an inaccuracy. It will then take appropriate action which may include the issue of a correction or the re-issuing of the Proposal Paper, or the revision of the timescale for the consultation period, if appropriate. In that event, relevant consultees and Education Scotland will be advised

## **7 SCOTTISH BORDERS COUNCIL DECISION AND SCOTTISH MINISTERS CALL-IN**

- 7.1 No decision will be taken in regard to the Proposals or any changes put into effect by either Scottish Borders Council or the Scottish Borders Council's Executive (Education) Committee until the statutory consultation process has been properly completed.
- 7.2 If the Scottish Borders Council makes a final decision to implement the Proposals, it will require to notify the Scottish Ministers of that decision, and provide them with a copy of the Proposal document and Consultation Report. This must be done within 6 working days of that decision. The Education Authority must also publish on its website the fact that it has notified Scottish Ministers of its decision and of the period during which consultees have the opportunity to make representations to Ministers.
- 7.3 The Scottish Ministers have an 8 week period from the date of that final decision to decide if they will call-in the Proposals regarding a closure. During the first three weeks of this period, anyone is able to make representations to Ministers on whether the decision should be called-in. Within the first 3 weeks of that 8 week period, the Scottish Ministers will take account of any relevant representations made to them by any person. Until the outcome of the 8 week call-in process is known, the Authority cannot proceed to implement the Proposals. Ministers may come to a decision sooner than eight weeks (but not before the three weeks for representations to be made to them has elapsed).
- 7.4 The Scottish Ministers may issue a call-in notice only if it appears to the Scottish Ministers that the Education Authority has:-
- 7.4.1 failed, in significant regard, to comply with the requirements of the 2010 Act in terms of the closure Proposals; or



- 7.4.2 failed to take proper account of a material consideration relevant to the decision to implement the Proposals.
- 7.5 If Scottish Ministers decide to call in a closure Proposal, they must refer it to the Convener of the School Closure Review Panels for determination by a School Closure Review Panel. The Scottish Borders Council as the Education Authority may not implement the closure Proposals (wholly or partly) unless the Panel has granted consent to it (with or without conditions) and either the period for making an appeal to the Sheriff has expired or, if an appeal has been made, it has either been abandoned or the Sheriff has confirmed the Panel's decision.
- 7.6 The School Closure Review Panel may refuse to consent to the closure Proposals, refuse consent and remit the Proposals back to the Scottish Borders Council as the Education Authority or grant their consent to the Proposals subject to conditions or unconditionally.
- 7.7 The 2010 Act, as amended, gives Ministers and School Closure Review Panels the right to call on advice from Education Scotland in relation to a closure Proposal at the call-in or determination stage.

#### **Note**

***This consultation is being conducted having regard to the terms of the Schools (Consultation) (Scotland) Act 2010 as amended.***

***The 2010 Act's principal purpose is to provide strong, accountable statutory consultation practices and procedures that local authorities must apply to their handling of all proposals for school closures and other major changes to schools. These consultation processes are expected to be robust, open, transparent and fair, and seen to be so. They are also expected to be consistent across Scotland.***

**SCOTTISH BORDERS COUNCIL**  
**CHILDREN AND YOUNG PEOPLE'S SERVICES**  
**THIS IS A PROPOSAL DOCUMENT**

**PROPOSALS**

**It is proposed that, subject to the outcome of this Statutory Consultation exercise:-**

- A new Intergenerational Learning Campus be built in Jedburgh;
- Howdenburn Primary School be permanently closed;
- Howdenburn Nursery be permanently closed;
- Parkside Primary School be permanently closed;
- Parkside Nursery be permanently closed;
- Howdenburn Schoolhouse be permanently closed with the educational support for secondary pupils with Additional Support Needs being transferred to the Intergenerational Learning Campus;
- Jedburgh Grammar School be permanently closed;
- The policy regarding pupils from Ancrum Primary School transitioning to Parkside Primary School for P6 and P7 be amended to facilitate transition to the Intergenerational Learning Campus;
- The primary school catchment zones in Jedburgh be rezoned from Howdenburn Primary School and Parkside Primary School to the Intergenerational Learning Campus; and
- The secondary school catchment zone be rezoned from Jedburgh Grammar to the Intergenerational Learning Campus.

**BACKGROUND**

**1 JEDBURGH AND THE LOCAL AREA**

- 1.1 Jedburgh sits within the Cheviot area of the Scottish Borders which is the smallest of the five Borders localities. This area covers a geographical area of approximately 728 km<sup>2</sup>. The population in this area is the second smallest within the region. There are only 3 towns in the area with over 1,000 people; Kelso (6,821), Jedburgh (3,961) and St Boswells (1,466) and only one village in the locality with a population over 500, Yetholm (618). These towns are home to 65% of the area's population.

- 1.2 The Cheviot area has 3,008 children aged 0-15 within it, making up 15% of the population, with about one third living in smaller rural settlements of under 500 people. The number of children in the area has been slowly declining, with an 8% drop since 2001.
- 1.3 The working population within Cheviot is 2% lower than the average across the Scottish Borders. The Council has identified that there is a missing section of young and working age people in the Cheviot population. In particular the Jedburgh and District ward, which based on current trends, could lose almost a fifth of its working age population by 2037.
- 1.4 More detail about the Cheviot area can be found in the Cheviot Extract of the Scottish Borders Community Planning Partnership 2016 Strategic Assessment:  
<https://www.scotborders.gov.uk/downloads/file/2448/strategicassessment-cheviotarea>
- 1.5 The Jedburgh area map can be viewed at:  
<https://www.scotborders.gov.uk/downloads/download/544/cheviotareamap>

## 2 SCHOOLS

- 2.1 In the town of Jedburgh there are:-
- 2.1.1 Two Primary Schools (which also provide Early Learning and Childcare):-Howdenburn Primary School and Nursery and Parkside Primary School and Nursery;
- 2.1.2 One secondary School: - Jedburgh Grammar School;
- 2.1.3 Additional Support Needs educational support for secondary aged pupils at Howdenburn Schoolhouse.
- 2.2 Ancrum Primary School located in the nearby village of Ancrum also falls within the catchment of Jedburgh Grammar School. Pupils attending Ancrum Primary School currently transition to Parkside Primary School in Jedburgh for P6 and P7. There is a shared head teacher between Ancrum Primary School and Parkside Primary School.
- 2.3 Pupils attending Denholm Primary School in Denholm, Hawick have the option to elect to attend either Jedburgh Grammar School or Hawick High School for their secondary education. Transportation is provided for both.
- 2.4 The catchment areas for Jedburgh are indicated on the map attached in **Appendix 1**.
- 2.5 The current school roll and projected school rolls for the existing schools are summarised below.

<b>Jedburgh Cluster: School Rolls and Projections</b>
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	Capacity	2014-15		2015-16		2016-17		2017-18		2018-19		2019-20	
<b>Ancrum</b>	<b>66</b>	36	55%	32	48%	32	48%	28	42%	31	47%	31	47%
<b>Howdenburn</b>	<b>274</b>	128	47%	146	53%	146	54%	147	54%	158	58%	167	61%
<b>Parkside</b>	<b>289</b>	196	68%	205	71%	210	73%	197	68%	191	66%	186	64%
<b>Jedburgh Grammar</b>	<b>631</b>	344	55%	345	55%	345	55%	315	50%	319	51%	323	51%

- 2.6 The Schools have all been consistently operating well below capacity and currently operate at an average of 58% of capacity. This has been consistent over the last 5 years and is not projected to change significantly based on the current school structure in the town, with a significant number of children within catchment submitting placement requests.
- 2.7 In line with the Council's asset management strategy condition surveys are undertaken on a rolling programme by team led by a chartered building surveyor. The suitability assessment is undertaken by the Head Teacher and validated by Senior Managers within Education and Children's Services. These assessments are undertaken approximately every four years unless significant building or operational change has occurred within the school requiring additional assessment.
- 2.8 The definition and assessment categorisations are set by the Scottish Government as follows:

**Condition** - an assessment of the physical condition of the school and its grounds.

A: Good	Performing well and operating efficiently
B: Satisfactory	Performing adequately but showing minor deterioration
C: Poor	Showing major defect and/or not operating adequately
D: Bad	Life expired and/or serious risk of imminent failure

**Suitability** - an assessment of the school as a whole, its buildings and its grounds and of the impact these have on learning and teaching, leisure and social activities and the health and well-being of all users:

A: Good	Performing well and operating efficiently
B: Satisfactory	Performing well but with minor problems
C: Poor	Showing major problems and/or not operating optimally
D: Poor	Does not support the delivery of services to children and communities

2.9 The Jedburgh School Cluster is rated

<b>Jedburgh School Cluster Ratings</b>				
	<b>Year Built</b>	<b>Survey Date</b>	<b>Condition</b>	<b>Suitability</b>
<b>Ancrum Primary</b>	1866	2011	B	B
<b>Howdenburn Nursery</b>	1974	2015	C	B
<b>Howdenburn Primary</b>	1974	2015	C	B
<b>Parkside Nursery</b>	1956	2015	D*	C
<b>Parkside Primary</b>	1956	2015	C	C
<b>Jedburgh Grammar</b>	1890 to 2000	2016	C	C

\* *Building life expired. Requires to be replaced*

2.10 Further details of each School proposed for closure are contained in **Appendix 2**

## **REASONS FOR FORMULATING THE PROPOSAL**

### **3 VISION**

- 3.1 Scottish Borders Council works to enhance quality of life, make best use of public resources and ensure continuously improving services. The Scottish Borders Corporate Plan 2013-18 aims to ensure that individuals, families and communities experience the best possible outcomes from a range of services.
- 3.2 Scottish Borders Council has a strong identity and clear priorities which everyone works together to achieve, creating areas which are vibrant and successful; safe, secure, healthy and sustainable environments; educated, responsible and informed citizens; confident and active communities; and places where people are nurtured and supported. This approach reflects the Single Outcome Agreement 2013, National Outcome 16 that “Our public services are high quality, continually improving, efficient and responsive to local people’s needs”, and the Local Outcome that “Our services will be responsive, of high quality and continually improving”.
- 3.3 Scottish Borders Council is committed to promoting exemplary education environments to support dynamic learner progression from early years through to entry into employment, vocational study or further and higher education. The Council considers that schools estate investment benefits the wider community. An improved education offering within a community can be a critical to the local economy’s prospects.
- 3.4 The Council believes that the provision of 2-18 years education when supported by an innovative, flexible, safe, sustainable and accessible environment can both benefit individuals in terms of opportunity to develop and optimise potential within the wider community.

### **4 PRE-CONSULTATION AND STAKEHOLDER ENGAGEMENT**

- 4.1 In February 2016 the Council’s Executive (Education) Committee agreed to commence a pre-consultation process regarding the current school estate provision and what the future school estate school should aspire to look like

across the Borders region. The Council undertook to engage with all stakeholders to obtain information and opinions regarding the current school estate and to seek views and ideas in respect of the vision of the future school estate.

- 4.2 The five strategic principles that were adopted when reviewing the school estate were:-
- 4.2.1 Increased educational opportunities;
  - 4.2.2 Improved outcomes for children and young people;
  - 4.2.3 Sustainability;
  - 4.2.4 Future proofing the school estate;
  - 4.2.5 Affordability.
- 4.3 The pre-consultation was promoted through letters, school mail, press releases, social media, posters and newsletters with nine consultation events held in each High School in the region.
- 4.4 The Community of Jedburgh provided the highest level of engagement in the Region during this pre-consultation process with consistent requests for engagement with the Council regarding the future education provision within the Jedburgh school cluster. There were concerns expressed regarding:-
- 4.4.1 the condition of the school buildings which were generally considered to be poor;
  - 4.4.2 the condition of Parkside Primary School, in particular the nursery was considered to be in very poor condition with restricted outdoor space;
  - 4.4.3 the quality of the facilities; in particular the sports provision at Jedburgh Grammar School, with no astro-turf pitches and poor hockey facilities. It was considered that the facilities were not equal to those offered at other schools within the Borders;
  - 4.4.4 the requirement for investment in the buildings, which was considered to have fallen behind other schools within the Borders;
  - 4.4.5 the inconsistent catchment arrangements;
  - 4.4.6 the challenges to sustain a broad curriculum for all pupils from 2-18 years old;
  - 4.4.7 the safety implications of the road that runs through the Jedburgh Grammar School site, and the school transportation to the school; and
  - 4.4.8 the traffic congestion around Parkside Primary School and Jedburgh Grammar School.
- 4.5 Following this engagement process, the Council's Executive (Education) Committee in September 2016 agreed to delegate authority to the Service Director (Children & Young People's Services) to proceed with the commencement of a focused pre-consultation process regarding the future of education in the town of Jedburgh to consider:-
- 4.5.1 The education structures within Jedburgh;
  - 4.5.1 The secondary catchment areas;

- 4.5.2 The requirement for investment in the school buildings and facilities;
- 4.5.3 The curriculum and structure of learning.
- 4.6 An initial scoping exercise was undertaken on 20<sup>th</sup> September 2016 with members of the Jedburgh Ward of the Council, the Council's Education Portfolio spokesperson was in attendance. Several meetings were also held with the chairs of the Parents Councils.
- 4.7 From this scoping exercise a range of educational delivery and property options were identified for further consideration, with external architectural and cost advisors being appointed to prepare a range of possible options.
- 4.8 A range of options were identified, with particular focus on the delivery of an integrated campus style educational offer in Jedburgh to provide education and learning opportunities to the catchment from 2-18 years and for the wider Community. Using the Scottish Government metrics to determine an approximate area for a new school to meet the needs of 1,084 pupils with the requirement for the following:-

<b>Proposed Intergenerational Learning Campus Capacity</b>		
	<b>Proposed Capacity (Pupils)</b>	<b>Gross Internal Floor Area</b>
<b>Early Learning and Childcare</b>	100	750 m <sup>2</sup>
<b>Primary</b>	434	3,255m <sup>2</sup>
<b>Secondary</b>	500	4,800m <sup>2</sup>
<b>Additional Support Needs</b>	50*	700m <sup>2</sup>
<b>Further Education &amp; Adult Learning</b>		600 m <sup>2</sup>
<b>Community</b>		1,050 m <sup>2</sup>
<b>Total</b>	<b>1,084</b>	<b>11,155 m<sup>2</sup></b>

*\*Assumed requirement*

## OPTIONS ANALYSIS

- 5.1 Feasibility work has been undertaken to consider the options for the development of the proposed Intergenerational Learning Campus in conjunction with key stakeholders connected with the Jedburgh School cluster.
- 5.2 The Council has held discussions with the Scottish Government, regarding the proposal to build an Intergenerational Learning Campus in Jedburgh. The Government has confirmed that it will support the proposal through the Scottish Schools for the Future programme subject to a positive statutory consultation.
- 5.3 Development land in Jedburgh is restricted by the topography and the road infrastructure and much of the historic core of the town is a conservation area. Four different site locations were identified that had the capacity to accommodate a consolidated campus that would combine all the current schools and nurseries on one site.
- 5.4 The sites identified are all reasonably central to the town and, given the walkable scale of Jedburgh the co-location of the schools, would not disadvantage pupils and parents compared to what is currently experienced. Critically all the sites are

on land owned by Scottish Borders Council, therefore removing the biggest capital risk to the project.

- 5.5 The Council has considered the critical factors of location, site capacity, environment, access and egress, Safe Routes to School, ground conditions, adjacent land use infrastructure capacity, costs and timings/phasing when appraising the options.
- 5.6 The sites identified were:-
- 5.6.1 **The Jedburgh Grammar School Site** - This option would retain the public road running through the site and the new Campus would comprise a series of separate buildings located on the land to either side of the road. Any development would be phased as it would require redevelopment of existing school buildings, some of which are listed, and accordingly there would be a requirement to decant pupils during the construction phase. As the site is restricted in size, the site of the current sports facilities would require to be utilised to accommodate the Campus buildings. Therefore all the sports facilities would need to be located off site and locations to the east side of the river have been identified.
- 5.6.2 **Howdenburn Primary School Campus Site** – This option would locate a new 2-18 campus on a similar location to the existing primary school. Decanting of pupils would be required during the construction phase. The new Campus building would take up a large part of the site leaving sufficient external space for 1 synthetic pitch to the southern part of the land with an additional off site being required for further sports facilities. Access to the school would be by way of the existing public roads, all of which are residential streets.
- 5.6.3 **Hartrigge Park Site** - The Council own a large area of land to the south east of the town known as Hartrigge Park. Options have been developed that would allow a single campus and all its facilities on one site. The land is slightly further from town centre than the others and rises approximately 30m in height. The architect has acknowledged this level difference and developed sub-options with a single campus building and external playing fields/synthetic pitches. The layouts also envisage options for additional access points to this land that will require alteration to the surrounding road network.
- 5.6.4 **Canongate Site** – A central site including open green space to the east of the Abbey and a car park. Given its location and historical context this site would require sensitive development and there is potential of site contamination. A campus style building would be possible on the existing Council car park and it is envisaged that a replacement car park would be required, probably on the site of the existing Grammar School. The land available in this tighter town centre environment is not sufficient to allow external sports pitches sports pitches and land has been identified to the south but is it noted that this area of land is adjacent to the Jed Water and could be at risk of periodic flooding.
- 5.7 From initial analysis the preferred option is Hartrigge Park and site exploration has commenced on this site. A map indicating the proposed site is attached in **Appendix 3**. This has been identified as the preferred option as:-



- 5.7.1 The site is large enough to incorporate all the facilities required for the proposed innovative Intergenerational Learning Campus, recreational facilities and Community hub;
- 5.7.2 The construction of the new Campus at this site would not require disruption to existing schools;
- 5.7.3 The site can be designed to optimise Safe Routes to School to include safe and separate pedestrian and vehicular access, with distinct drop off spaces for cars and buses;
- 5.7.4 The site is large enough to also incorporate additional public services to be relocated to reduce the public sector footprint;
- 5.7.5 The site is deliverable within the proposed timeframe as it is a vacant site entirely within Council ownership.

## 6 PUBLIC ENGAGEMENT EVENTS 25<sup>TH</sup> AND 26<sup>TH</sup> APRIL 2017

- 6. Public Engagement events were held at Jedburgh Grammar School on 25<sup>th</sup> and 26<sup>th</sup> April 2017. These were advertised through letters to parents/carers and community groups, where the Council shared information regarding
  - 6.1.1 The Schools Estate Review process;
  - 6.1.2 The vision for the Intergenerational Learning Campus;
  - 6.1.3 The Educational and wider community benefits of the proposed Campus;
  - 6.1.4 The design and build process of the proposed new Campus; and
  - 6.1.5 The Statutory Consultation process.
- 6.2 The Public Engagement events were extremely well attended, reflecting a high level of interest within the town and the surrounding community. A large number of attendees expressed their support of the vision being proposed by the Council of the intergenerational campus, learning opportunities for all and to the Council's proposed site. There were questions and concerns raised regarding:-
  - 6.2.1 the location of the proposed site; particularly:-
    - 6.2.1.1 vehicular access;
    - 6.2.1.2 location of the proposed buildings;
    - 6.2.1.3 potential disruption to residents and local businesses during the build programme;
    - 6.2.1.4 nature and content of the sports facilities
    - 6.2.1.5 potential disruption to residents as a consequence of evening use of the sports facilities.
  - 6.2.2 the community facilities – in particular the vocational and adult education offer;
  - 6.2.3 proposals that will be put in place to retain the benefits, character and ethos of a small school;
  - 6.2.4. the proposed name of the Campus;

- 6.2.5 safety proposals for the site and pupils.
- 6.3 All written response and questions raised at the Q&A sessions have been recorded by the Council and will be fully considered during the Statutory Consultation Process.
- 6.4 This Proposal Paper is being submitted for formal statutory consultation following completion of an extensive pre- consultation exercise.

## 7 PROPOSALS

### Why is the Education Campus required?

- 7.1.1.1 During the pre-consultation process it was evident that there was strong demand within the Community for changes to the education provision in Jedburgh. In particular there were concerns regarding the fabric and facilities of each of the school buildings and the breadth of the curriculum on offer. The pupils at Jedburgh Grammar School were markedly very vocal about the poor sporting and social facilities at their school. It was clear that investment into the school estate is required to address the issues and concerns raised to ensure that the estate was brought to a standard to optimise the learning potential within Jedburgh.
- 7.1.1.2 The Council regularly carries out full surveys of the school buildings within the town and has identified that all of the buildings are rated as Category C - Poor showing major defect and/or not operating adequately, with Parkside Nursery currently rated D – Life expired.
- 7.1.1.3 The Council has identified several significant issues regarding the fabric of the current school buildings within the town, including heating and ventilation and asbestos being located in parts of the buildings. The dining facilities are inadequate at Jedburgh Grammar School and Howdenburn Primary School does not have a secure reception. Parkside Nursery is of particular concern and should be replaced. It is estimated that to remedy all the immediate defects in each of the schools would cost in excess of £1.64m however this would not result in a significantly higher rating of each school in terms of Suitability or Condition.
- 7.1.1.4 The capacity of the current schools buildings does not reflect the size of the Jedburgh catchment. The three schools proposed for closure currently operate at an average of 58% of capacity. This has been fairly consistent over the last 5 years. This is not an efficient or effective use of facilities or resources.
- 7.1.1.5 Catchment across the area is also inconsistent. In 2016/17 there were 88 pupils (26%) from the Jedburgh Grammar School catchment attending other schools within the region. This includes 59 out of the 98 secondary pupils who live within the catchment zones for Denholm and Hobkirk Primary Schools who had the option to choose between Jedburgh Grammar School and Hawick High School for secondary education and elected to attend Hawick High School. While the decision to attend a school outwith catchment can be attributed to a number of factors, including logistics, many parents have highlighted reasons including wider subject choices and better facilities, particularly for music and sport being available at other schools. Similarly there is a degree of fluidity between the catchments of both primary schools in the town.

- 7.1.1.6 The current size and structure of the Jedburgh Grammar School restricts the ability to offer the breadth of curriculum that is available at other schools across the region. Given the relatively small size of the school, over 80% of classes at Jedburgh Grammar School are bi or tri-level classes, which is challenging for pupils and staff. The size of the school also impacts on the allocation of funding across a range of areas e.g. Pupil Equity Fund, which can be limited due to the smaller pupil roll and the limited economies of scale in creating posts.
- 7.1.1.7 Staff at Jedburgh Grammar School have expressed frustration that the scale of the school limits their ability to provide the range of learning experiences for the young people that are available at larger schools in the region. It is challenging for staff to have the same opportunity to collaborate regarding production of curriculum materials or development of course work to improve the curriculum. Staff also highlighted the challenges of managing the level of differentiation required in teaching bi and tri-level classes, which does not happen in the larger schools. Recruitment and retention of staff is considered challenging.
- 7.1.1.8 Attainment at Jedburgh Grammar School is inconsistent and analysis by the Council indicates that the size and structure of the school is a restrictive factor in delivering the design principles of the Curriculum for Excellence as it does not always facilitate the level of teaching time required to maximise the children's learning potential
- 7.1.1.9 The Council has carried out wider analysis of the quality of life indicators in Jedburgh and general statistical data which indicates that there is a "missing section" of young working-age people in the Cheviot population. The Jedburgh & District Ward in particular could lose almost a fifth of its working-age population by 2037 based on current trends. The Council has therefore identified a need to provide vocational education and training to plug the skills gap and meet the training needs for a young workforce.
- 7.1.1.10 Parents in the Jedburgh catchment are concerned about the barriers to children achieving their potential, with the opportunities for further education being located some distance away which is both expensive and involves longer travel times. As a result there is an increased risk of young learners failing to sustain their learning journey.

## 7.1.2 What is proposed?

- 7.1.2.1 Scottish Borders Council aims to strengthen Jedburgh as a learning town where children and people of all ages can grow and learn together; where education is embedded within the character and quality of the town. It is clear to the Council that there are some tremendous strengths in the education provision across the town as bullying incidents are rare and relationships between staff and children are strong. The ethos of the schools is very good and the schools benefit from great Community involvement and support. Inclusion, well-being and equalities are considered to be strong across the schools. The Council are aware of the quality of life in the town. There is a fantastic community spirit and sense of identity. There is great pride in the cultural history and traditions within the town, with extraordinary historic buildings and strong sporting identity and opportunities. This is considerable participation in sport and activity and opportunities within the town with growing numbers of employers, strong

hospitality and tourism and small local businesses. However it is considered that the education provision for the young people of the town and surrounding rural communities would benefit from investment to improve the outcomes and experiences for learners.

- 7.1.2.2 Accordingly the Council is proposing a new vision for learning and community within Jedburgh, building on the current strengths within the schools. To bolster Jedburgh's ability to support and sustain community life it is proposed that a new and appropriately scaled single learning campus is developed for all the generations within Jedburgh and the surrounding rural communities.
- 7.1.2.3 The proposed Intergenerational Learning Campus will be of a scale that will serve the Jedburgh community and the wider catchment beyond the town. The Council has calculated that the new Campus should have capacity for 1,084 pupils (this incorporates an estimated 50 Additional Support Needs young people of secondary age across the Borders Region). The figure factors in the potential for projected growth within the local population informed by local housebuilding capacity and demographic shift. Using the Scottish Government metrics to determine an approximate area for a new school to meet the needs for learners and the Community it has been determined a building with a gross floor area of circa 11,155m<sup>2</sup> is required.
- 7.1.2.4 It is proposed that Ancrum Primary School will continue to offer a rural education choice within the Jedburgh school cluster for children from Primary 1 to Primary 5. The Primary 6 and Primary 7 pupils at Ancrum will continue to transition at that stage of their education into Jedburgh, but in future this will be to the Campus rather than to Parkside Primary School.
- 7.1.2.5 It is proposed that the Campus will:-
- Provide a single learning space for everyone within the Community to learn, develop and be healthy;
  - Provide a space where everyone in the Community can attain, achieve, participate and be included;
  - Provide a space where the most vulnerable children and citizens are supported and included;
  - Provide a space where the talents, abilities and skills of everyone in the Community are brought together for the benefit of all;
  - Provide a secondary based learning space for young people with Additional Support Needs;
  - Embed learning and employment;
  - Embed healthy living – diet, lifestyle and activity;
  - Embed learning as a lifelong journey with access to resources and facilities regardless of age or ability;
  - Maximise use of all Community and Council resources;
  - Create a one stop approach to service delivery
  - Create a new shared identity and ethos for the town with a new learning environment sitting in the heart of the Community for the Community.

### 7.1.3 The Design Process

- 7.1.3.1 The design process will ensure that the new Campus will provide transformational learning environments which are adaptable so that pupils can 'Learn To Learn'. The Campus design will seek to support teachers in their delivery of a dynamic curriculum and will prioritise not only pupils core skills in literacy and numeracy but also to assist in the development of a young person's essential interpersonal social skills, self-confidence and knowledge.
- 7.1.3.2 The Curriculum for Excellence introduced new ways of learning seeking to allow the curriculum to adapt to the particular needs of individual pupils. The Campus will be designed to create classroom clusters along with flexible learning spaces, internally and externally, which will relate to learning levels which will allow pupils to experience a range of subjects and environments more easily. Consideration could be given to moving from a departmental model to cluster models relating to learning levels.
- 7.1.3.3 The design process will optimise the internal and external learning experience, optimising natural daylight and ventilation. Social and nurturing spaces will be included. The process will include the development of strategies for temperature control, lighting levels, ventilation and acoustics all essential to optimise the learning experience.
- 7.1.3.4 The design will take into consideration the surrounding landscape, taking full advantage of the topography and views to the south west, west and north west. This will offer great views over the town centre and the surrounding landscape. The layout will be designed to integrate with the landscape and will look to frame the views.
- 7.1.3.5 The building design will look to project and enhance the surrounding landscape with new planting and soft landscaping. Strong visual links will be developed to the sports pitches using the topography to create integrated amphitheatres overlooking the pitches.
- 7.1.3.6 The environmental impact of constructing a new Campus will also be considered seeking to optimise the sustainability of the building and maximise the use of renewables. There will be an emphasis on promoting healthy learning and lifestyle and the teaching environments will benefit from fresh air and natural light. New technologies will be incorporated maximising opportunities for sustainability and wider opportunities for learners regarding their environment and sustainability.
- 7.1.3.7 Socially and culturally the Schools currently support an array of clubs, gatherings and events throughout the year despite the existing accommodation limitations. The Council wishes to bolster Jedburgh's ability to support and sustain community life by providing a new and appropriately scaled education and community Campus, with the facilities to achieve this.
- 7.1.3.8 The safety of children and young learners will be paramount and will be a key driver in delivering the design solution. There will be secure and distinct areas for each user group and pupil movement and circulation pathways will

be designed to minimise congestion and disruption. Consideration will also be given to the acoustics and the optimised utilisation of the building.

- 7.1.3.9 The design process will incorporate skills and adult education hubs. Links will be made with Economic Development to consider how industry and enterprise could be brought into the Campus from existing local opportunities and new partners. The new South of Scotland Partnership and the Borders Skills Partnership could work to bring investment and employment into the Campus, whilst developing the necessary skills in the young workforce and adult learners to support the jobs that are available. Some new community builds in Scotland have included skills HUBs – the campus in Jedburgh could provide learning spaces for skills development in shortage areas. The healthy living concept could be fully explored with allotments set up within the Campus to further enhance the ‘food to fork’ concept and encourage enterprise. There would be a ready made workforce available for investors.
- 7.1.3.10 The Campus will create lifelong learning opportunities for everyone in the Community and a family support zone where agencies (Police, health, Social Work, Community Learning and Development and the voluntary sector) could come together to support families. Families would be able to access a single space for all service provision and also receive support to enhance their own learning, health and development.
- 7.1.3.11 Given the potential implications of closing three schools within the town of Jedburgh, in tandem with the design process for the new Campus, Scottish Borders Council is preparing legacy proposals in respect of the existing school buildings to consider options for redevelopment and utilisation of each site which will assist in regenerating and driving economic benefits to the town. . The master planning exercise will involve discussions with the Community and the Cheviot Area Forum of the Community Planning Partnership in terms of the Community Empowerment (Scotland) Act 2015.

## 8 EDUCATIONAL BENEFITS STATEMENT

Scottish Borders Council has statutory duties relating to the provision of Education which we fulfil in our school provision. These duties are set out in legislation and include:

- **Education (Scotland) Act 1980**, Section 1, requires the Council to secure adequate and efficient provision of school education, which has to be flexible to fit individual needs, be tailored to age, ability and aptitude.
- **Standards in Scotland’s Schools Etc. Act 2000**, Section 3, require the Council to endeavour to raise standards and secure improvement in the quality of school education provided in our schools. The education we provide must be directed to the development of the personality, talents and the mental and physical abilities of the children or young people to their fullest potential.
- **Education (Additional Support for Learning) (Scotland) Acts 2004 and 2009**, requires the Council to identify and provide support for any children with additional support needs and prepare co-ordinated support plans for those with the most extensive needs.
- **Scottish Schools (Parental Involvement) Act 2009** requires the Council to give advice and information to a parent of a school pupil when reasonably requested, on any matter relating to the education provided to that pupil.

- **Equality Act 2010** requires the Council not to discriminate against any pupil with protected characteristics including disabilities, sexual orientation and ethnicity. This includes admission to the school, the way education is provided, access to benefit, facility or service and exclusion. Pupils with disabilities must not be treated less favourably and reasonable steps must be taken to avoid putting these pupils at a substantial disadvantage.
- **Requirements for Community Learning and Development (Scotland) Regulations 2013** require the Council to secure and co-ordinate the provision of community learning and development in their area.
- **Children and Young People's Act 2014** requires the Council to implement key policies relating to Early Learning and Childcare, provide additional support for children and young people who are looked after and accommodated including kinship care, extend free school meals and strengthen the rights and participation of children and young people.
- **Education Scotland Act 2016** requires the Council to consider socio-economic barriers to learning and includes provisions which extend the rights of children aged 12 and over with capacity under Additional Support for Learning Act 2009. Children who are able can use rights on their own behalf to affect decision making about them.

Scottish Borders Council sets out, within the context of national and local policies, what it is aiming to achieve in terms of raising levels of achievement and attainment and improving educational outcomes for all children and young people in the key priorities set out in our Business Plan and our Children and Young People's Services Plan.

Our key priority is "to improve attainment and achievement levels for all our children and young people, both within and outwith the formal curriculum." As part of a multi-agency partnership, we have identified the following priorities within our Children and Young People's Services Plan:

- Raising attainment and achievement for all and closing the gap between the lowest and highest achievers;
- Promoting the health and well-being of all children and young people and reducing health inequalities;
- Keeping children and young people safe;
- Improving the well-being and life chances for our most vulnerable children and young people;
- Increasing participation and engagement.

The purpose of the curriculum is encapsulated in the four capacities to enable each child or young person to be:

1. a successful learner;
2. a confident individual;
3. a responsible citizen; and
4. an effective contributor.

The curriculum aims to ensure that all children and young people in Scotland develop the knowledge, skills and attributes they will need if they are to flourish in life, learning and work now and in the future. The attributes and capabilities of the four capacities are outlined below:

successful learners	confident individuals	responsible citizens	effective contributors
<p><b>attributes</b></p> <ul style="list-style-type: none"> <li>enthusiasm and motivation for learning</li> <li>determination to reach high standards of achievement</li> <li>openness to new thinking and ideas</li> </ul> <p><b>capabilities</b></p> <ul style="list-style-type: none"> <li>use literacy, communication and numeracy skills</li> <li>use technology for learning</li> <li>think creatively and independently</li> <li>learn independently and as part of a group</li> <li>make reasoned evaluations</li> <li>link and apply different kinds of learning in new situations.</li> </ul>	<p><b>attributes</b></p> <ul style="list-style-type: none"> <li>self-respect</li> <li>a sense of physical, mental and emotional well-being</li> <li>secure values and beliefs</li> <li>ambition</li> </ul> <p><b>capabilities</b></p> <ul style="list-style-type: none"> <li>relate to others and manage themselves</li> <li>pursue a healthy and active lifestyle</li> <li>be self-aware</li> <li>develop and communicate their own beliefs and view of the world</li> <li>live as independently as they can</li> <li>assess risk and make informed decisions</li> <li>achieve success in different areas of activity.</li> </ul>	<p><b>attributes</b></p> <ul style="list-style-type: none"> <li>respect for others</li> <li>commitment to participate responsibly in political, economic, social and cultural life</li> </ul> <p><b>capabilities</b></p> <ul style="list-style-type: none"> <li>develop knowledge and understanding of the world and Scotland's place in it</li> <li>understand different beliefs and cultures</li> <li>make informed choices and decisions</li> <li>evaluate environmental, scientific and technological issues</li> <li>develop informed, ethical views of complex issues.</li> </ul>	<p><b>attributes</b></p> <ul style="list-style-type: none"> <li>an enterprising attitude</li> <li>resilience</li> <li>self-reliance</li> </ul> <p><b>capabilities</b></p> <ul style="list-style-type: none"> <li>communicate in different ways and in different settings</li> <li>work in partnership and in teams</li> <li>take the initiative and lead</li> <li>apply critical thinking in new contexts</li> <li>create and develop</li> <li>solve problems</li> </ul>

For each of the eight curriculum areas Education Scotland has a set of statements entitled "Experiences and Outcomes" which describe the expectations for learning and progression for areas of the curriculum, these can be found here:

### [Education Scotland - Experiences and Outcomes](#)

These statements recognise the importance of the quality and nature of the learning experience in developing attributes and capabilities and in achieving active engagement, motivation and depth of learning. An outcome represents what is to be achieved.

The experiences and outcomes for each curriculum area encapsulate all the attributes and capabilities and so develop the four capacities. All our schools in the Scottish Borders are expected to deliver Curriculum for Excellence as set out within the four capacities and the experiences and outcomes. Therefore our school estate must be fit for purpose and support the delivery of Curriculum for Excellence whilst maximising educational opportunities and benefits for all our children and young people.

Scottish Borders Council's Children and Young People Services has a further duty to deliver a service which meets the criteria for best value, in terms of efficiency, effectiveness, economy and equal opportunities, and which meets the agreed priorities in the Single Outcome Agreement and Scottish Borders Council's Corporate Plan.

The Scottish Borders Council's Children and Young People Services is able to demonstrate that it delivers a good quality school education service overall, evidenced through good attainment and achievement results; participation information and self-evaluation evidence.

The Educational Benefits of the Proposals have been assessed taking account of all the above stated factors and having regard to the Guidance and Explanatory Notes published by the Scottish Government in association with the 2010 Act and which are available for reference at the following websites, respectively:

[Schools \(Consultation\) \(Scotland\) Act 2010](#)

[Schools \(Consultation\) \(Scotland\) Act 2010 - Explanatory Notes](#)

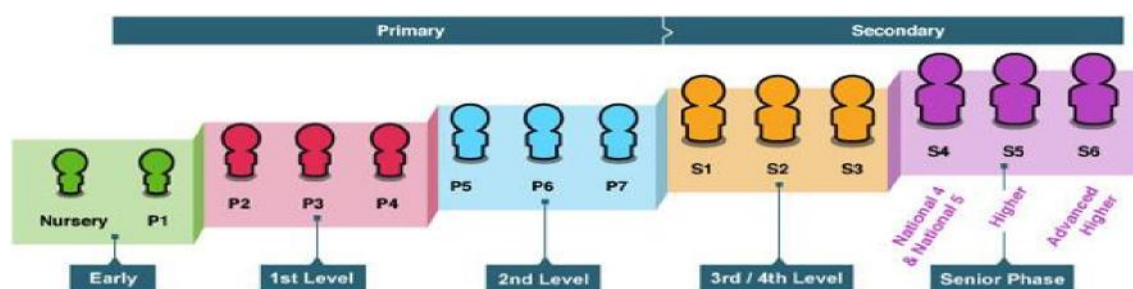


“An education authority shall endeavour to secure improvement in the quality of school education which is provided in the schools managed by them; and they shall exercise their functions in relation to such provision with a view to raising Standards of education.”

In accordance with the 2010 Act, Educational Benefits are set out below in respect of the Proposals.

## 9 EDUCATIONAL BENEFITS OF THE PROPOSED NEW CAMPUS – THE LEARNING JOURNEY

- 9.1 The Intergenerational Learning Campus in Jedburgh will provide a coherent and progressive 2-18 learner journey, which will be a seamless transition through the stages of education and learning, improving stability, security and confidence for every learner in line with the Curriculum for Excellence.



- 9.2 The Campus will facilitate a joint 2-18 approach promoting enthusiasm and engagement amongst staff, children and young people and parents. This continuity of learning will allow a more effective and efficient deployment of resources and a more consistent approach to delivery of high quality learning and teaching, with assessment, tracking and target setting throughout each pupil’s learning, leading to improved attainment. Combining the schools will facilitate improved planning with a more coherent and comprehensive learning journey, embedding pathways for learning beyond the physical boundaries of separate stages of education.
- 9.3 The Campus will lead to improved and continued pastoral care throughout the children and young people’s learning journey commencing at birth. It is proposed that all resources related to family engagement will be brought together at the Campus as the Council develops a local approach to family support.
- 9.4 The new Campus will inspire motivate and encourage a wide range of learning and teaching approaches and learning spaces in line with the Curriculum for Excellence. It will support innovation, creativity and the development of children and young people’s skills for life-long learning and work by having a creative environment and access to vocational learning. It will also allow more collaborative teaching between primary and secondary staff e.g. Expressive Arts, Technology, Home Economics, Science and Modern Languages.
- 9.5 The new Campus will allow an innovative broader curriculum to be introduced with pupils sharing wider more varied learning experiences than are currently possible. This will include opportunities for vocational learning and training in skills.

- 9.6 The shared facilities at the Campus will be far superior to the existing schools, which will create an enhanced environment for learning, personal development and opportunities for healthy living. It will allow pupils to move confidently through the stages of learning giving better opportunities for social development and enhance relationships between younger and older children.
- 9.7 A partnership will be developed with Borders College to deliver a lifelong learning commitment, with a satellite college being created in Jedburgh which will offer adult learning opportunities. The Campus will look at supporting adult learners, identifying the skills and qualifications that are required in the workplace to meet the demands of employers.
- 9.8 The Council also recognises that the Additional Support Needs learning journey should continue into work or to further skills and learning opportunities. The Council will work in collaboration with local employers and Borders College to help meet this requirement.

## **10 EDUCATIONAL BENEFITS OF PROPOSED NEW CAMPUS - CURRICULUM**

- 10.1 Currently the learning environments, in aging buildings, inhibit rather than facilitate and support delivery of the Curriculum of Excellence. The creation of the new Campus will allow an innovative approach regarding curriculum as the Council strives to raise attainment and achievement through literacy, numeracy, health and wellbeing and improve the learning journey for all learners. The Campus will allow the staff to more effectively plan learning and, more importantly, stages of learning. This will provide increased opportunity to offer effective stages of learning which will be supported by the flexible learning accommodation comprised in the Campus.
- 10.2 The Campus will be designed to allow a more flexible approach across the learning journey to enable each learner to progress. The following key areas have been identified as core areas:

### **10.2.1 Literacy, English and Expressive Arts**

10.2.1.1 Children will have the opportunity to be taught literacy from specialist teachers who will re-design a curriculum to fulfil the design principles within Curriculum for Excellence i.e. depth, breadth, choice, progression, coherence and genuinely delivers in personalisation e.g. a very able and literate primary child will have the opportunity to participate in 'broad general education' literacy themed events where the child will be working alongside older pupils with talents in literacy. Equally those children who find acquisition of literacy skills more challenging will benefit from a support for learning model that is continuous from early learning through into adulthood.

10.2.1.2 Staff expertise in literacy teaching will be enhanced as all staff will understand the learners' experience of literacy as a life long journey concept rather than a class stage experience.

10.2.1.3 Families will have the opportunity to engage in literacy activities for all ages from intergenerational storytelling in purpose built 'reading snugs' to online reading programmes which support the basics of reading skills. Literacy will be encouraged and fostered as an intergenerational community.

concept: local writing groups, dramatic arts groups, cinema groups will be developed including talented pupils from all year groups. The Campus will become a centre of excellence for literacy rich experiences. It is expected that the Campus will work with a range of partners such as Live Borders to fulfil the cultural capital within the town and become a place where book signings, readings etc. are commonplace and children and young people are stimulated by core teaching and community literacy learning activities. Excellence in literacy for all, including literacy attainment, will be a key aim of the Campus.

### **10.2.2 Science, Technologies, Engineering and Mathematics (STEM)**

10.2.2.1 Teachers will take a 2-18 approach to the achievement of key milestones in Numeracy, Mathematics, Science and Technologies. The environment will be set up so that children can be stimulated by the right kind of learning environment e.g. science labs for primary aged children. Teachers will benefit from the expertise of their colleagues with extensive knowledge and understanding in key subject areas and local businesses will be included as part of the taskforce team to develop the learning experiences within the technologies learning zones in the Campus.

10.2.2.2 A STEM taskforce will be set up with a range of local business partners, where their business comprises STEM specialisms, to assist with the development of a lifelong approach to the acquisition of key life skills in numeracy, mathematics, science and technologies.

### **10.2.3 Health and Wellbeing**

10.2.3.1 The Campus will enable the children to access the high quality indoor and outdoor learning environment where learning spaces would encourage healthy choices throughout and beyond the school day.

10.2.3.2 The Campus will create the opportunity for learning indoors and outdoors to be a seamless transition unrestricted through the day and evening. All day long 'healthy social bite' type cafes would bring Campus and locally grown produce to 'feed' the Campus. Children would be involved in all elements of the production from 'field to fork' and in the service of food. School meals could evolve as a modern healthy lifestyle approach.

10.2.3.3 All pupils will have access to outdoor learning spaces where science, nature and sport would be available at all times. Spaces for physical activity would be varied and diverse: 3G pitches, mountain bike and cycle tracks, gym facilities, spaces for relaxation would be available to all learners and provide first class opportunities for learners at every stage of their learning journeys.

10.2.3.4 Health and wellbeing would be embedded within the Campus. The people of the town and surrounding rural communities will be invited to embrace the concept of healthy lifestyles through the development of an emotional wellbeing approach to learning pathways where the concepts of communication, relationships, confidence, resilience and learning are all developed simultaneously with modernised approaches to engaging communities through information, communication, technologies and media.

## 10.2.4 'Closing the Gap'

10.2.4.1 Recent research highlights that within Jedburgh there are a number of 'gaps' to be addressed to ensure all the children and young people of Jedburgh and the surrounding rural areas achieve their full potential. The 2016 Scottish Index of Multiple Deprivation highlighted that 10% of the catchment population are now living in decile 3. Jedburgh Intermediate Zone has the fourth highest percentage of children living in poverty in the Scottish Borders. Successful models emerging in the most deprived areas of the Borders highlight strong home /school links; high quality literacy teaching and multiagency support around the family as key drivers in closing the attainment gap. The new Campus would create a family support zone where agencies (health, social work, police, Community Learning and Development and the voluntary sector) could come together to support families. Families would be able to access a single space for all service provision and also receive support to enhance their own learning, health and development.

10.2.4.2 Staff would be able to take a whole family consistent approach to support and interventions. There would be shared expectations for attendance at school, support on site for family based learning including homework and study. The 'growing confidence and resilience' programme for mental health and wellbeing would be implemented as a 'whole family whole school' community approach, enabling services to jointly invest in universal programmes. Vulnerable children and families would be supported to access health and wellbeing activities so that all children and young people are participating equally well and benefiting from healthy living opportunities, including diet.

10.2.4.3 The staff as a team would be trained in the delivery of high quality learning and teaching in literacy, numeracy and health and wellbeing. There would be reduced transitions in learning for the most vulnerable children. One of the key success measures in 'closing the gap' is high quality staff with inclusive mind-sets. The Campus concept is so innovative and exciting it is expected to attract the very best staff who would become a high quality learning community with the expectation that they would become a leading workforce delivering the highest quality of education and community learning experiences.

10.2.4.4 Best practice in 'closing the gap' would be embedded within the architectural designs e.g. the Finnish School System – highest performing in the world – creating exciting environments and designs which address concepts such as how children learn best – embedding architecture and educational goals – from the very beginning of the design.

## 10.2.5 Developing the Young Workforce

10.2.5.1 The development of an Intergenerational Learning Campus will provide opportunities for young people to develop skills for life, learning and work. The Campus will provide work based placements within and across the proposed Campus. There are endless mutually beneficial partnership possibilities across age ranges: Higher and Advanced Higher senior pupils could support primary language lessons, sports leadership, music development and drama learning experiences. Routes into Hospitality and Childcare could be supported with campus placements. The older generation could benefit from media and IT classes, gentle exercises classes led by senior pupils.

10.2.5.2 Links could be made with Economic Development to consider how industry and enterprise could be brought into the Campus from existing local opportunities and new partners. The new South of Scotland Partnership and the Borders Skills partnership could work to bring investment and employment into the Campus whilst developing the necessary skills to support the jobs that are available in the young workforce. Some new community builds in Scotland have included skills Hubs – the campus in Jedburgh could provide learning spaces for skills development in areas where there is demand locally.

10.2.5.3 The healthy living concept could be fully explored with allotments set up within the Campus to further enhance the ‘food to fork’ concept and encourage enterprise. There would be a ready-made workforce available for investors.

10.2.5.4 It is expected that there will be ‘units’ or ‘learning spaces’ within the Campus for local crafts, cottage industry and large employer partners to provide training and learning spaces. These spaces will also include opportunities for retail as well as provide skills opportunities. The strategy for these learning spaces will be fully explored within the Council’s economic development strategy.

#### **10.2.6 Additional Support Needs**

10.2.6.1 The opening of the new Leader Valley School in Earlston has demonstrated the importance of purpose built spaces for our most vulnerable children and young people. The Campus in Jedburgh would provide an excellent learning environment for secondary aged children with autistic spectrum needs. The smaller secondary environment would be purpose built to provide children on the autistic spectrum with healthy living opportunities and work based learning experiences so that they could go and take their place in the world of learning and employment.

10.2.6.2 The young people with additional support needs will be supported within the nurturing spaces of the new Campus. In partnership with relevant agencies, staff will be better placed to more effectively address barriers to learning, identify interventions and take prompt and appropriate action to meet needs. The pupils will further develop their skills for learning, life and work in local real life contexts in collaboration with the local Community.

10.2.6.3 The Campus will provide specialist and dedicated spaces to provide the most vulnerable children to achieve, attain, participate and be included.

#### **10.2.7 Community Education**

The Council also proposes that there will be units or learning spaces for local crafts, cottage industry and large employer partner to provide training and learning spaces for members of the Community. These will provide opportunities for retail as well as provide Hub skills opportunities. The strategies for these spaces will be fully explored within the Council’s economic development strategy.

## 11. IMPACT ON PUPILS AND FUTURE PUPILS

- 11.1 The new Campus will provide an improved, innovative, learning environment, with facilities and resources designed to deliver the Curriculum for Excellence to support the learning and development needs for current and future learners. State of the art learning resources across the Campus will be shared by all learners to optimise each learner's journey.
- 11.2 Transition between the stages of the education will be simpler and managed to lead to better outcomes for each pupil at the point of transition. The transition process will be carefully managed and attempts will be made to retain a small school ethos within the Campus. There will also be enhanced provision for children and young people's personal, social and emotional health and wellbeing through improved social areas, sporting facilities and opportunities to learn and develop in a variety of settings.
- 11.3 A bigger pool of staff expertise, interests and skills in one location will pave the way for an improved range of learning experiences, including extracurricular activity and improved collaboration between teachers.
- 11.4 There will be enhanced opportunities for collaborative working with support services such as educational psychology, learning support, health and social services. An integrated approach to learning to help ensure early intervention, continuity of support and better and more focussed planning and improved transitions for children with Additional Support Needs
- 11.5 The new Campus will create a learning environment where the design of the classrooms and spaces will adapt to allow pupils to experience a range of subject and activities. The Campus model will allow a broader curriculum to be offered across the learning stages, sharing more varied learning experiences than are currently possible.

## 12 IMPACT ON EARLY LEARNING PUPILS

- 12.1 The creation of the new Campus will result in an enhanced early learning provision in a purpose built, innovative environment that will fully support the guidelines in the Curriculum for Excellence.
- 12.2 The new Campus will assist the Council provide 1140 hours of Early Learning and Childcare as proposed in [Blueprint for 2020 - The Expansion of Early Learning and Childcare in Scotland](#) to all eligible children within the Jedburgh cluster. It is also proposed that wrap round childcare will be provided at the Campus to support parents and carers with working and learning commitments.
- 12.3 The children will be taught by a larger complement of early years practitioners which will provide greater exposure to a wider range of staff with different

strengths, skills and interests. This will also provide staff greater opportunities for staff to share practice, knowledge and develop more training opportunities.

- 12.4 The purpose built provision will also allow families to come together to access support and learning opportunities. This model will support the children's transition through their learning journey with enhanced information and knowledge sharing between staff to help ensure continued progression

### 13 IMPACT ON PRIMARY PUPILS

- 13.1 The new Campus will allow the opportunity to build on the current strengths of the two primary schools. The creation of a modern learning environment will fully support the Curriculum for Excellence including access to specialised equipment and resources for the STEM subjects, such as access to the science classes and opportunities to perform experiments.
- 13.2 A larger complement of teaching staff will allow exposure to a wider range of staff skills and interests. This will facilitate greater collaboration and training opportunities for staff which will enhance the breadth of the learning experience for every child.
- 13.3 The new Campus will offer increased and improved outdoor areas for all weather participation to meet the needs set out in the [Curriculum for Excellence Through Outdoor Learning](#).
- 13.4 Transitions between stages of learning will be simpler and carefully managed and attempts will be made to retain a small school ethos within the Campus.
- 13.5 The new Campus will offer enhanced sporting and recreational opportunities and experience for the young people and the wider community to meet the aspirations of both the Council and the Scottish Government to enhance the uptake and enjoyment of physical activity across the Community.

### 14 IMPACT ON SECONDARY PUPILS

- 14.1 The new Campus will allow greater opportunity for collaborative working between departments. There will be more opportunities for interdisciplinary learning within and across learning clusters due to the layout of the building to better address barriers to progression on the learner journey
- 14.2 The development of skills for life, learning and work will be increased with a focus on vocational and technological pathways without reducing emphasis on academic achievement. The curriculum will seek to be a more relevant, challenging and enjoyable learning experience which is more clearly focused on a positive destination for all young people.
- 14.3 The new Campus will offer enhanced sporting and recreational opportunities and experience for the young people and the wider community to meet the aspirations of both the Council and the Scottish Government to enhance the uptake and enjoyment of physical activity across the Community.
- 14.4 Dining and social areas will improve significantly from the current arrangements. This along with new external areas will create flexible space to encourage young

people to socialise and engage which should improve health and well-being, while enhancing the existing strong sense of community already within the current schools.

- 14.5 The Campus will also assist in learners developing skills for life, with an increased emphasis on personal development, vocational skills, training opportunities and placements within the Campus and the Community for Childcare and hospitality. Partnerships will be facilitated with external Skills Partnerships to develop a young workforce with the skills to support the jobs that are available within the area and beyond ensuring all young people maximise their learner destination potential.
- 14.6 The community hub within the Campus will also provide opportunities for senior pupils to provide classes to the older generation covering IT, social media and exercise.

## **15 IMPACT ON ADDITIONAL SUPPORT NEEDS PUPILS**

- 15.1 The new Campus will be fully accessible to people with mobility difficulties and those with Additional Support Needs. The Council is seeking to develop a fully purpose built facility with state of art equipment and sensory equipment. The pupils will share the resources and have their own specially designed areas for learning. The Campus will also allow the opportunity for Additional Support Needs pupils to form wider relationships with peers and the Community.
- 15.2 The new build will offer pupils an enhanced environment for learning with opportunities for outdoor education, new and improved additional resources and areas for life skills development. The pupils will benefit from the opportunities within the Campus to develop through work experience and Community involvement.

## **16 IMPACT ON PUPILS AT OTHER SCHOOLS IN THE COUNCIL AREA**

- 16.1 It is proposed that Ancrum Primary School will remain a small rural school within the Jedburgh School cluster, with pupils transitioning to the Campus for Primary 6 and 7. This will offer a smaller school option for parents, while providing a smooth transition for pupils into secondary and 3<sup>rd</sup> and 4<sup>th</sup> level education.
- 16.2 Pupils at Denholm Primary School will continue to have the choice between the Campus and Hawick High School for secondary education. The new Campus may influence the decision of pupils within the catchment, who might have otherwise submitted placement requests, to attend their catchment school.
- 16.3 The creation of the Campus at Jedburgh will have a positive impact on pupils and education across Borders as it will provide a facility with state of the art facilities which are available to all. This will assist in driving participation and standards across the region and may provide a strong operational model for other schools to observe.

## **17 IMPACT ON STAFF**

- 17.1 A new detailed management structure will be designed for the Learning Campus to optimise its performance and delivery of objectives. A detailed structure will be devised



ensuring that consideration is given to the smooth and successful running of all the elements of the Campus, including the Learning, Recreation and Community

- 17.2 While there will be duplication in some roles when the three schools are combined, new roles will emerge within the Campus in relation to the enhanced facilities and community and recreational facilities e.g. business support, technical and supervisory, facilities management
- 17.3 Staff will have increased opportunities for collaborative work within a larger staff pool of colleagues with different strengths, skills and experience. The curriculum will be structured to allow cross collaboration between subjects and skillsets. The increased number of staff at the Campus will also allow more support and flexibility to staff with more cover available.
- 17.4 The new Campus will allow staff to build early relationships with pupils and their families and maintain these throughout the learning journey. In particular the pastoral team will be able to become involved at the start of the learning journey and develop greater knowledge and understanding of the young people within their care.
- 17.5 The opportunities offered at the new Campus with the introduction of an innovative curriculum and learning journey should prove attractive to staff and assist with staff attraction and retention. The Campus concept is so innovative and exciting it is expected to attract the very best staff who would become a high quality learning community with the expectation that they would become a leading workforce delivering the highest quality of education and community learning experiences.
- 17.6 The working environment will be enhanced and staff will also have access to onsite facilities including access to childcare, fitness facilities and public services which may improve work life balance.

## **18 IMPACT ON TRANSPORT – SAFE ROUTES TO SCHOOL**

- 18.1 The changes to the current transport arrangements will be minimal given the geography of the town. Great care will be taken during the design process that Safe Routes to School are identified for pedestrian and vehicular access, with designated drop off and pick up areas for school buses and cars.
- 18.2 There may be some savings regarding the provision of transport where school times can be aligned.

## **19 LIKELY EFFECT ON THE LOCAL COMMUNITY**

- 19.1 The Council is seeking to empower and give ownership to parents and the Community through engagement in the creation of the Campus. As the Council recognises the role of parents and the Community in the education and wellbeing of children and young people, it is proposed that the Campus will be a single point of entry into both a child's learning pathway and public services. The focus will be on supporting children as a family group with space for parental and Community activities from early morning until evening where the whole family can enjoy learning and well-being activities.

- 19.2 The Campus will provide a focal point for Community engagement and collaboration to harness the potential within the town and surrounding communities to deliver equitable and outstanding education provision. It is considered that the children, young people, staff and local Community will benefit from consistent approaches to raise expectations, increase aspiration and ambition, achievement and attainment while providing equity of opportunities through a curriculum for all in the new environment of the Learning Campus.
- 19.3 The new Campus will enable parents to build strong community based relationships and receive excellent support, which will shift from single to multi agency with the inclusion of the Community. The aim will be to intervene earlier and view the community as the greatest support for a family.
- 19.4 By creating a Community Hub of services within the Campus, the Council is seeking to reduce the public sector foot print, by rationalising the number of offices. This will not only improve efficiencies but will also improve communication between the services and facilitate a more collaborative approach.
- 19.5 The Council have identified that there is a missing section of working age population within the area and the Campus with its community and vocational education programmes will seek to bridge this gap and provide the skills, training and experience required within the locality.
- 19.6 The Community Hub will also include facilities for the whole community – both recreation and social. Options are being considered but could include meeting venues, soft play, gym as well as a ski slope and climbing wall. The space will be available to individuals and groups within the community for events and meetings. The creation of the Campus may assist the Community to realise some of its aspirations regarding bike tracks, skate parks etc.
- 19.7 Given the potential implications of closing three schools within the town of Jedburgh, in tandem with the design process for the new Campus, Scottish Borders Council is preparing legacy proposals in respect of the existing school buildings to consider options for redevelopment and utilisation of each site which will assist in regenerating and driving economic benefits to the town. The master planning exercise will involve discussions with the Community and the Cheviot Area Forum of the Community Planning Partnership in terms of the Community Empowerment (Scotland) Act 2015.

## **20 EQUALITY OF OPPORTUNITY**

The new Campus will provide a single learning environment in Jedburgh which will allow all learners parity of access to learning and facilities. All children will have access to the same early years experience and ease of transition throughout their learning journey in one location. This proposal has been impact assessed by Scottish Borders Council.

## **21. FINANCIAL IMPACT**

- 21.1 The 2010 Act, requires the Council to provide information regarding the financial implications of each school closure proposal. A template has been provided by the

Scottish Government, following consultation with the Commission on the Delivery of Rural Education. The template has been completed in respect of each school proposed for closure utilising the projected figures in the Devolved School Management Budgets for 2017/18. Given that the Proposals for closure arise as a direct consequence of the Proposal to create an Intergenerational Learning Campus with a community hub, none of the closure Proposals is predicated on making cost savings. None of the schools proposed for closure comprise a Rural School in terms of the Scottish Government's Rural School List 2015. It is projected that costs will increase as there will be increased and enhanced facilities available at the new Campus, notwithstanding that the new Campus will be more energy efficient and there will be savings in certain areas where services can be streamlined and duplication of costs avoided.

21.2 In tandem with the design and planning process for the new Campus it is proposed that the Council will consider legacy proposals regarding the schools proposed for closure. The master planning exercise will involve discussions with the Community and the Cheviot Area Forum of the Community Planning Partnership in terms of the Community Empowerment (Scotland) Act 2015.

## 22. OTHER ISSUES

### Management of Proposals

22.1 In the event that the decision is made to proceed with the Proposals it will be essential to establish and manage the transitional arrangement for each of the schools involved. The Council will be committed to ensure that the full range of pupils' needs are addressed and steps are taken to minimise the disruption to the education and wellbeing of all the children and young people.

22.2 The Council recognises that the proposed consolidation of the schools into one learning Campus will require careful planning and collaboration to guarantee the continuity of education and support. A number of measures will be put in place to support this which will include joint planning between teachers regarding curriculum, assessment and reporting; joint working between the Parent Councils and joint events with pupils, parents and staff.

22.3 The Leadership teams will be involved in visits to similar campus schools to see how they operate in practice and to observe good practice.

22.4 It is proposed that the new Campus will open by 31st March 2020 and appropriate transition plans will be made to ensure that pupils move from school to the Campus as smoothly as possible. Detailed plans will be shared nearer the time with all stakeholders.

## 23. RESPONDING TO THE PROPOSAL

23.1 Interested parties are invited to respond to the Proposals, no later than **1700 on 18<sup>th</sup> June 2017**, by making written or electronic submissions on the proposals to:

Jedburgh School Consultation  
 Service Director Children & Young People  
 Scottish Borders Council  
 Newtown St Boswells  
 Melrose  
 TD6 0SA

Or

Web Address: [www.scotborders.gov.uk/jedburgh](http://www.scotborders.gov.uk/jedburgh)

23.2 For the convenience of those wishing to respond, a form is provided at **Appendix 4**, and is also available on the Council's website at:

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

Its use is not compulsory. However, those wishing to respond are invited to state their relationship with the school – for example, “Parent/Carer of a child at Jedburgh Grammar School”, “Relative of a child at Jedburgh Grammar School”, “Teacher at Jedburgh Grammar School”.

23.3 Those sending in a response, whether by letter or electronically, should know that their response will be open to public scrutiny and may have to be supplied to anyone making a reasonable request to see it.

23.4 If they do not wish their response to be publicly available, they should clearly write on the document: “I wish my response to be considered as confidential with access restricted to elected members and council officers of Scottish Borders Council”. Otherwise, it will be assumed that the person making the response agrees to it being made publicly available.

**DONNA MANSON**  
**SERVICE DIRECTOR (CHILDREN & YOUNG PEOPLE’S SERVICES)**

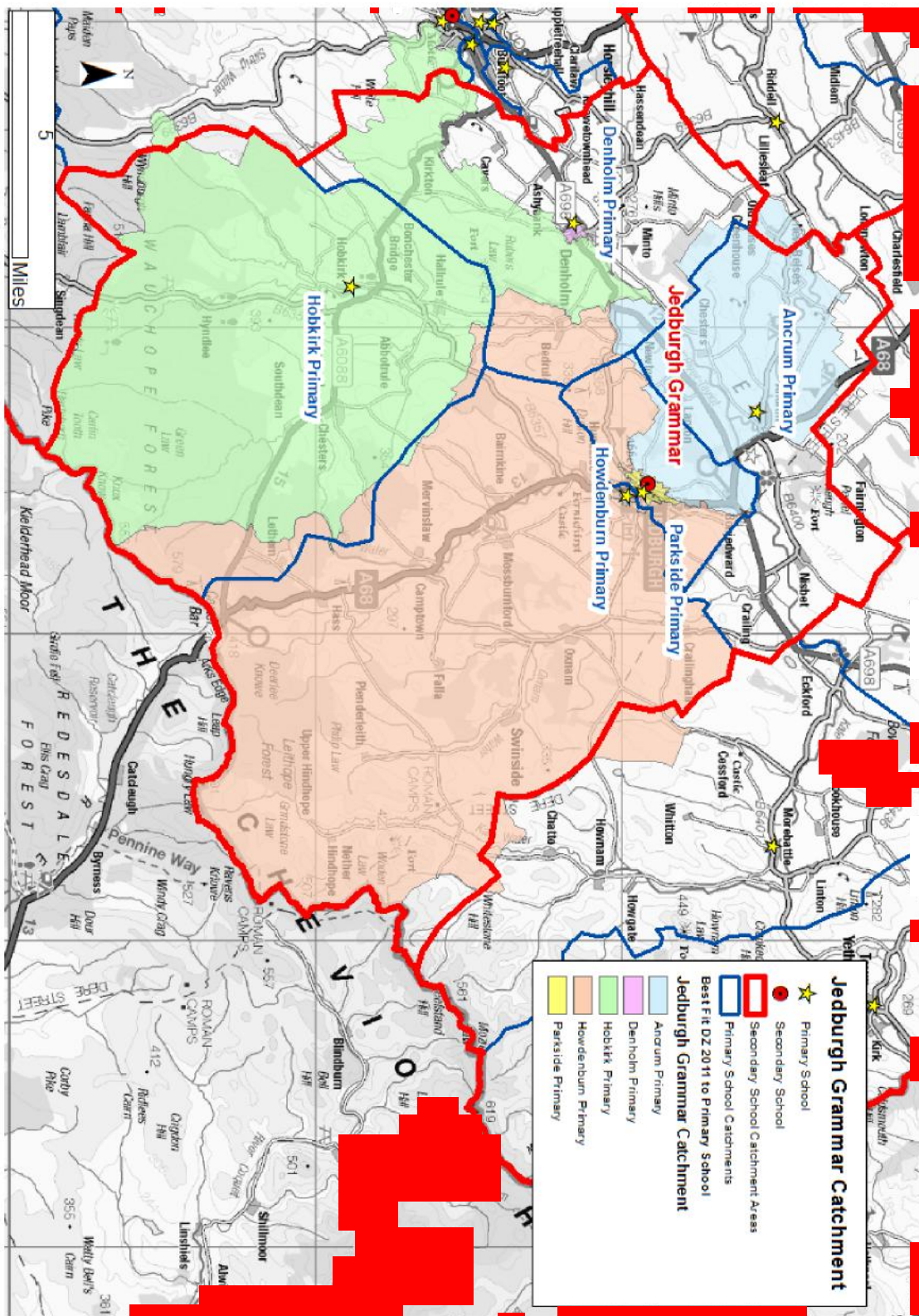
**8th May 2017**

## **APPENDICES**

<b>Appendix 1</b>	Jedburgh Catchment Plan
<b>Appendix 2</b>	Schools Proposed for Closure
<b>Appendix 3</b>	Proposed Site Plan of Intergenerational Learning Campus
<b>Appendix 4</b>	Consultation Response Form
<b>Appendix 5</b>	Financial Templates Showing Current Revenue Costs for School Proposed for each Closure

# APPENDIX 1

## JEDBURGH CATCHMENT PLAN



## APPENDIX 2

### SCHOOLS PROPOSED FOR CLOSURE

#### 1 HOWDENBURN PRIMARY SCHOOL, NURSERY AND SCHOOLHOUSE

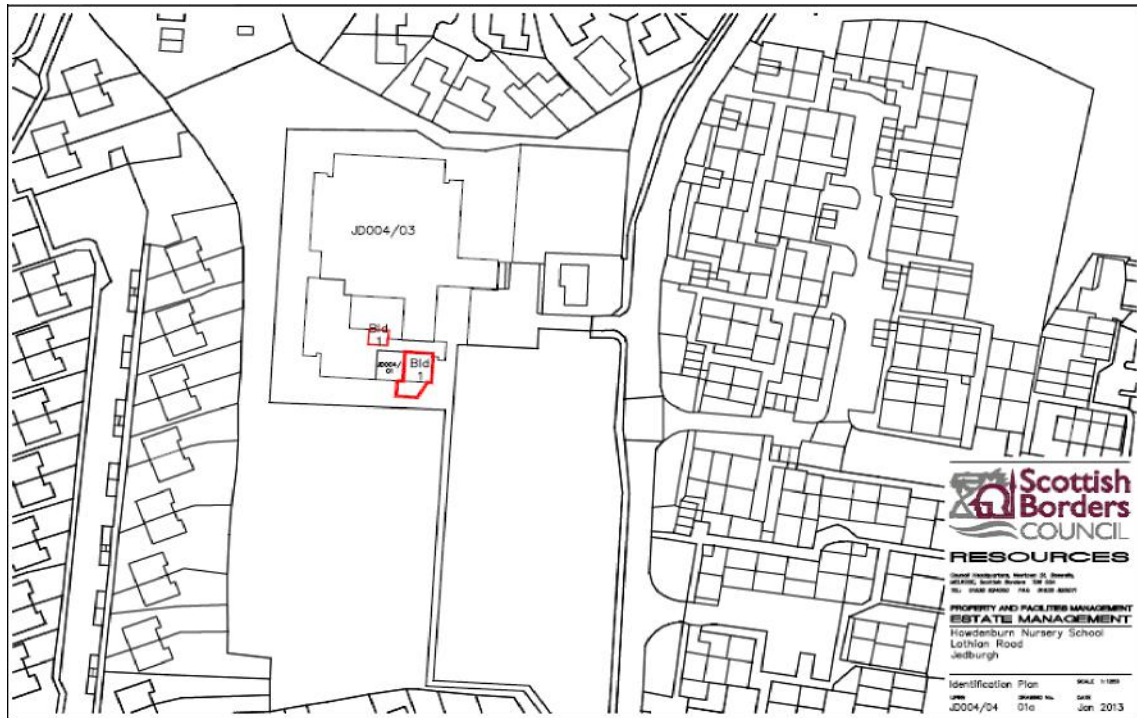
1.1 Howdenburn Primary School provides non-denominational primary education to pupils in Jedburgh. **Appendix 1** shows the present school catchment area for Howdenburn Primary School. It covers the Doom Hill and Howden areas of Jedburgh and the rural areas of Oxnam and Camptown. The Howdenburn Primary School catchment falls within the catchment of Jedburgh Grammar School for secondary education.

Howdenburn Primary School Site Plan



1.2 Howdenburn Primary School also provides Early Learning and Childcare within its nursery. The number of children projected to be in catchment for 2017/18 is 37.

Howdenburn Nursery Site Plan



1.3 Educational support is also provided for young people from across the Scottish Borders with complex Additional Support Needs to develop skills and attributes for learning, life and work, usually though a joint placement with their local secondary school. It operates in partnership with schools, colleges and adult services to help students transition from school education to further education or adult services.

Schoolhouse Site



1.4 The capacity of the Howdenburn Primary school is 274 pupils.

Historical Pupil Roll Data - Howdenburn															
Capacity	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
274	199	193	186	188	179	173	155	135	137	121	111	111	128	146	167

1.5 The most recent inspection report carried out by HM Inspectorate of Education (HMIE) is dated 9<sup>TH</sup> June 2007 and can be accessed through this link

[Howdenburn Inspection Report](#)



## 2 PARKSIDE PRIMARY SCHOOL

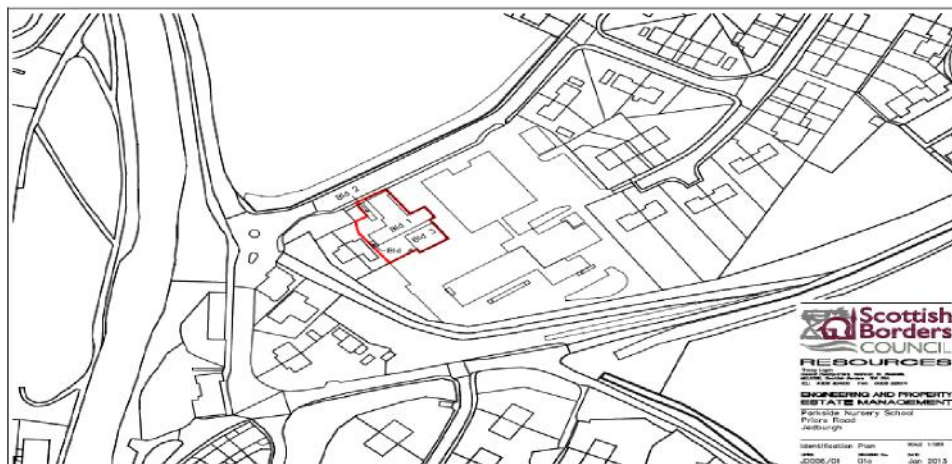
2.1 Parkside Primary School provides non-denominational primary education to pupils in Jedburgh. **Appendix 1** shows the present school catchment area for Parkside Primary School, which comprises the Abbey, East Central and West Central areas of the town. The Parkside Primary School catchment falls within the catchment of Jedburgh Grammar School for secondary education. The capacity of the school is 289 pupils.

### Parkside Primary School Site Plan



2.2 Parkside Primary School also provides Early Learning and Childcare within its nursery. The number of children projected to be in catchment in 2017/18 is 48.

### Parkside Nursery Site Plan



2.3 Pupils attending Ancrum Primary School currently transition to Parkside Primary School in Jedburgh for P6 and P7. There is a shared head teacher between Ancrum Primary School and Parkside Primary School.

2.4 The capacity at the School is for 289 pupils.

Historical Pupil Roll Data - Parkside														
---------------------------------------	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Capacity	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
289	238	226	257	251	246	227	240	224	213	200	207	202	196	205	203

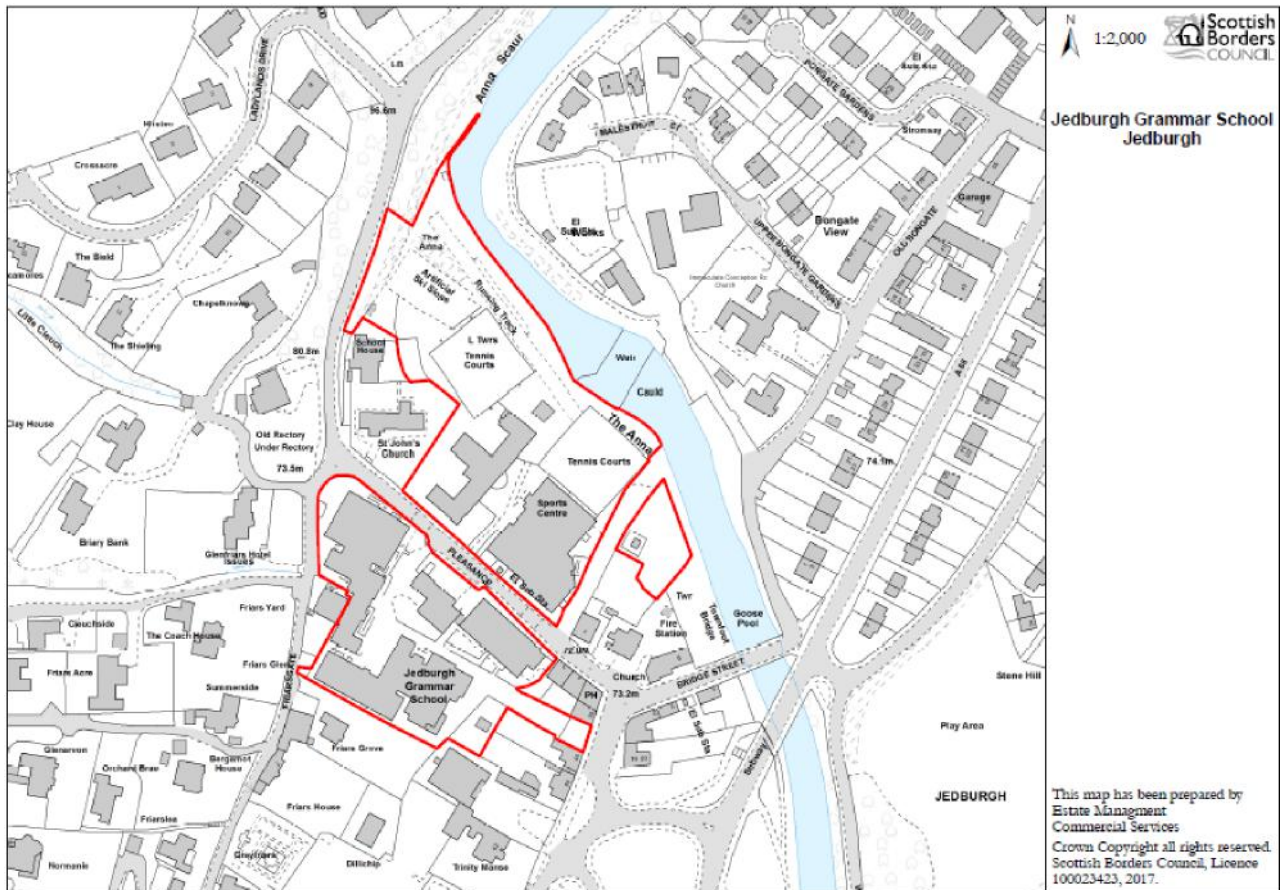
2.6 The most recent inspection report carried out by HM Inspectorate of Education (HMIE) is dated 30<sup>th</sup> June 2015 and can be accessed through this link

[Parkside Inspection Report](#)

## JEDBURGH GRAMMAR SCHOOL

- 3.1 Jedburgh Grammar School provides non-denominational secondary education to pupils in Jedburgh and its surrounding area. **Appendix 1** shows the present school catchment area for Jedburgh Grammar School. The capacity of the school is 631 pupils.
- 3.2 Jedburgh Grammar's catchment area comprises pupils attending Howdenburn Primary School and Parkside Primary School in Jedburgh and Ancrum Primary School, which is located in the nearby village of Ancrum.
- 3.3 Pupils at both Denholm Primary School in Denholm, Hawick and Hobkirk Primary School, Bonchester Bridge, Hawick (currently mothballed) have the right to choose between attending Jedburgh Grammar School or Hawick High School for their secondary education, with transport provided for both.

### Jedburgh Grammar School Site Plan



- 3.4 At the start of the 2016/2017 academic year, Jedburgh Grammar School had a roll of 343 pupils attending the school, including 13 attending through placement requests. There are a large number of pupils from the Jedburgh Grammar School area currently electing to attend a school outwith catchment, 88 in 2016/17 (26%), which includes 59 pupils electing to attend Hawick High School from the joint catchment arrangement. This is attributed to a number of factors including logistics but many parents have highlighted the reasons including wider subject choices, better facilities, particularly for music and sport, being available at larger schools.

Earlston High School	14
Hawick High School	61*
Kelso High School	10
Selkirk High School	2
Peebles High School	1
<b>Total</b>	<b>88</b>

\* Includes 59 pupils from the joint catchment with Hawick High School

### Historical Pupil Roll Data - Jedburgh Grammar School

Capacity	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
631	432	438	445	457	426	426	410	420	400	387	348	350	344	345	343

- 3.5 Part of the school building has Grade B listing. Category B buildings are of regional or more than local importance and are major examples of a particular period, style or building type. (Category B accounts for around 50% of the total number of listed buildings in Scotland).
- 3.6 The most recent inspection report carried out by HM Inspectorate of Education (HMIE) is dated 16<sup>th</sup> December 2008 and can be accessed through this link

[Jedburgh Grammar School](#)

### APPENDIX 3 PROPOSED SITE FOR JEDBURGH EDUCATION CAMPUS



## APPENDIX 4

### CHILDREN AND YOUNG PEOPLE'S SERVICES CONSULTATION RESPONSE FORM

Children and Young People's Services  
Statutory Consultation - Proposal Response Form



### SCHOOL ESTATE CONSULTATION IN RELATION TO PROPOSAL TO CREATE AN INTERGENERATIONAL LEARNING CAMPUS IN JEDBURGH, REPLACING THE EXISTING SCHOOLS

#### Detail of the Proposal

It is proposed that, subject to the outcome of this statutory consultation process as set out in the Schools (Consultation) (Scotland) Act 2010 as amended:

- An Intergenerational Learning Campus be built in Jedburgh;
- Howdenburn Primary School be permanently closed;
- Howdenburn Nursery be permanently closed;
- Parkside Primary School be permanently closed;
- Parkside Nursery be permanently closed;
- Jedburgh Grammar School be permanently closed;
- Howdenburn Schoolhouse be permanently closed with the educational support for secondary aged pupils with complex Additional Support Needs being transferred to the Intergenerational Learning Campus;
- The arrangements for pupils from Ancrum Primary School transitioning to Parkside Primary School for P6 and P7 be amended to facilitate transition to the Intergenerational Learning Campus;
- The primary school catchment zones from Howdenburn Primary School and Parkside Primary School be rezoned to the Intergenerational Learning Campus; and
- The secondary school catchment zone from Jedburgh Grammar School be rezoned to the Intergenerational Learning Campus.

**The Consultation Period is from 8 May 2017 until 18 June 2017.**



**SCHOOL** - please tick the most relevant box below to indicate which school(s) you are connected with

Howdenburn Primary School	<input type="checkbox"/>
Howdenburn Nursery	<input type="checkbox"/>
Howdenburn Schoolhouse	<input type="checkbox"/>
Parkside Primary School	<input type="checkbox"/>
Parkside Nursery	<input type="checkbox"/>
Jedburgh Grammar School	<input type="checkbox"/>
Ancrum Primary School	<input type="checkbox"/>
Denholm Primary School	<input type="checkbox"/>
Other	

**YOUR INTEREST** – please tick the most relevant box below to indicate your interest in the in the School(s)

Parent/carer	<input type="checkbox"/>
Staff	<input type="checkbox"/>
Pupil	<input type="checkbox"/>
Relative of Pupil	<input type="checkbox"/>
Parent Council Member	<input type="checkbox"/>
Elected Member/MSP/MP	<input type="checkbox"/>
Community Planning Partner	<input type="checkbox"/>
Community Member	<input type="checkbox"/>
Other	



1. Do you agree with the proposal to build an Intergenerational Learning Campus in Jedburgh?

Agree

Disagree

Please tell us the main reasons for your views and why you agree/disagree to the above proposal.

2. Do you agree with the proposal to close Howdenburn Primary School?

Agree

Disagree

Please tell us the main reasons for your views and why you agree/disagree to the above proposal.





3. Do you agree with the proposal to close Howdenburn Nursery?

Agree

Disagree

Please tell us the main reasons for your views and why you agree/disagree to the above proposal.

4. Do you agree with the proposal to close Parkside Primary School?

Agree

Disagree

Please tell us the main reasons for your views and why you agree/disagree to the above proposal.



5. Do you agree with the proposal to close Parkside Nursery?

Agree

Disagree

Please tell us the main reasons for your views and why you agree/disagree to the above proposal.

6. Do you agree with the proposal to close Jedburgh Grammar?

Agree

Disagree

Please tell us the main reasons for your views and why you agree/disagree to the above proposal.



7. Do you agree with the proposal to close Howdenburn Schoolhouse, with the educational support for secondary aged pupils with complex Additional Support Needs being transferred to the Intergenerational Learning Campus?

Agree

Disagree

Please tell us the main reasons for your views and why you agree/disagree to the above proposal.

8. Do you agree with the proposal to amend the arrangements for pupils from Ancrum Primary School transitioning to Parkside Primary for P6 and P7 to facilitate transition to the Intergenerational Learning Campus?

Agree

Disagree

Please tell us the main reasons for your views and why you agree/disagree to the above proposal.



9. Do you agree with the proposal to rezone primary catchment zones from Howdenburn Primary School and Parkside Primary School to the Intergenerational Learning Campus?

Agree

Disagree

Please tell us the main reasons for your views and why you agree/disagree to the above proposal.

10. Do you agree with the proposal to rezone the secondary school catchment zone from Jedburgh Grammar School to the Intergenerational Learning Campus?

Agree

Disagree

Please tell us the main reasons for your views and why you agree/disagree to the above proposal.



## DETAILS

Please complete your details below to assist our analysis of the responses

<b>Name</b>	
<b>Postcode</b>	
<b>E-mail Address</b>	

## CONFIDENTIALITY OF RESPONSE

I wish my response to be considered as confidential with access restricted to elected members and officers of Scottish Borders Council	
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## THANK YOU FOR TAKING THE TIME TO GIVE US YOUR VIEWS

Your completed form can be handed into your local school or posted to: Jedburgh School Consultation, Children and Young People's Services, Scottish Borders Council, Newtown St Boswells TD6 0SA.

You can also give us your views online at:

[www.scotborders.gov.uk/jedburgh](http://www.scotborders.gov.uk/jedburgh) **BY 18 JUNE 2017**

If you have any queries, please [email: schoolestates@scotborders.gov.uk](mailto:schoolestates@scotborders.gov.uk)

## **APPENDIX 5**

### **FINANCIAL TEMPLATES SHOWING CURRENT REVENUE COSTS FOR SCHOOLS PROPOSED FOR CLOSURE**

Financial Template

Page 127

Table 1	Column 1	Column 2	Column 3	Column 4
Row 1	Current revenue costs for school proposed for closure			
Row 2	Name of School [enter name of school (Howdenburn)]	Costs for full financial year (projected annual costs)	Additional financial impact on receiving school [enter name of school]	Annual recurring savings (column 2 minus column 3)
Row 3	School costs			
Row 4	Employee costs - note 1			
Row 5	teaching staff	£378,755	N/A	N/A
Row 6	support staff	£61,659	N/A	N/A
Row 7	teaching staff training (CPD etc)			
Row 8	support staff training			
Row 9	Supply costs - note 2	£2,984	N/A	N/A
Row 10				
Row 11	Building costs:			
Row 12	property insurance	£2,185		
Row 13	non domestic rates	£44,839		
Row 14	water & sewerage charges	£1,478		
Row 15	utilities costs	£17,592		
Row 16	cleaning (contract or inhouse)	£16,473		
Row 17	building repair & maintenance			
Row 18	grounds maintenance	£2,204		
Row 19	facilities management costs - note 6	£1,819		
Row 20	revenue costs arising from capital			
Row 21	other			
Row 22				
Row 23	School operational costs:			
Row 24	learning materials	£7,778		
Row 25	catering (contract or inhouse)			
Row 26	SQA costs			
Row 27	other school operational costs (e.g. licences)			
Row 28				
Row 29	Transport costs: note 3			
Row 30	home to school	N/A	note 4	
Row 31	other pupil transport costs			
Row 32	staff travel			
Row 33	SCHOOL COSTS SUB-TOTAL	£537,766		
Row 34				
Row 35	Income:			
Row 36	Sale of meals			
Row 37	Lets			
Row 38	External care provider			
Row 39	Other			
Row 40	SCHOOL INCOME SUB-TOTAL			
Row 41				
Row 42	TOTAL COSTS MINUS INCOME FOR SCHOOL			
Row 43	UNIT COST PER PUPIL PER YEAR (based on 145 pupils)	£3,624		
Row 44				

Table 2	Column 5	Column 6	Column 7
Capital costs		School proposed for closure	Receiving school
Capital Life Cycle cost - note 7			
Third party contributions to capital costs			

Table 3	Column 5	Column 6	Column 7
Annual Property costs incurred (moth-balling) until disposal			
property insurance			
non domestic rates			
water & sewerage charges			
energy costs			
cleaning (contract or inhouse)			
security costs			
building repair & maintenance			
grounds maintenance			
facilities management costs			
other			
TOTAL ANNUAL COST UNTIL DISPOSAL			

Table 4	Column 5	Column 6	Column 7
Non-recurring revenue costs			
TOTAL NON-RECURRING REVENUE COSTS			

Table 5	Column 5	Column 6	Column 7
Impact on GAE - note 5			
GAE IMPACT			

Financial Template

Table 1	Column 1	Column 2	Column 3	Column 4
Row 1	Current revenue costs for school proposed for closure			
Row 2	Name of School Enter name of school (Jedburgh Grammar)	Costs for full financial year (projected annual costs)	Additional financial impact on receiving school [enter name of school]	Annual recurring savings (column 2 minus column 3)
Row 3	School costs			
Row 4	Employee costs - note 1			
Row 5	Teaching staff	£1,551,538	N/A	N/A
Row 6	Support staff	£198,416	N/A	N/A
Row 7	Teaching staff training (CPD etc)			
Row 8	Support staff training			
Row 9	Supply costs - note 2	£20,241	N/A	N/A
Row 10				
Row 11	Building costs:			
Row 12	Property insurance	£2,185		
Row 13	Non-domestic rates	£133,698		
Row 14	Water & sewerage charges	£11,437		
Row 15	Utilities costs	£71,565		
Row 16	Cleaning (contract or inhouse)	£59,596		
Row 17	Building repair & maintenance			
Row 18	Grounds maintenance			
Row 19	Facilities management costs - note 6	£3,875		
Row 20	Revenue costs arising from capital			
Row 21				
Row 22				
Row 23	School operational costs:			
Row 24	Learning materials	£62,090		
Row 25	Catering (contract or inhouse)			
Row 26	SOA costs			
Row 27	Other school operational costs (e.g. licences)			
Row 28				
Row 29	Transport costs: note 3			
Row 30	None to school	n/a	note 4	
Row 31	Other pupil transport costs			
Row 32	Staff travel			
Row 33	SCHOOL COSTS SUB-TOTAL	£2,114,641		
Row 34				
Row 35	Income:			
Row 36	Sale of meals			
Row 37				
Row 38	External care provider			
Row 39	Other			
Row 40	SCHOOL INCOME SUB-TOTAL			
Row 41				
Row 42	TOTAL COSTS MINUS INCOME FOR SCHOOL			
Row 43				
Row 44	UNIT COST PER PUPIL PER YEAR (based on 345 pupils)	£6,129		

Table 2	Column 5	Column 6	Column 7
Capital costs		School proposed for closure	Receiving school
Capital Life Cycle cost - note 7			
Third party contributions to capital costs			

Table 3	Column 5	Column 6	Column 7
Annual Property costs incurred (moth-balling) until disposal			
property insurance			
non domestic rates			
water & sewerage charges			
energy costs			
cleaning (contract or inhouse)			
security costs			
building repair & maintenance			
grounds maintenance			
facilities management costs			
other			
TOTAL ANNUAL COST UNTIL DISPOSAL			

Table 4	Column 5	Column 6	Column 7
Non-recurring revenue costs			
TOTAL NON-RECURRING REVENUE COSTS			

Table 5	Column 5	Column 6	Column 7
Impact on GAE - note 5			
GAE IMPACT			





Financial Template

Table 1	Column 1	Column 2	Column 3	Column 4
Row 1	Current revenue costs for school proposed for closure			
Row 2	Name of School [enter name of school (Parkside)]	Costs for full financial year (projected annual costs)	Additional financial impact on receiving school [enter name of school]	Annual recurring savings (column 2 minus column 3)
Row 3	School costs			
Row 4	Employee costs - note 1			
Row 5	teaching staff	£526,174	N/A	N/A
Row 6	support staff	£	N/A	N/A
Row 7	teaching staff training (CPD etc)			
Row 8	support staff training			
Row 9	Supply costs - note 2	£4,186	N/A	N/A
Row 10				
Row 11	Building costs:			
Row 12	property insurance	£2,185		
Row 13	non domestic rates	£31,945		
Row 14	water & sewerage charges	£3,469		
Row 15	utilities costs	£15,919		
Row 16	cleaning (contract or inhouse)	£16,935		
Row 17	building repair & maintenance			
Row 18	grounds maintenance	£238		
Row 19	facilities management costs - note 6	£2,669		
Row 20	revenue costs arising from capital			
Row 21	other			
Row 22				
Row 23	School operational costs:			
Row 24	learning materials	£10,946		
Row 25	catering (contract or inhouse)			
Row 26	SQA costs			
Row 27	other school operational costs (e.g. licences)			
Row 28				
Row 29	Transport costs: note 3			
Row 30	home to school		note 4	
Row 31	other pupil transport costs			
Row 32	staff travel			
Row 33	SCHOOL COSTS SUB-TOTAL	£614,666		
Row 34				
Row 35	Income:			
Row 36	Sale of meals			
Row 37	Lets			
Row 38	External care provider			
Row 39	Other			
Row 40	SCHOOL INCOME SUB-TOTAL			
Row 41				
Row 42	TOTAL COSTS MINUS INCOME FOR SCHOOL	£614,666		
Row 43				
Row 44	UNIT COST PER PUPIL PER YEAR (based on 237 pupils)	£2,593		

Page 130

Table 2	Column 5	Column 6	Column 7
Capital costs		School proposed for closure	Receiving school
Capital Life Cycle cost - note 7			
Third party contributions to capital costs			

Table 3	Column 5	Column 6	Column 7
Annual Property costs incurred (moth-balling) until disposal			
property insurance			
non domestic rates			
water & sewerage charges			
energy costs			
cleaning (contract or inhouse)			
security costs			
building repair & maintenance			
grounds maintenance			
facilities management costs			
other			
TOTAL ANNUAL COST UNTIL DISPOSAL			

Table 4	Column 5	Column 6	Column 7
Non-recurring revenue costs			
TOTAL NON-RECURRING REVENUE COSTS			

Table 5	Column 5	Column 6	Column 7
Impact on GAE - note 5			
GAE IMPACT			

## Appendix 2 – HMIE Report dated August 2017

**Report by Education Scotland addressing educational aspects of the proposal by Scottish Borders Council to build an intergenerational campus in Jedburgh; permanently close Howdenburn Primary School and Nursery, Parkside Primary School and Nursery, Jedburgh Grammar School and Howdenburn Schoolhouse education support base; to rezone the catchment areas of the primary schools and amend the transition arrangements for children attending Ancrum Primary School.**

### 1. Introduction

1.1 This report from Education Scotland has been prepared by HM Inspectors in accordance with the terms of the *Schools (Consultation) (Scotland) Act 2010* and the amendments contained in the *Children and Young People (Scotland) Act 2014*. The purpose of the report is to provide an independent and impartial consideration of Scottish Borders Council's proposal to build an intergenerational campus in Jedburgh; permanently close Howdenburn Primary School and Nursery, Parkside Primary School and Nursery, Jedburgh Grammar School and Howdenburn Schoolhouse education support base; to rezone the catchment areas of the primary schools and amend the transition arrangements for children attending Ancrum Primary School. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all legislative obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

#### 1.2 HM Inspectors considered:

- the likely effects of the proposal for children and young people of the Howdenburn Primary School and Nursery, Parkside Primary School and Nursery, Jedburgh Grammar School, Howdenburn Schoolhouse education support base and Ancrum Primary School;
- any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children and young people in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and

- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

1.3 In preparing this report, HM Inspectors undertook the following activities:

- attendance at the public meeting held on 30 May 2017 in connection with the council's proposals;
- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the site of Howdenburn Primary School and Nursery, Parkside Primary School and Nursery, Jedburgh Grammar School, Howdenburn Schoolhouse education support base and Ancrum Primary School, including discussion with relevant consultees.

## 2. Consultation Process

2.1 Scottish Borders Council undertook the consultation on its proposal with reference to the *Schools (Consultation) (Scotland) Act 2010* and the amendments in the *Children and Young People (Scotland) Act 2014*.

2.2 Almost all stakeholders who spoke with HM Inspectors were very positive and spoke highly about their opportunities to be involved in the consultation process. Over 500 people attended early engagement events on 25 and 26 April 2017. The formal consultation period ran from 8 May until 18 June 2017. Formal notices were given to relevant stakeholders. Information was shared in the local media during weeks beginning 1 and 8 May 2017, outlining the proposal and the public meeting. The public meeting was held on 30 May 2017. This was led by senior officers from the council and representatives of the parent councils of the schools affected. A number of elected members were present in addition to 260 members of the public. All participants and members of the public who spoke on the night with one exception were in agreement with the proposal. Over 800 people responded to the consultation either on paper or online with a very significant level of overall support. Less than 3% of respondents disagreed with some or all aspects of the proposal. The few concerns raised by mainly local residents were related to vehicle access to the preferred site and the potential loss of mature trees.

## 3. Educational Aspects of Proposal

3.1 The proposal has clear educational benefit. This will allow learning to take place for children and young people aged 2-18, bringing greater potential for continuity and progression in their learning. The condition of a number of existing educational buildings in the town would require significant investment to bring them up to standards expected for 21<sup>st</sup> Century learning. Improved provision for digital technology has the potential to support innovative use by staff and pupils. Sport and recreation facilities will be much improved and on a par with those currently enjoyed by children and young people in other parts of the council. Importantly, teaching

time will be increased through improved arrangements for accessing sports pitches. The proposal improves the scope for enhanced joint professional learning for teachers and support staff currently working in different locations and in separate sectors. This has the potential to result in more flexible approaches to children's learning in a number of areas, for example, science, technology and drama. The community is very positive about the scope to develop further intergenerational learning and the positive benefits this will bring, including to developing the young workforce. Greater opportunities for learning linked to the world of work will be available to young people of all ages. The new purpose-built accommodation will be an inclusive environment for all children and young people, including those with additional support needs. This will allow all age groups to develop and learn important life skills in a suitable environment. All children and young people, including those in the nursery provision, will have much better access to quality areas to develop their learning outdoors. The new facilities will support the delivery of increased hours for children attending early learning and childcare centres. The creation of a community hub within the new campus will benefit the wider community in terms of improved opportunities for social and recreational use. There is also potential to support economic development.

3.2 Children, staff and parents from Howdenburn Primary School were very positive about the proposal. Children particularly looked forward to improved opportunities for sport, more clubs and activities, showing off their art work in nice surroundings, quiet spaces to work. They liked that all of the town's children would be together in the one site where they were learning in the same place as their friends and older siblings. The nursery currently has very limited outdoor space and the proposal would improve this significantly. Staff are keen to be involved further in making suggestions if the proposal goes ahead.

3.3 All children, staff and parents from Parkside Primary School who spoke with HM Inspectors are delighted with the proposal and noted that the current school building, particularly the nursery class, were in a poor condition. The school community is very positive about the proposal and having more modern up-to-date facilities and resources. Staff feel excited about the proposal and to be part of such an innovative project. Currently, children do not have easy access to outdoors and the surface is slippery in inclement weather. They like the community use which is being proposed. Nursery staff would like more information on arrangements for two year old provision and their deployment in a larger provision. Primary stage teachers would like to continue to be involved in any future decision-making as plans progress. They are particularly keen to be involved in practical decisions, for example, the campus design and how space is used.

3.4 Children, staff and parents from Ancrum Primary School who spoke with HM Inspectors are all in favour of the proposal. Their main concern was that there is equity in terms of accessing resources, particularly digital technology. Parents would also like the council to explore the possibility of having an early learning and childcare setting for children aged three to four to encourage local children to attend the school and remain as pupils in Ancrum. All pupils who met with HM Inspectors considered that the proposal was worthwhile. They were very well informed about the proposal, including resources and community use of the building. They are keen

to be involved in having a say in the proposed new school. For example, the new school badge, uniform and the name of the campus.

3.5 Parents, staff and young people from Jedburgh Grammar are very positive about the proposal. They saw benefits in greater flexibility with staffing and delivery of the curriculum. The young people look forward to improved specialist rooms for science, information and communication technology, art and drama that would provide the best opportunities, including for school performances and shows. Young people described current traffic arrangements around their school as hectic and dangerous. However, they acknowledged that recently this had improved. Stakeholders all recognised the need for improved social areas inside and within the grounds of the proposed new school building. Parents and young people welcome aspects of the proposal which will provide opportunities to be more creative, working in partnership with the local college and businesses, and in so doing widen choices for young people. Staff are pleased with the prospect of less teaching time being lost through easier access to college courses and sports facilities.

3.6 If the proposal goes ahead, young people with additional needs, including those with autistic spectrum disorders who would be due to attend the Howdenburn Schoolhouse, will see the benefits of improved accessibility, more appropriate facilities for learning and personal care and increased opportunities to socialise with their peer group in the new campus.

#### **4. Summary**

HM Inspectors strongly agree that the proposal has the potential to bring significant educational benefits to the children, young people and community of Jedburgh. Children, staff, parents and almost all of the community are excited and energised by the prospect of the enhanced facilities and the improved experiences this will bring for children, young people and local residents. Stakeholders who spoke with HM Inspectors were extremely positive about all of the town's children coming together to learn in the one establishment. The proposal will help Scottish Borders Council meet its obligations to secure best value by making efficient and effective use of its school estate as well as increase the hours for nursery-aged children. In taking the proposal forward, Scottish Borders Council should continue to work closely with stakeholders to maintain the strong community 'buy-in' to the development. In so doing, they should also provide re-assurance to the few locals who raised concerns that these will be addressed appropriately as plans are more fully developed.

**HM Inspectors  
Education Scotland  
August 2017**

**Appendix 3 – Copy of Scottish Borders Council Presentation for the Public Meeting at Jedburgh Grammar School dated 30 May 2017**

## Agenda

- Welcome and Introductions
- Purpose of the evening
- Consultation process
- Feedback to date
- Invited speakers
- Questions

1



## Jedburgh Statutory Consultation Meeting

Tuesday, 30<sup>th</sup> May 2017

Scottish Borders Council

# Consultation Proposal

It is proposed that:

- An Intergenerational Learning Campus be built in Jedburgh
- Howdenburn Primary School be permanently closed
- Howdenburn Nursery be permanently closed
- Parkside Primary School be permanently closed
- Parkside Nursery be permanently closed
- Jedburgh Grammar School be permanently closed
- Howdenburn Schoolhouse be permanently closed with the educational support for secondary aged pupils with Additional Support Needs being transferred to the Intergenerational Learning Campus
- The policy regarding pupils from Ancrum Primary School transitioning to Parkside Primary School for P6 and P7 be amended to facilitate transition to the Intergenerational Learning Campus
- The primary school catchment zones be rezoned from Howdenburn Primary School and Parkside Primary School to the Intergenerational Learning Campus
- The secondary school catchment zone be rezoned from Jedburgh Grammar School to the Intergenerational Learning Campus

3

## Affected Schools

Schools affected by the proposals:

- Howdenburn Primary School and Nursery
- Howdenburn Schoolhouse
- Parkside Primary School and Nursery
- Jedburgh Grammar School
- Ancrum Primary School
- Denholm Primary School
- Hobkirk Primary School

4



## Statutory Consultation

- Schools (Consultation)(Scotland) Act 2010
- 30 days from 8<sup>th</sup> May – 18<sup>th</sup> June
- 30 day Engagement Plan
- Visits to –
  - Jedburgh Community Council
  - Parent Councils/School Fayres
  - Jedburgh High Street

5

## Planning Process

- Scale of development – Classed as a Major Development
- Pre Application notice submitted 19<sup>th</sup> May 2017
- Major application – Minimum 12 week Pre Consultation with Communities commencing mid June.
- Detailed planning application programmed for November/December 2017 – Approximately 4 month determination period.

6

## Decision Making -Next Steps

### School Statutory Consultation Process

- Consultation closes – 18<sup>th</sup> June
- SBC engaging with PCs, staff and the children
- Education Scotland – 15<sup>th</sup> August
- SBC produce a Consultation Report
- Council meeting – October- SBC decision
- SG – opportunity to call-in process for 8 weeks

7

## Statutory Consultation

### Response to surveys to date –

- 300 community responses; 98% agree and 2% disagree with the proposal to create the new Campus
- 166 pupil responses from Jedburgh Grammar School; 99% agree and 1% disagree
- Primary school pupils will be supported to respond soon

8

## Feedback

### Positives:

- Enhanced technology
- Modernised facilities
- Broader curricular and learning opportunities
- Lifelong learning opportunities
- Seamless learning transitions

### Issues Raised:

- Class sizes
- Safety of children
- Disruption to those living closest to the new site
- Impact on the environment

9

## Invited Speakers

- Parent Council Chairs:
  - Diana Hickson, Howdenburn Primary School
  - Julie Forsyth, Parkside Primary School
  - Anne Mitchell, Jedburgh Grammar School
  - Jodie Sandilands, Ancrum Primary School
- Richard Gordon, Community Council
- Bill Johnstone, Community Member

10

## Questions

### Format:

- FAQ – earlier questions received as part of the consultation – continue to receive and update the FAQ
- Asked questions in advance – prepared answer
- Go to the floor – commit as best we can to answering the questions raised – until 8.30pm
- Final questions onto the sheet – 8.30pm – 9.00pm
- Meeting will close at 9.00pm

11

## Questions

- Is the project really about cutting teaching and support staff posts? MS
- Where, when and how will Parkside School be accommodated during the building works? How will you ensure safe routes to school? JD
- How will the documenting, archiving and closing of the three schools be handled keeping in mind the emotional attachment of the children attending the school and the staff, past and present? SO
- How will a new school uniform be decided? CT
- How will the school support outdoor learning? MM
- How will the Council work with the community to decide what happens to the existing school sites? MJ

12

# Questions from the floor

13

## **Appendix 4 – Minutes of Public Meeting 30 May 2017**



### **Jedburgh School Consultation**

#### **Public Meeting at Jedburgh Grammar School on 30 May 2017 at 7pm**

##### **The Panel from Scottish Borders Council (SBC):**

**Donna Manson** (Service Director, Children and Young People Services)

**Michelle Strong** (Chief Officer Education)

**Martin Joyce** (Service Director Assets and Infrastructure)

**James Darrie** (Project Manager)

**Susan Oliver** (Headteacher Jedburgh Grammar School)

**Morag McCreadie** (Headteacher Howdenburn School)

**Claire Turnbull** (Headteacher Parkside Primary School and Ancrum Primary School)

##### **Invited Speakers**

**Diana Hickson** (Chair of Howdenburn Parent Council)

**Julie Forsyth** (Treasurer of Parkside Parent Council)

**Hannah Hawthorn** (Treasurer of Ancrum Parent Council)

**Ann Mitchell** (Chair of Jedburgh Grammar Parent Council)

**Richard Gordon** (Chair of Jedburgh Community Council)

**Bill Johnstone** (Community Speaker)

**Elected Members present:** 5

**Members of the Public Present:** 260

##### **Meeting**

Donna Manson (**DM**) welcomed everyone to the meeting and introduced the panel, the invited speakers and the Executive Members for Children and Young People from the Council. **DM** then gave an overview of the background to the proposals and the consultation process. **DM** outlined SBC's 30 day engagement plan with the community and asked that any group wishing to engage with the Council during the consultation period make contact to arrange this.

Martin Joyce (**MJ**) explained the planning process, advising that it was an entirely separate process to this Schools Consultation. **MJ** advised that due to the scale of the proposed development it was classed as a Major Development for planning. Accordingly a pre-application notice had been submitted to planning on 19<sup>th</sup> May 2017. A major application process runs for a minimum of 12 weeks pre-consultation period, with a consultation meeting being held in June. The detailed planning application is programmed for November/December and will take approximately 4 months to determine.

**DM** outlined the school consultation and decision making process. The Consultation period ends on 18<sup>th</sup> June and that SBC will continue its engagement with staff, children and the community beyond this date. **DM** advised that Education Scotland will be engaging with staff,

parents and pupils in August and will be preparing an independent report on the proposals. The Council will then prepare a report on the consultation process which will consider all comments and questions raised by all parties during the consultation period, including Education Scotland. This Report will be published prior to being presented to SBC in October; the Scottish Government then has a period to consider whether to call in the proposal, with a final decision expected by Christmas 2017.

**DM** provided an update of the level of responses received to date:-

- 300 community responses; 98% agree and 2% disagree with the proposal to create a new Campus;
- 166 pupil responses from Jedburgh Grammar School; 99% agree and 1% disagree;
- Primary school pupils are to be supported to respond soon.

**DM** highlighted some of the feedback regarding the proposals received to date:

Positives

- Enhanced technology
- Modernised facilities
- Broader curriculum and learning opportunities
- Lifelong learning opportunities
- Seamless learning transitions

Issues raised

- Class size
- Safety of children
- Disruption to those living closest to the new site
- Impact on the environment

**DM** advised where the proposal paper, response forms and the FAQ (prepared following submission of questions prior to this meeting) could be obtained. Everyone was encouraged to get involved and have their say and ask questions. People were encouraged to ask all questions that they may have either tonight at the meeting, in writing or in the mailbox. A further FAQ will be issued on the website and locally distributed.

**INVITED SPEAKERS**

**DM** then asked the Invited Speakers to address the meeting

**Diana Hickson (DH), Howdenburn Parent Council**

**DH** spoke on behalf of the Parent Council and the parents of Howdenburn Primary School. **DH** expressed her concerns about rumours that had circulated before about Jedburgh Grammar closing because of the falling roll and that 26% of secondary pupils from catchment that had chosen to attend another Borders school. **DH** highlighted the issues with the condition of the current school estate in the town and the challenges this brings for teachers and pupils. Losing the secondary high school would damage the identity of the town as children would create friendship groups and participate in activities outwith the town. **DH** stressed the importance of retaining secondary education in the town and that education is for all. Retaining children will ensure a broad subject choice. This new school will enhance our town, helping to attract families into Jedburgh and keep those that take their children elsewhere for education. By giving children a fantastic education in Jedburgh it will encourage them to stay in the town or return to the town to have their families. This will ensure we have the right people in the town

in the future to provide all the services we need. On a primary level, it will give our children access to fantastic resources and help them become part of the community. They will see great role models amongst the secondary pupils on a daily basis. They will no longer be split between two schools; this will give more choice of friends. It will increase after school activity choice as children are reluctant/can't attend a club that is held at the other primary school, this often means clubs in the town can't survive due to lack of numbers. A secondary school in the town will provide good role models for younger children, better facilities for all and strong community for all to grow and prosper. In short this will benefit our whole town

#### **Julie Forsyth (JF), Parkside Parent Council**

**JF** advised that the parent council have spoken to parents and carers in the playground, at clubs and have asked for opinions on the Facebook page. The overwhelming response has been very positive. This is being seen as an exciting opportunity for the children and the wider community; the chance to have a state of the art school is an opportunity that shouldn't slip away. **JF** highlighted that a big issue for parents and pupils at the school is the lack of grass so pupils are excited about the prospect of new playgrounds and sports fields that will bring more choice of sports and the chance of outdoor learning. Parents need to be confident that the children are learning in a safe environment and when the wall fell down at Howdenburn it became shockingly apparent that the buildings, where children spend so much of their time, are past their sell by date and no longer safe or fit for purpose. Attracting teachers and retaining them is a problem. The new campus should assist retaining the current teachers and attracting new talents. The integration of primary schools would facilitate the creation of wider friendship groups. The school should be inclusive and it is important that it includes all children with Additional Support Needs. It is important that the new school brings the best from all schools such as the "Going for Gold" motto and buddy system from Parkside. The new school will be the chance for everyone to discover their talents and strengths.

#### **Hannah Hawthorn (HH), Ancrum Parent Council**

**HH** advised that the rural community of Ancrum were very excited about the opportunity of the new campus, which would build on the strong links between Ancrum and Jedburgh. The parent council have spoken to parents and used social media to measure support for the proposal. The following issues have been raised

- Wi-Fi is poor in Ancrum – will investment be available to upgrade it?
- The parents would like the joint headship to continue as it assists with communication and transitions;
- Will early learning and childcare provision be at Ancrum or the campus?
- How will class sizes be managed?
- Will timetabling allow Ancrum pupils to access to the PE and sport facilities at the new school?

**HH** confirmed that Ancrum parents see this as a wonderful opportunity for all.

#### **Anne Mitchell (AM) Jedburgh Grammar Parent Council**

**AM** confirmed that the Parent Council has discussed the proposal and considers that the potential benefits are immense:-

- The new campus should improve mental attitude. Pupils will feel valued and equal to those in the other border schools;
- The sports facilities will be significantly better and on site which will allow more opportunities and participation time while removing traveling time;



- The increased vocational education will assist with better pathways for the young people;
- Local businesses can be involved with education and training and can attract apprenticeships and employees;
- The provision of education and learning for secondary children with additional support needs is a real bonus;
- The campus will enhance the links between generations, allowing history, skills and knowledge to be shared;
- Senior models can be role models and will have opportunities for mentoring younger children; and
- The new campus will encourage pupils, families and staff to achieve.

**Richard Gordon (RG), Chairman of Jedburgh Community Council**

**RG** confirmed his excitement about the proposal. Times change and education has changed with young people and future generations learning in different ways. The campus proposed will be state of the art providing learning and facilities for nursery, primary, secondary and beyond; there will be courses for all. Jedburgh has not been at the top of the queue for spending with Berwickshire getting 3 new schools, Kelso getting 2 and Peebles a new primary in recent years. It is now Jedburgh's turn. It is acknowledged there are concerns about access and implications in areas of the town but overall there will be a positive impact on Jedburgh as too many young people have left to seek wider opportunities. This will bring opportunities for vocational courses. Through the planning process and consultations, the community, the parents and staff can help shape the campus. This is an opportunity, it is a one off and the town deserves it.

**Bill Johnstone (BJ), Community**

**BJ** considers that the proposal is very important for Jedburgh's future. This could be the biggest thing to happen in Jedburgh since the factories were built. It would be very unwise to reject the proposal as it's a major opportunity for everyone. There will be learning opportunities for all and will bring a momentum to the town; of confidence, parity, and a feel good factor. **BJ** hopes that the campus will bring opportunities for local businesses to be involved in the construction, with training and apprenticeships arising. The town needs to grow, the campus should bring teachers to Jedburgh; it will be an exciting draw for teaching professionals. The school has always been high achieving – let's set the bar higher. **BJ** recalled that historically the education in the town was under one headship, it's happened before. **BJ** advised that all objections need to be respected and heard. **BJ** has a particular concern regarding the safety and transport to and from the campus during construction and after. Oxnam Road already has heavy traffic including large lorries, Steps must be taken to introduce traffic calming and ensure safety. **BJ** hope that the building will fit with the topography on the site and be aspirational and inspirational not just rectangular boxes. This is a once in a lifetime opportunity.

**RECEIVED QUESTIONS**

**DM** then invited the panel to answer questions that had been submitted prior to the meeting

**1. Is this project really about cutting teaching and support staff posts?**

Michelle Strong (**MS**) advised that this was not a cost cutting exercise. Teachers are allocated on the basis of a school roll. What the campus will allow is for the classes to

be organised in a way to make best use of that resource. Support staff are allocated based on the needs of the school and the pupils – this is regularly reviewed. There may be some duplication in roles for facility management staff however the campus will be larger and operate for longer hours so SBC will only know staffing levels once the design campus is finalised. The main driver for the campus is educational benefits for pupils, staff and the community.

**DM** advised that class sizes are regulated by legislation. More information about class size will form part of the FAQ that will be issued once we have received all of your questions and comments.

**2 Where, when and how will Parkside School be accommodated during the building works? How will you ensure safe routes to school?**

James Darrie (**JD**) advised that the options of how the building will fit onto the site are still being worked through. **JD** reiterated that planning has its own separate process which will involve its own consultation periods. **JD** confirmed that over the 12 week consultation there will be engagement seeking comments and questions regarding access and layout. The team are confident that the campus can happen on the preferred site. **JD** confirmed that safe routes to school would involve a full transport assessment, which will look at all journeys and then devise a full plan. The roads planning team will be involved and will give an independent view. This may well lead to road improvements such as traffic calming and new speed limits as has happened at the new school in Kelso.

**JD** advised that the impact on Parkside will be considered during planning process and a plan will be devised at the detailed planning stage to minimise and mitigate against impact on Parkside. Safety will be paramount and protections will be imposed by legislation.

**3 How will the documenting, archiving and closing of the three schools be handled, keeping in mind the emotional attachment of the children attending the school and staff, past and present?**

Susan Oliver (**SO**) confirmed that everyone is aware of the 500 years of history at the Grammar and that there is an extensive history and alumni to celebrate. A working group will be established to work out how to incorporate this rich history into the new campus. This will comprise young people, the community, and the Jedforest Historical Society. The architects have confirmed that items of historical significance can be incorporated into the campus e.g. dux boards, stain glass windows and items from the memorial garden. Discussions have been held regarding the stain glass window and one pupil has suggested that a new pane is added incorporating the badges of the 3 schools proposed for closure depicting that we have come together.

**4 How will a new uniform be decided?**

Claire Turnbull (**CT**) advised that there will be consultation regarding the uniform given all three schools has different colours. The consultation will involve pupils, staff and parents where it can be discussed and decided what the uniform should be and whether there should be different colours for age groups etc. Discussions will also have to take place regarding the school badge – should it be an amalgamation of the existing badges or be a new design?

**5 How will the school support outside learning?**

Morag McCreadie (**MM**) advised that as the space is so large it will naturally allow outdoor learning for all pupils. The design will be sympathetic to the local environment which means that even before the children go outside they can learn from the outdoors considering the changing seasons and landscape, including in a creative and artistic way. There will also be opportunities to study eco systems and changes. The build process itself will provide opportunities from the start for pupils to learn and engage, as pupils will see the changes in the landscape during the build and arrangements will be made for that process to become a learning opportunity, as skills for work resource with possible opportunities for apprenticeships and training. The plan is also to link the campus to other outdoor spaces in the town such as town walks, cycle paths etc. to enhance the community learning opportunities.

**6 How will the Council work with the community to decide what happens to the existing school sites?**

**MJ** indicated the drawings at the rear of the hall. There will be 2/3 sites to consider (depending on what happens on the Parkside site). Proposals will be worked on during the build process and it is the intention that there will be immediate redevelopment of the legacy sites as SBC does not want to see these vacant. Any use will be sympathetic to the town and the area – a variety of uses will be considered including commercial, affordable homes, residential and care homes/supported living. **MJ** advised that there will be statutory consultation on the legacy sites and consideration will be given to memorials to reflect the previous use.

**MJ** advised that the campus will be constructed through the South East Hub company which is a Private Public Partnership company which has obligations to the community which include training opportunities and apprenticeships but also it must seek to maximise the local supply chain. Events will be held for local contractors to bid for work. There will be learning opportunities at every stage and visits will be possible throughout for staff, parent councils and pupils to see the build.

**DM** advised that the development will bring income to the town, as people will stay eat and shop in the town. Some may even move here. The campus will have capacity for increased numbers. There will be job interviews for senior pupils – which may lead to support through degrees and apprenticeships. This will bring employment, careers and life changing opportunities. We want this to help the people of Jedburgh be all that they can be. Borders College will provide adult learning opportunities for all and all existing groups in the town will get access to the building.

**OPEN FLOOR QUESTIONS**

**DM** then invited questions from the audience:-

**1 I am concerned about the potential implications for the health for the children. There are silos at Marinetti's beside the new planned site for the school which leads to fine plastic dust in the air.**

**MJ** answered that SBC is aware of that issue. As part of the consultation process will be working with partners to ensure there is no health risk. We will not do anything that will increased risks and will do everything to ensure compliance in reducing risks. There will be a detailed design solution for the site. This will include statutory consultation with partners including Environmental Health.

**2 What is the educational philosophy around this project? Duns, Earlston, Eyemouth and Kelso have separate secondary and primary schools, so why will Jedburgh be the only town to have one campus?**

**DM** replied that in terms of numbers at JGS - 345 pupils – is one of the 2 smallest secondary schools in the Scottish Borders; all the other schools mentioned are much larger. Over the last two years, the education team has looked at progress, attainment and development at the school. We have looked at results and listened to concerns about limited opportunities for staff to work collaboratively and to make improvements. The Education team considered different models across the country; to see what we can do with resources we have. We have looked at the approach taken by Dumfries & Galloway, which has 3-18 Learning campuses of a similar in size to what is being proposed here. This approach has been adopted elsewhere in Scotland for learning clusters of a similar size to Jedburgh. At the meeting here two years ago where we asked the young people to come along, they were very clear that they wanted to have opportunities to gain the skills that they consider important. They also raised the issue that going to Borders College for vocational learning involves considerable travelling time. There was a desire for more opportunities within the town and we are looking to develop that. Education policy within Scotland is changing; there should be a range of pathways for young people and schools should be delivering the opportunities. That is why we are working with Borders College to expand their offer into Jedburgh. We shall give examples of similar sized campuses in the FAQ that will be issued once we have received everyone's questions and comments during the consultation.

**3 I am wary that the Council will not deliver the Campus. I am concerned with traffic and safety on the Oxnam Road. As a taxpayer, can I be assured that SBC will do all it can to ensure safety during the construction of this school?**

**DM** answered the questioner was absolutely right to raise these concerns. If we all look back to the last time that we were in this hall addressing the collapsed wall situation at Howdenburn Primary School, many parents expressed their concerns about traffic on Oxnam Road, along with other concerns. As a Council we went to every community in the Scottish Borders through the School Estates consultation process. The response from the Jedburgh community during this consultation was significant. The people of Jedburgh raised a range of issues and in the report we presented to Council in the Council Chamber, Councillors agreed that the people of Jedburgh have to come first in terms of the areas to be addressed. As you have heard tonight, there is a huge commitment from the Council on this project. There is quite a bit of work to do in terms of safety and we will address the concerns, **MJ** will respond on this.

**MJ** - would like to address health and safety in terms of 2 stages, the first being the construction stage. Obviously during the build we would expect a lot of traffic to site. We would work with the contractor to develop a detailed construction management plan which would enable the planning of drop off times for delivery of materials to the site, particularly significant loads such as steel works. The plan would take account of busy times for town and would understand the constraints, with deliveries planned to minimise disruption for the town. Deliveries would be planned on a day to day basis during the length of the construction phase, which we would estimate taking 20 months. We recognise this is a long period of time but the increased level of traffic required during construction will be temporary. The contractors would take all mitigating measures to minimise disruption including cleaning of roads. All major

operations would be carried out within normal working hours recognising that people are living close to the site.

The second stage is ensuring safety for young people accessing the school. During the planning process we will ensure all routes to school by bus, car and on foot are implemented within the requirements of the Safe Routes to School team. To ensure safety within the campus in the longer term we will be looking at both of these in detail within the 2 phases. We will set up communication channels to update the community on significant activity during the construction phase and will make use of use social media to update on the process of the building and provide regular updates on significant activity which will be temporary. We will publicise times and dates as widely as possible.

There will be opportunities for children and young people involved in the developments and there will be learning experiences through planning the health and safety of the site. There has been a regular period of school building in Scottish Borders and across Scotland and we have delivered success in this area. We will be establishing working groups to look at these areas and we will work with parents and the door is open to anyone who would like to be involved in planning safety and communicating wider messages

4 **The Idea is super –I wonder what the management structure will be like?**

**DM** answered that currently we have to go through the consultation process. SBC will produce a Consultation Report and when it is finalised this will go to Scottish Government with a decision expected before Christmas. If Scottish Government does call in the proposal, it will be based on whether the Council have followed the process. All the information will go to Government and once this is completed we have a 2 month period for final stamping. We will then commence consultation to decide what the campus will look like, what it will deliver and what management structure is required. We will consult with the head teachers and establish what our ambitions are for children's attainment and achievement. The management structure might resemble what we have at the moment or it might be quite different (currently we have Broad Education from the age of 3 until the end of S3 and then Senior Phase from S4 onwards) There will be educational opportunities. We will consult with social work staff, families and our partners in Health. The structure of the best leadership team will be fully consulted upon and considered. The Parent Council at Ancrum have said they want to retain a joint head teacher arrangement, this option will be fully considered as part of the process. Information will be shared with parents, fundamentally by law they are involved, community will be consulted, children will be consulted, we will look at areas that the children would like answers to e.g. playtimes, lunchtimes and there will be focus on the children's questions.

5 **It is fantastic to hear about the proposal for intergenerational learning, vocational learning and sports facilities. We in Jedburgh know that excellent academic learning provision accompanies this but, as this may not be discerned by outsiders, please could a word such as "academic" be included in the proposed statement, with a view to enhancing the school roll, thus increasing number of teaching staff and pupil choice.**

- **Can research be carried out into the 26% who live in Jedburgh and go to other schools and why they do that at present?**

- **Will the campus have and advertise state of the art science labs (and other academic provision)**
- **Will there be study bases in departments/facilities for senior students – can this be adapted/ideas for other depts. E.g. social subjects for other senior students**
- **Will the campus offer a wider range of subjects to help increase the roll?**
- **How will we attract families to town? More housing? Perhaps using the area at Howdenburn PS?**
- **Will there be a 3G pitch?**
- **What will the school be named?**

**DM** said that one of the areas she is really excited about is looking at some of the opportunities and different models; one where children work in science before secondary school is an important one. We saw this when Howdenburn closed after the wall incident and primary pupils got access to the labs then. In one area of the Borders primary children attend a secondary every week for science and modern language lessons. **DM** invited **SO** to expand.

**SO** added that pop-up labs have been a great success. We will be building on this to give the children opportunities in science and maths. Staff have been coming up with great suggestions for the curriculum. We will be looking at outdoor learning at the site with the Geography class and other ideas for Social subjects. One of the benefits of working in a small community is the help you get. Volunteering is a big part of things, e.g. gardening, fitness. This has helped people get employment. Some local employers work with the school and let them know what they are looking for. A lady within Jedburgh is delivering staff development training

**SO** added that figures for children going outwith catchment area are mainly made for personal reasons. The 26% figure also included all the children from Denholm Primary, where there is a joint catchment with Jedburgh Grammar and Hawick High School, who chose Hawick.

**DM** answered that name of new school will be taken under consultation. There will be a vote on this. We will ask the community and the children to suggest names to be presented to the Councillors. A short leet will be prepared and there will be a vote.

**MJ** addressed the planning questions. SBC has a 3G pitch programme which has been developing over a number of years. There has been consultation to have a 3G pitch in Jedburgh on ground owned by Lothian Estates. There is now an opportunity to relocate the pitch next to the school. There will need to be a consultation taken place with the community and the local sports clubs to see what they want. It is up to the community as to where the 3G pitch would be located.

**MJ** addressed the housing question. If you ask any private housing developer what the key is to attracting people to a development, they would say education. The legacy sites provide an opportunity for this to happen –both private and social. Legislation states that for every private development built, there needs to be affordable housing included within this.

- 6 Why is this the only site? Is this because the Council own the land? This is going to cause a lot of flooding through Jedburgh through taking down a lot of trees. There were flood warnings in Jedburgh on Saturday and flooding is on the increase. The road has been flooded; this has affected house prices in Jedburgh. Businesses have shut down because of this. It is fine saying education will attract people to the town but they also need jobs and a High Street and the location will impact on this. The proposed field is a marsh, chopping down trees is a shortcut to more flooding. 25 mature trees will need to be removed. 1 tree accounts for 25 million gallons of**

**water per year. A lot of insects will be affected; these are used by the fishing industry in the area. Jobs will be provided through the construction but these will be temporary. Development of housing will not meet needs of local people. Large parts of town are on the minimum wage. In terms of Hartrigge Road, I have heard that this will be used as an access road for the construction. Mature trees will need to come down which will need more damage. Why is there no other site, there is the Howdenburn School site which is large enough?**

**DM** said that site analysis has been undertaken and established that, for an intergenerational campus, the Howdenburn site is too small, both in terms of accommodating the pupil numbers and the facilities they need including sporting facilities. Pupils are keen that they can access sporting facilities during the school day easily and quickly, so there is no detrimental effect on timetables (e.g. wasted travel time). All other sites have been looked at. The sites near the Abbey have historical restrictions as does the current Grammar school site. There are also too many other restrictions on the Grammar site, not least the road running through the site. The Scottish Government is clear that they only currently have funding for large scale projects within communities that can be delivered within tight timescales. Protracted site or project discussions will jeopardise our chances of funding. We arrived at the Hartrigge site because we can deliver an appropriate, high quality project within the required, timescales. Detailed site analysis has now to be done to address all other environmental concerns that have been raised. More details of the options analysis will be provided in the FAQs that will be produced once we have received everyone's questions and comments.

**JD** recapped on the environmental concerns raised- access, ecology, trees, flooding etc. and said that all these things sit within the planning process. The project team needs to satisfy the Planners, within SBC, that any concerns raised can be addressed, mitigated etc. Bat, bird, tree, insect, drainage surveys and environmental impact assessments are all currently being carried out by a range of specialist companies. The SBC Planners must be absolutely satisfied after considering all information provided. All information relating to surveys etc. will be made available as part of planning process and be on show for all to see, and consider what constraints are put on the project.

**MJ** quoted SBC's affordable housing policy, where 25% of any development has to be affordable, and that this can take many forms. SBC has already had interest from partners about the sites, and whilst Jedburgh doesn't yet form part of SBC's 6 extra care housing schemes across the region, partners are already saying they are would be interested in exploring options in Jedburgh, so the demand is there.

- 7 Will the design include a 400m synthetic running track? This will be an asset for campus and would benefit all, from the very young to the senior. I see this facility will help provide the added bonus of interschool athletics. Wider scale this can only help in this community, club athletes and other organisations. This will only advance careers. We can go forward knowing that there is a swell of support behind the idea for a new school.**

**DM** Serious consideration will be given to young people and performance in sport. We do recognise the importance of competition and elite sport. We will consider provision of sporting facilities during the design stage and the children have been very clear

about what they would like to see too e.g. hockey facilities. We share your view about the facilities.

**8 After children with Additional Support Needs move on from primary there is no provision for them. Hawick does have provision, but there are no community ties for the children there. Will provision be made for them at the new school?**

**DM** – There is an absolute commitment to provide for those Additional Support Needs in the town at the campus. There will be partnerships with Borders College and employers in the town – regardless of young people’s ability. They will be able to start and then complete their education in the town and this will look beyond school age and look at life skills and lifetime opportunities. There will be links with Borders College so vulnerable people society can be supported. You have our absolute commitment that the driver is our children. SBC recognises that children with additional support needs thrive in a community but that they also need tailor made facilities. Thank you for raising that point.

**Closing the Meeting**

**DM** advised that we would advise everyone of the next steps once the consultation period ends on 18<sup>th</sup> June. **DM** thanked the Jed Eye for their special pull out in the local paper, helping to publicise the consultation and the event tonight. **DM** then thanked the local community for their engagement in the process. People were asked to raise their issues so that we can work together to resolve things and make things happen in the town. **DM** finished by stating what a privilege it was for her to serve education in the Scottish Borders. The young people are amazing in the schools in the town and a credit to you all. They are well rounded, confident and amazing people which makes our job even more enjoyable and rewarding. Thank you for coming. Thank you.

**END OF MEETING**



## Appendix 5 - Frequently Asked Questions



### STATUTORY CONSULTATION FOR JEDBURGH SCHOOLS PUBLIC MEETING 30<sup>TH</sup> MAY 2017 FREQUENTLY ASKED QUESTIONS

#### 1 **Why are we only hearing about the Proposals now?**

In February 2016, the Council launched a pre-consultation process regarding the schools in Jedburgh. There was a fantastic response from Jedburgh and we listened to your issues and concerns. Following this we considered the options for education within the town; engaging with the Community Council, Parents' Councils and local Councillors. An options analysis was undertaken and it was considered that an intergenerational learning campus would not only address the issues and concerns that were raised in the pre-consultation by the pupils and parents but would also provide a state of the art learning and community facility for the town and the surrounding communities. Discussions were then commenced with the Scottish Government regarding the joint funding of a new campus and it was only then that we could come to the community to discuss our proposals and seek your views.

#### 2 **Why was this site chosen?**

The Hartrigge Park site was chosen after a detailed analysis by the Council of the sites available within the town that would be suitable for the development of a campus style facility. The Council carried out a detailed analysis of the sites within its ownership across the town (removing the largest capital risk to the project) and then assessed each site in terms of location, capacity, environment, access and egress, Safe Routes to School, ground conditions, adjacent land use, infrastructure capacity, costs, timings and phasing. From this detailed analysis Hartrigge Park emerged as the preferred site.

***Please note that a formal planning process must be completed. A pre-application notice was submitted on 19<sup>th</sup> May 2017.***

#### 3 **What is the likelihood of further investment if this proposal does not proceed?**

Funding has been discussed with the Scottish Futures Trust through the Schools for the Future programme. They have confirmed their support for this proposal, subject to the outcome of this consultation, with an ambitious timeline for delivery. If we do not proceed with the proposal it is unlikely that we will be in a position to maintain Government support at this time. Funding is typically secured on a single

school basis so it would be unlikely that we would be able to secure further funding to improve/replace all three schools in the short term.

#### **4 What about those of us that live next to the site or on the roads leading to the site?**

The Council recognises that people in the town may be anxious about the prospect of a large construction project taking place and the potential implications of the campus in their immediate area. Many of the answers to questions including the detailed design, layout and the proposed access routes will emerge during the planning process that was commenced last week. The planning process is distinct to this school consultation process and will comprise its own consultation process. The timings of the planning process will be publicised shortly.

#### **5 How will you ensure the safety of the children in the Campus?**

Safety of the children is always a priority. The new campus will specifically designed to ensure safety of all children, with areas for each age group being distinct with secure entries/exits for all children and all areas will have lockdown facilities. Staffing ratios will be maintained to ensure safety at all times and children will be supervised at all times.

#### **6 How will issues such as bullying, drugs and violence be managed on such a large scale?**

The Council is seeking to build on the strengths of the existing schools, where bullying incidents are rare and the relationships between staff and children are strong. The schools have a great ethos and benefit from great community involvement and support. There are strong values of inclusion, wellbeing and equalities across the schools. The campus will strive to maintain these strengths and positives through strong leadership and management. The management team will visit other campus schools across Scotland to view best practice and to learn how they operate. At the campus, staff will be able to build early relationships with pupils and their families and maintain these throughout the learning journey. The pastoral team will be involved at the start of every learning journey and will develop greater knowledge and understanding of the young people within their care.

#### **7 How will building a new Campus improve education and learning for the children?**

The Educational Benefits of the new campus are described in detail in the Proposal Paper. The principal benefits are:-

- Each learner will be able to proceed at an appropriate pace through the stages of learning, benefitting from limited transitions and a consistent, coherent and progressive approach to learning;

- In addition to providing state of the art facilities and surroundings, the new campus will allow a wider range of learning, teaching approaches and opportunities in line with the Curriculum for Excellence;
- The campus will allow a more effective and efficient deployment of resources and a more consistent approach across the learning stages regarding teaching, assessment, tracking and target setting;
- The campus will allow greater opportunities for staff to work collaboratively and to develop in a larger staff pool with different experience, strengths and skills;
- Curriculum changes will be possible to improve the learning journey with a particular emphasis on literacy, numeracy, science and technology, health and wellbeing, closing the attainment gap and developing a young workforce.

## 8 How do I have my say?

It is important that the Council hears as many voices in the community as possible. Your responses can really help shape and influence decisions. You can play your part by:

- Submitting a written or electronic response to Scottish Borders Council - forms are available at the meeting, from the Council (details are given below) or electronically at : [www.scotborders.gov.uk/jedburgh](http://www.scotborders.gov.uk/jedburgh)
- Submitting or asking questions at the public meeting, all questions will be recorded and will be considered in the Consultation Report that the Council is required to publish prior to any decision being made;
- Speaking to your local Councillors; and
- Engaging with your school's Parent Council. The Parent Council can play a key role in engaging with the Council throughout the process.

If you require a paper copy of the Proposal Paper or the Response Form or have any comments or questions, please contact us at

**Jedburgh School Consultation**  
**Children and Young People's Services**  
**Scottish Borders Council**  
**Council Headquarters**  
**Newtown St Boswells**  
**Melrose**  
**TD6 0SA**  
**Telephone: 01835 825080**  
**E-mail: [schoolestates@scotborders.gov.uk](mailto:schoolestates@scotborders.gov.uk)**

## **JEDBURGH SCHOOLS CONSULTATION FREQUENTLY ASKED QUESTIONS DURING THE CONSULTATION PERIOD**

### **Planning and Construction**

#### **1. Why was this site chosen over the other sites?**

The Hartrigge Park site was chosen after the Council carried out a detailed analysis of the sites available within the town that would be suitable for the development of a campus style facility. The Council considered four sites within its ownership across the town (removing the largest capital risk to the project) and then assessed each site in terms of

- Location
- Capacity
- Environment
- Access and egress
- Safe Routes to School
- Ground conditions
- Adjacent land use
- Infrastructure capacity
- Costs
- Timings and phasing

From this detailed analysis Hartrigge Park emerged as the preferred site.

***Please note that a formal planning process is still to be completed. A pre-application notice was submitted on 19<sup>th</sup> May 2017. Two public engagement events are proposed at Jedburgh Grammar School regarding this on Monday 26 June at 12-7pm and Tuesday 22 August at 12-7pm.***

#### **2. Are the Council aware of the drainage issues at the site?**

SBC are aware of drainage issues at the site and will carry out full ground investigations of the site and a drainage assessment prior to submitting a formal planning application. A detailed strategy regarding drainage will be formulated during the planning application process.

#### **3. How will the volume of children making their way (by foot, car or bus) to one destination be managed? Will there be several new safe road crossings for children? Will the design incorporate non-road cycle lanes? Will the roads be altered?**

The safety of all children, staff and members of public using the campus is the major priority of SBC. The planning process will include a full transport assessment and will require appropriate plans to be designed regarding all access and egress. This will include the agreement of a Safe Routes to School strategy which will cover all modes of transport that may be utilised to get to school. SBC's roads planning team will be

involved and will give an independent view. This may well lead to road improvements and changes; including new crossings, speed limits and traffic calming.

**4. How will noise from the factories be dealt with?**

The acoustic design of campus will consider the surrounding noise level so that the building will be able to comply with current design standards for noise levels in schools.

**5. When will the building start?**

Construction is programmed to start in spring 2018 and to be completed by spring 2020.

**6. What will be done to preserve the trees and existing landscape? How will the environment and ecology of the area be protected?**

It will be a requirement of the planning process that SBC submits an ecological report that identifies the existing site based conditions and proposes remedial work to mitigate the impacts on trees and other ecological features on the site. Careful design and location of the building, external playgrounds and accesses will ensure that damage to existing mature trees in the site is kept to a minimum.

**7. The site is well used for local walks – will these routes be maintained?**

SBC is aware of the semi-rural walking path running to the south of the site between the proposed campus and the rear gardens of Oxnam Road. This will not be affected by the campus construction and will remain open at all times. The Council will work with the community to ensure that other walking routes are, wherever possible, preserved.

**8. What facilities will the campus have? Will there be a skate park and a multi-use auditorium with a cinema screen that can be used by the school and the public?**

The campus is still in its design stage. SBC have noted the numerous suggestions that have been made by pupils, staff and community members and will work with the design team to establish what the campus can comprise to optimise its use for learning, health and wellbeing and recreation for the community. More details will be available during the planning application phase.

**9. How will you keep the site safe? How will noise and disruption be minimised during the construction phase?**

Safety is SBC's main priority. The site will be secure and safe at all times during the build. As there will be significant traffic to site over the course of the build, we will work with the contractor to develop a detailed construction management plan which will enable the planning of drop off times for delivery of materials to the site, particularly significant loads such as steel works. The plan would take account of busy times for town and would understand the constraints, with deliveries planned to minimise disruption for the town. Deliveries will be planned on a daily basis during the construction phase, which we would estimate taking 20 months. We recognise this is a long period of time but the increased level of traffic required during construction will be temporary. The contractors will take all mitigating measures to minimise disruption, including the cleaning of roads. All major operations will be carried out within normal working hours recognising that people are living close to the site. We will set up communication channels to update the community on significant activity during the construction phase and will make use of use social media to update on the process of the building and provide regular updates on significant activity which will be temporary. We will publicise times and dates as widely as possible.

**10. How will you ensure the structural integrity of the school after all the issues with the schools in Edinburgh?**

The school will be designed and constructed in a way so that the likelihood of defects is eliminated wherever possible. SBC is working with all other local authorities and the Scottish Government, and will ensure that findings from the Edinburgh schools project are addressed when designing the new campus.

**11. What's going to happen to the old school buildings? Will the public get a say?**

Proposals will be worked on during the campus' build programme and it is the intention that there will be almost immediate redevelopment of the legacy sites as SBC does not want to see these vacant. Any use will be sympathetic to the town and the area – a variety of uses will be considered including commercial, affordable homes, residential and care homes/supported living. There will be statutory consultation on these sites before any development is agreed and undertaken.

**Delivery of the new Campus**

**12. Will any change of government affect the delivery of the school?**

Education was devolved to the Scottish Government under the Scotland Act 1998. The Scottish Government has established the Scottish Futures Trust (SFT) as an independent body, to deliver value for money across public sector infrastructure investment. SFT operates at arm's length from the Scottish Government and works with every local authority across Scotland to drive forward the Scottish Government's £1.8bn Scotland's Schools for the Future programme. SFT's role is to efficiently and effectively manage the programme to help local authorities achieve the very best value-for-money for their investment in new schools. SBC has received confirmation from SFT that they will jointly fund the creation of the new campus in Jedburgh providing that the campus is deliverable by 31<sup>st</sup> March 2020.

**Education**

**13. How will class sizes be managed?**

Classes sizes are governed by Scottish Government regulations; in primary school single stage classes cannot exceed 25 (P1), 30 (P2-3) and 33 (P4-7); composite classes (two year groups in one class) cannot exceed 25; and multi-composite classes are at the discretion of the Head of Service. In secondary school non-practical classes cannot exceed 33 (S1-3) and 30 (S4-6); and practical classes, such as Home Economics, Technical or Science cannot exceed 20 pupils. There are separate guidelines governing Additional Support Needs class sizes.

**14. Will all pupils start at the same time?**

The timings of the operation of each stage of learning will be reviewed at the same time as SBC considers the Safe Routes to School. Any proposed changes to current school timings will require prior consultation with staff, pupils and parents/carers.

**15. What about security of the new campus both during the day when the children are there and at night?**

Safety is the main priority of SBC. The campus will be specifically designed to ensure the safety of all those who use the campus. In particular the children's areas will be secure at all times. The design process will also address the security of the campus during periods when it is not in use.

**16. What other 3-18 campuses are there in Scotland?**

There are several 3-18 campuses already in operation in Scotland or due to be opening soon, this includes:-

**Argyll & Bute**

**Lochgilhead Joint Campus** – 686 pupils in 2016 (Primary - 221, Secondary- 465)

**Rothsay Joint Campus** – 561 pupils in 2016 (Primary -275, Secondary -288)

**Comharlie nan Eilean Siar**

**Sir Edward Scott School, Harris** - 131 pupils in 2016 (Primary - 77, Secondary – 54)

**Castlebay Community School, Barra** – 189 pupils in 2016 (Primary - 81, Secondary – 108)

**Dumfries & Galloway**

**Dalbeattie Learning Campus** (opening October 2017 for c800 pupils)

**North West Campus, Dumfries** (opening summer 2018 with capacity for 922 pupils including 60 nursery places)

**East Ayrshire**

**William McIlvanney Campus, Kilmarnock** (opening 31 March 2018 for c2,000 pupils)

**Knockroon Learning and Enterprise Campus, Cumnock, Auchinleck** (opening in 2019 school year c2,500 pupils cost c£63.5m)

**Highland and Islands**

**Tain Campus** – concept approved regarding c£45m campus for >1,000 pupils in 2014; site still not agreed

**Wick Joint Campus** opened April 2017 after several delays (reported to cost £48.5m for c900 pupils)

**17. What will the campus be called?**

SBC is intending to carry out an informal consultation regarding the name of the new campus. We will be seeking suggestions from the pupils, staff and community prior to the preparation of a short leet. We are also proposing to consult with the pupils regarding the uniform(s) and the motto for the campus.

**18. How many teaching and support staff will lose their jobs?**

Teachers are allocated on the basis of a school roll. The campus will allow classes to be organised in a way to make the best use of the staff. Support staff are allocated based on the needs of the school and the pupils – this is regularly reviewed. There may be some duplication in roles for facility management staff however the campus will be larger and operate for longer hours so SBC will only know staffing levels once the design of the campus is finalised.

**19. What are the learning opportunities of an intergenerational learning campus? How will the campus help our young people get into employment?**

There will be opportunities for all ages to learn and develop at the campus. The campus will allow a more coherent and progressive learner journey through all stages of education and learning. The curriculum will be redesigned to allow a more flexible approach to allow each learner to progress at an appropriate pace. There will be increased opportunities to be taught by specialists of literacy, mathematics and science; with primary pupils getting access to science labs etc. There will also be increased opportunities for vocational learning and training, with an emphasis of developing skills for life, learning and work. Placements and work experience will be available within the campus at (e.g. childcare and catering) but also with local business partners. Borders College will work with SBC to operate a satellite college from the campus providing

opportunities for further and higher education within the town. South of Scotland Partnership and Borders Skills Partnership will all work with SBC within the campus to provide vocational development opportunities. There will also be significant learning opportunities for the wider community to meet the demand within the town. These will include opportunities to obtain qualifications and training, learning and recreational opportunities.

### **What happens next in the Consultation Process?**

The next stage in the process is for Inspectors from Education Scotland to come to Jedburgh, when the schools return in August. The Inspector(s) have 3 weeks to consider the educational aspects of SBC's proposal and submit a report to SBC. During this period the Inspector(s) will visit the schools and meet with children, young people, staff and parents who may be affected by the proposals. Following this the Inspectors will prepare their report regarding the educational benefits contained in the Proposal Paper, the responses that were received during the consultation period and what they have learnt during their visits to the schools.

Following receipt of this report SBC will then prepare a Consultation Report which will contain:-

- An explanation of how SBC has reviewed the proposals following receipt of the responses during the consultation period;
- The report in full from Education Scotland and its responses to the points it raises;
- A summary of the points raised during the consultation – both written and oral and the SBC's response to these points;
- The substance to any alleged inaccuracies and details of the SBC's response and any action taken; and
- Any omitted information.

The Consultation Report will be published on SBC's website and copies will be available locally. The publication of the Report will be publicised along with details of how to access a copy.

There will be a 3 week period following publication of the Consultation Report before SBC can make a decision whether to proceed with the proposals, in whole or in part. SBC must notify the Scottish Ministers of its decision regarding any closure proposals within 6 working days of this decision. From that date there will be a 3 week period for any party to make representations to the Scottish Ministers regarding the closure proposals. The Scottish Ministers then have a further 5 week period to consider whether to call in the closure proposals.

The Scottish Ministers may only call in a closure proposal if it appears to them that SBC has failed to comply:-

- in a significant regard, with the terms of the Schools (Consultation) Act 2010 as amended; or
- to take proper account of a material consideration relevant to its decision to implement the proposal.

In the event that the Scottish Ministers call the proposal in they must refer it to the School Closure Review Panel, who has 8 weeks to review the proposal. If the Panel refuses to consent to the closure proposal, SBC has a right of appeal to a sheriff. This decision is final. In the event consent is refused SBC will be unable to make a further closure proposal regarding the same school(s) for a period of 5 years.






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## HAWICK FLOOD PROTECTION SCHEME

Report by Service Director Assets & Infrastructure

**SCOTTISH BORDERS COUNCIL**

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**21 December 2017**

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### 1 PURPOSE AND SUMMARY

- 1.1 **This report requests that the Council makes a Final Decision to confirm the proposed Hawick Flood Protection Scheme 2017 (the Scheme) with no modifications, under the Flood Risk Management (Scotland) Act 2009 (the FRM) and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010. It also proposes the delegation of further authority to continue the Scheme's Detailed Design, the Advanced Works and procurement of a Main Works Contractor.**
- 1.2 On 2 November 2017 the Council made a preliminary decision to confirm the Scheme without modifications, while confirming full consideration of the Environmental information in making that decision. This was in accordance with paragraph 5 (1) of Schedule 2 of the FRM.
- 1.3 In 2013 the project team obtained Council approval to develop the Preferred Scheme through the Outline Design stage and the publication of the Scheme through the statutory process.
- 1.4 The key principles of the Scheme have been maintained through the development of the Outline Design Process.
- 1.5 On 23 February 2017 Scottish Borders Council approved the Outline Design and authorised the commencement of the Statutory Approvals Process.
- 1.6 Forty eight objections were received to the Scheme. All objections were deemed to be a 'valid objection' as defined within the FRM. The project team and the objectors engaged constructively to enable the eight objections from individuals and businesses within the flood zone and area affected by the works to remove their objections.
- 1.7 Scottish Borders Council made a preliminary decision to Confirm the proposed Scheme without modification on 2 November 2017, which triggered the notification to the 34 remaining objectors of the decision. Letters were issued to objectors on 8<sup>th</sup> and 9<sup>th</sup> November 2017.
- 1.8 Following these notifications another 1 of the remaining objections was removed and therefore 33 now remain.
- 1.9 As there are no objections from those with an interest in the land affected by flooding, or land affected by the works, there is no need to refer the matter to Scottish Ministers following the preliminary decision. While there

are a number of extant objections it is not considered appropriate or necessary for the Council to hold a hearing to consider the proposed scheme. Rather it is proposed that the Council now proceed to make a final decision in accordance with paragraph 9 (1) of schedule 2 of the FRM.

- 1.10 The parallel processes of Deemed Planning Permission and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (i.e. CAR licence) have progressed well with the CAR licence being issued on 18th September 2017.
- 1.11 The Scheme also received its Habitats Regulation Appraisal on 19 September 2017, which concluded that Scottish Borders Council (in their capacity as competent authority under the Habitat Regulations) considers that the proposal will not adversely affect the integrity of the site (River Tweed SAC (i.e. Special Area of Conservation)).
- 1.12 Before making a final decision on a flood protection scheme with an Environmental Statement the Council must consider the environmental information to comply with Regulation 10 (3) of the FRM's 2010 Regulations. They must also state in their decision that they have done so.

## **2 RECOMMENDATIONS**

### **2.1 It is recommended that the Council:**

- (a) Makes a final decision to confirm the proposed Hawick Flood Protection Scheme 2017 without modification, under Paragraph 9 (1) (a) of the Flood Risk Management (Scotland) Act 2009 and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010; and**
- (b) Confirms that it has taken into account the environmental information as detailed in section 8 of this report; and**
- (c) Provides the Scheme's Project Executive with the authority to: continue the Scheme's Detailed Design; commence the Advanced Works; and undertake the procurement of a Main Works Contractor; and**
- (d) Authorises the Scheme's Project Executive, in consultation with the Chief Legal Officer to manage any appeal against the Scheme in the event that such an appeal is made to the Sheriff Court; and**
- (e) Provides the Scheme's Project Executive with the authority to request that the Scottish Ministers direct that planning permission is deemed to be granted in accordance with Regulation 14 of the FRM's 2010 Regulations after the commencement of the Scheme.**

### 3 CURRENT APPROVAL BY COUNCIL

- 3.1 Hawick town has a history of damaging floods from both the River Teviot (which runs through the length of the town) and the Slitrig Water (which enters the Teviot by the town centre via Drumlanrig Bridge). The following events are noted:
- In October 2005 flooding of the River Teviot caused extensive inundation of the urban areas adjacent the River Teviot. This was an approximate 1 in 50 year flood event: it affected hundreds of properties and caused millions of pounds of damage;
- Major flood events on the Slitrig Water were recorded in 1767 and 1846 amongst other events.
- More recently, Storm Desmond (in December 2015) caused flooding of the River Teviot, resulting in extensive inundation of the urban areas adjacent to the river corridor and the erosion of infrastructure, particularly in the Duke Street area. This was an approximate 1 in 35 year return period event.
- 3.2 The March 2013 approval of the Preferred Scheme allowed the project team to progress the Outline Design stage over the course of 2015 and 2016 based on the Preferred Scheme of 2013, adhering to the original objectives, where possible. Developed list below:
1. *The Scheme will protect against flooding from the River Teviot through the length of the town of Hawick;*
  2. *The Scheme will protect against flooding from the Slitrig Water between Drumlanrig bridge and when it joins the Teviot;*
  3. *The Scheme will not protect against the Slitrig Water above Drumlanrig Bridge;*
  4. *A uniform level of protection will be provided to all areas of the town that are being protected. This will be against the 1 in 75 year flood event. This does not include an allowance for climate change, thereby protecting 930 residential and commercial properties at risk. The foundations of the flood defences will be designed such that the defence heights can be increased to protect against the 1 in 100 year flood event;*
  5. *The total length of flood defences will be approx. 5.5km;*
  6. *The total length of flood defences will be approximately 5.93km, with 5.6km of walls and 0.33km of embankments. Where the height of the new flood defences is greater than 1.4m it is intended to raise the existing ground level behind the new defences to restrict the height to no greater than 1.4m;*
  7. *The average height of the flood defences will be approximately 1.63m above existing ground level, with a maximum of 2.55m at the High School. New flood walls and embankments will be provided, however wherever it is possible the Scheme will incorporate the walls that currently exist at the edge of the river;*
  8. *Where the height of the new flood defences is greater than 1.4m it is intended to raise the existing ground level behind the new defences where possible, or use strategically placed glass panels to retain the visual connection with the River Teviot;*
  9. *It will be required to provide a maximum of seven new flood gates;*

10. *The walls will be designed for a lifespan of 100 years minimum;*
  11. *Maximise the cultural, heritage, educational, environmental, energy and health opportunities that a major civil engineering project can deliver in partnership with the community and external organisations; and*
  12. *Structural analysis of the existing riverside walls has shown that in virtually all cases, the existing walls must be replaced with new structures in order to achieve the 100 year design life.*
- 3.3 On 23 February 2017, at the end of the Outline Design stage, Scottish Borders Council agreed to:
1. Approve the Proposed Final Outline Design for the Scheme that had been developed over the previous two years.
  2. Authorise the project team to commence the Statutory Approvals Processes identified in the Flood Risk Management (Scotland) Act 2009 (the FRM), and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010.
  3. Instruct the project team to present the Scheme to Council for a decision, as detailed in the FRM and the 2010 Regulations, as soon as possible after the end of the statutory 28-Days objection period.
- 3.4 The Statutory Approvals Process was commenced on 28 April 2017 with the publication of the Scheme under Paragraphs 1 & 2 of Schedule 2 the FRM and the requirements of Regulation 7 of the 2010 Regulations. There was a 28-Day objection period where any person was entitled to object to the Scheme in accordance with Paragraph 3 of Schedule 2 of the FRM.
- 3.5 The 28-Day objection period closed on 29 May 2017. Forty-eight objections to the Scheme were received during the objection period and the status of those objections was as follows:
- 5 were non-valid, however the team categorised them as valid so that the themes of the objections could be considered further by the project;
  - 43 were valid, as they stated their names and contact details and were submitted within the 28-Day period; and
  - There were no objections from statutory stakeholders or other project consultees that have been involved in the development of the Environmental Statement. This means in terms of the FRM that there is no automatic referral to Scottish Ministers to determine if a Public Local inquiry is required.
- 3.6 Of the forty eight objections, eight came from individuals directly affected by the 1 in 75 year flood event or the proposed works. Should any of the objections from this group not have been withdrawn before the preliminary decision was made by the Council, the project would have to have been referred to the Scottish Ministers to decide if a Public Local Inquiry was required.
- 3.7 Of the forty eight objections, 40 did not come from individuals directly affected by the 1 in 75 year event or the proposed works. At the point of the preliminary decision: 2 had been voluntarily withdrawn; 1 was confirmed as a duplicate; and 3 which were originally deemed as non-valid but were fully considered were returned to non-valid due to it not being possible to establish

any contact with the objectors and them failing to meet the valid criteria as set out in Paragraph 3 of Schedule 2 of the FRM. This then leaves the 34 objections that have been recorded as remaining.

- 3.8 The Project Team demonstrated to the Council on 2 November 2017 that:
- there was no need to modify the Scheme in response to the objections; and
  - that the Project Team had robustly considered the themes within the objections and provided proactive engagement and further information to the objectors to alleviate the concerns; and
  - Committed to the formation of Design and Traffic Management stakeholder groups to aid the development of the detailed design and traffic management proposals for the construction phase.
- 3.9 The Project Team (including Legal Services) notified the remaining objectors by letter of the preliminary decision as required by Paragraph 5 (3) of Schedule 2 of the FRM.

#### **4 MAKING A FINAL DECISION FOLLOWING A PRELIMINARY DECISION**

- 4.1 The following is a direct copy of Paragraph 5 (1) of Schedule 2 of the FRM:  
*Where, in relation to a proposed flood protection scheme, the local authority receives a valid objection, it must make a preliminary decision to –*
- (a) Confirm the proposed scheme without modifications,**
  - (b) Confirm the proposed scheme with modifications, or*
  - (c) Reject the proposed scheme.*
- 4.2 The following is a direct copy of Paragraph 5 (2) of Schedule 2 of the FRM:  
*Before making the decision under sub-paragraph (1), the local authority-*
- a) must consider -*
    - i. any valid objections **(unless withdrawn)**, and*
    - ii. any late objections if the authority is satisfied that it was reasonable for the objector to make the objection after the deadline for doing so, and*
  - b) May also consider any other matters it considers appropriate.*
- 4.3 The Council made the preliminary decision on 2 November 2017 without modifications. Following Paragraph 5 (3) of Schedule 2 of the FRM, a notice of the decision was sent to every person who remained an objector. A person who made such an objection is referred to in the FRM as a "relevant objector".
- 4.4 Paragraph 5 (5) of Schedule 2 of the FRM - Where any relevant objector is a person to whom paragraph 5 (6) of Schedule 2 of the FRM applies the Local Authority must also give the Scottish Ministers notice of its decision.  
Paragraph 5 (6) of Schedule 2 of the FRM – This sub-paragraph applies to any person –
- a) Having any interest in any land on which the proposed operations are to be carried out,
  - b) Whose interest in any other land may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations, or
  - c) Referred to in paragraph 1(1) (e) or (f) – (land affected by an

improvement order and the statutory list of consultees).

- 4.5 At the point of the preliminary decision there were no objections in place from any person that meets the criteria of Paragraph 5 (6) of Schedule 2 of the FRM. Therefore, there was no requirement to notify the Scottish Ministers to determine whether or not they need to consider the Scheme.
- 4.6 Paragraph 9 of Schedule 2 of the FRM – final decision following a preliminary decision.  
Paragraph 9 (1) of Schedule 2 of the FRM – Unless paragraph 7 applies (i.e. Ministerial consideration of the proposed scheme), the local authority must make a final decision in relation to the proposed scheme by –
- a) **Confirming the proposed scheme without modifications**, or
  - b) Confirming the proposed scheme with modifications, or
  - c) Rejecting the proposed scheme.
- 4.7 Paragraph 9 (2) of Schedule 2 of the FRM – Before making a final decision, a local authority must consider –
- a) Any valid objections (unless withdrawn),
  - b) Any late objection if the authority is satisfied that it was reasonable for the objector to make the objection after the deadline for doing so, and
  - c) Any representations made at a hearing held under paragraph 8 (local authority hearing to consider proposed scheme)
- 4.8 As the preliminary decision was taken without modification and without the requirement to give Scottish Ministers notice, as there were no objections that remained that met the requirements of Paragraph 5 (6) of Schedule 2 of the FRM, there is no requirement to hold a Local Hearing, nor is it considered necessary to do so in this matter. Therefore the Council can make a final decision to confirm the proposed scheme without modifications as per paragraph 9 (1) (a) of Schedule 2 of the FRM.
- 4.9 Further to the requirements of paragraph 5 (3), as detailed in section 4.3 of this report, Regulation 13 (1) of the 2010 Regulations requires a local authority to offer any person who made an objection the opportunity to withdraw that objection if the proposed scheme includes modifications. The Project Team made the decision to offer the remaining 34 objectors the opportunity to withdraw their objection after the preliminary decision. The 10 individuals that withdrew their objection prior to the preliminary decision were also notified of the decision.
- 4.10 The remaining 34 objectors were notified on 8 and 9 November 2017 by letter and it requested that if they had any further comments that they make them clear by responding to that letter by 1 December 2017.
- 4.11 Further to sections 3.7 and 4.9 of this report, it is noted that notwithstanding the rights of Council to take a final decision, there now remain 33 objections from the original group of 40 other objectors that do not trigger Scottish Ministerial consideration. The Council must therefore reflect on whether or not these objections and/or the themes identified within them have been appropriately considered by the Scheme before making a final decision.
- 4.12 All of the 48 objections received were considered in a robust and thorough manner by the Project Team, which included the Chief Legal Officer. There was no objection discarded at this point. The Project Team undertook a comprehensive programme of communications with the objectors and the wider public over the period of June to the end of October 2017. This was

detailed in the report to Scottish Borders Council on 2 November 2017 as part of the preliminary decision making process. A schedule of all communications with the objectors is provided in **Appendix A**.

- 4.13 To allow Scottish Borders Council to determine that the remaining objections have been robustly considered and any issues raised dealt with through the consultation process since June 2017, a copy of each remaining objection and the Project Team's detailed replies are provided in **Appendix B**. This correspondence demonstrates that the project team were able to address the issues raised without the requirement to modify the Scheme; and that the Project Team offered the objectors further information if required.
- 4.14 The Project Team believe that they have considered all of the objections robustly and provided appropriate responses and evidence to the objectors to answer their concerns, and have demonstrated that the proposed Scheme is the best solution for the town taking account of all of the constraints and objectives of the project. The Project Team have also produced a Detailed Design Statement that commits to the formulation of groups within the community to help development of the hard and soft landscaping elements of the Detailed Design process. This position was agreed at Project Board on 23 November 2017. The Design Statement is included in **Appendix C**.
- 4.15 As a result of the consultation process the Project Team have committed to creating a community Traffic Management Working Group for the development of the plans for the Advanced Works and the Main Construction Period to enable public and business input into agreeing the best balance for the works and to keep the town functioning during these periods.
- 4.16 Regulation 10 of the 2010 Regulations identifies that a local authority may not make a final decision in relation to a flood protection scheme with an environmental statement unless they have taken into account the environmental information referred to in Regulation 10 (3) of the 2010 Regulations. They must also state in their decision that they have done so.

## **5 COMPLIANCE WITH THE LEGISLATION & REGULATIONS**

- 5.1 As provided on 2 November 2017, an updated version of the summary document to demonstrate how the Project Team have met the requirements of the FRM and the 2010 Regulations is provided in **Appendix D**.

## **6 PROGRESS UPDATE - DEEMED PLANNING CONSENT**

- 6.1 Where a Scheme is confirmed under the FRM, the Council must request that the Scottish Ministers direct that planning permission for any development described in the Scheme is deemed to be granted. This is detailed in Section 65 of the FRM and Regulation 14 of the 2010 Regulations.
- 6.2 Regulation 14 (2) & (3) of the 2010 Regulations states that:
- (2) A request under paragraph (1) must be made to the Scottish Ministers in writing and must be accompanied by –
- a) A brief description of the nature and purpose of the confirmed scheme;
  - b) A copy of the confirmed scheme;
  - c) A summary of the scheme documents; and
  - d) A summary of the environmental statement (if any).
- (3) A request under paragraph (1) may be accompanied by any other material which the local authority considers relevant to the grant of deemed planning permission.

- 6.3 In order that the requirements of Regulation 14 of the 2010 Regulations are adequately addressed, the Project Team are currently assembling the information required by the Scottish Ministers. Scottish Borders Council Regulatory Services are also currently undertaking a full review of the Scheme from a planning perspective and will produce a report for submission to the Scottish Ministers to assist them in their consideration.
- 6.3 The Project Team will request that the Scottish Ministers direct that planning permission is deemed to be granted in accordance with Regulation 14, and supported by the suite of documentation produced by the Project Team under Regulation 14 (2) and (3) after the commencement of the Scheme (i.e. when the Scheme becomes operative 6 weeks after notice of its confirmation is published).

## **7 PROGRESS UPDATE - THE CONTROLLED ACTIVITIES REGULATIONS LICENCES**

- 7.1 As reported on 2 November 2017 the licence was received from SEPA on 18 September 2017.
- 7.2 There is no further action required of the Council in relation to this CAR Licence part of the Statutory Approvals Process therefore it is not proposed to discuss it further within this report.

## **8 THE ENVIRONMENTAL STATEMENT**

- 8.1 This is a comprehensive document and it is considered to be too detailed and too complex to summarise it in this report. A decision has therefore been taken to make the Environmental Statement available to members such that they can consider the environmental impact of the proposed Scheme before taking a final decision. It will be available in the members support office for members to review and at the following website link <http://www.hawickfloodscheme.com/finalscheme/>

## **9 REPRESENTATIONS**

- 9.1 As reported on 2 November 2017 three representations were made on the Scheme during the 28-Day Objections Period from persons/consultative bodies stipulated in the FRM and the 2010 Regulations and their representation must therefore be considered by members as environmental information as detailed in section 8.3 of this report. These representations are provided in **Appendix E** to this report and were from:
1. The River Tweed Commissioners;
  2. Scottish Natural Heritage; and
  3. SEPA.
- 9.2 In their email of representation the River Tweed Commissioners state:  
*'The River Tweed Commission (RTC) has engaged in detailed pre application discussions with Scottish Borders Council (SBC), SEPA and SNH, which has included attending SBC's Environmental Consent Working Group. This consultation process on the River Teviot at Hawick has proved to be constructive and extremely positive, and I take this opportunity to thank you for your consultation on the above proposal. The RTC is fully committed to this flexible approach working closely with other Agencies involved in this project.'*
- 9.3 In their letter of representation Scottish Natural Heritage state:  
*'There are natural heritage interests of national and international importance*



*on the site, but in our view, these will not be adversely affected by the proposal.'*

- 9.4 In their email of representation SEPA state:  
*'We have no objection to the scheme'*

## **10 APPROPRIATE ASSESSMENT**

- 10.1 The Appropriate Assessment is a requirement of a Habitats Regulations Appraisal (HRA) under Regulation 48 of the Habitats Regulations (Conservation (Natural Habitats) & c) Regulations 199 as amended). It is required because the proposed scheme could have an adverse impact on the integrity of a Natura site, which in this case is the River Tweed Special Area of Conservation. If the assessment concludes that the works will have an adverse impact, there is a risk of significant delay and potential for the project to be significantly amended.
- 10.2 Following discussion between Scottish Borders Council Ecology officers, SNH and SEPA, it was determined that SBC would be best placed to lead the HRA as the designated competent authority, with input and review as appropriate from SEPA and SNH.
- 10.3 The Scheme received its Habitats Regulation Appraisal on 19 September 2017, which concluded that, "*Scottish Borders Council (in their capacity as competent authority under the Habitat Regulations) considers that the proposal will not adversely affect the integrity of the site (River Tweed SAC)*".
- 10.4 The HRA is independent of the final decision taken under FRM

## **11 THE NEXT STEPS**

- 11.1 As there has been no Ministerial consideration of the Scheme, the local authority must make a final decision in relation to the proposed Scheme (following a preliminary decision) as per Paragraph 10 (1) of Schedule 2 of the FRM – Where:
- a) A local authority makes a decision under Paragraph 4(1) or **9(1)**, or
  - b) The Scottish Ministers make a decision under Paragraph 7 (4),
- The local authority must give notices of the decision in accordance with sub-paragraph (2).
- 11.2 Paragraph 10 (2) of Schedule 2 of the FRM- Notice must be given –
- a) To every person given notice in relation to the proposed scheme under Paragraph 1(1)(d) to (f),**
  - b) To every relevant objector,**
  - c) To anyone else who was notified under Paragraph 7(5)(a) or 9(3)(a), and
  - d) Where the decision is to confirm the proposed scheme (with or without modifications), in the manner set out in Paragraph 1(1) (a) to (c).**
- 11.3 The notification references highlighted in section 11.2 of this report means that the notification process will have to be undertaken as per the original publication of the Scheme on 28 April 2017, with circa 4000 letters to owners/occupiers/tenants of land affected; street notices and publications in the local press including the Edinburgh Gazette.
- 11.4 Paragraph 11 of Schedule 2 of the FRM- A scheme becomes operative 6 weeks after notice of its confirmation is published in a newspaper circulating

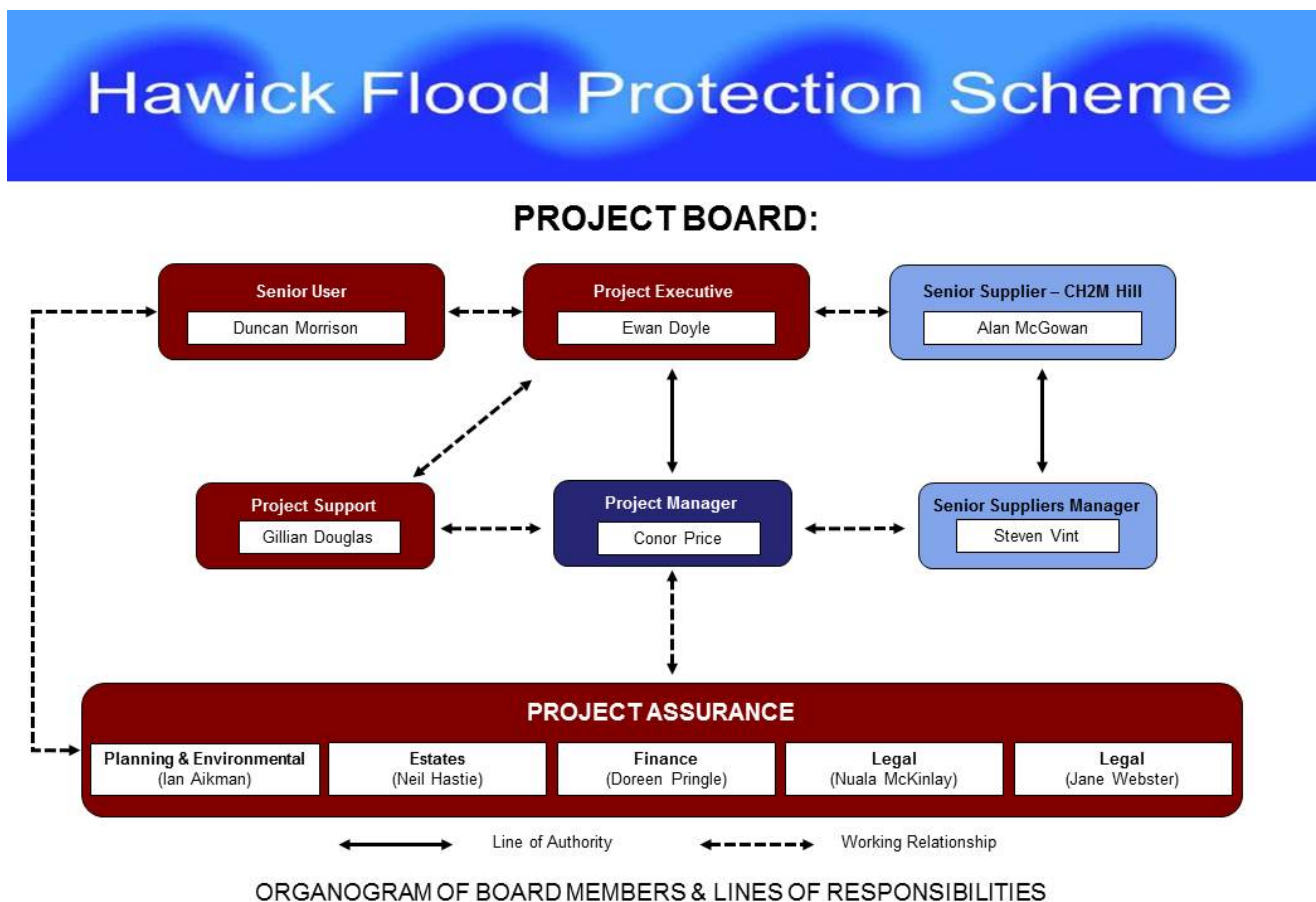
in the local authority's area under Paragraph 10(2) (d).

- 11.5 If the decision is taken to make a final decision on the basis of this report the notification process will not commence until 8 January 2018 due to it being inappropriate to undertake such a process over the Christmas/New Year period. This means that the 6-week appeals period will commence when the notice first appears in the press on 19 January 2018 (at the earliest). The Scheme would then become 'Operative' on 2 March 2018.
- 11.6 Further to section 6 of this report the Project Team will request that Scottish Ministers direct that planning permission is deemed to be granted after the Scheme becomes operative. Assuming this occurs on 2 March 2018 it is expected that such permission should be granted within 8 weeks of the request and thereby by the end of April 2018.

**12 COMMENCING THE NEXT STAGES**

- 12.1 The project is being run through the PRINCE2 System for managing projects and in accordance with this system a Project Board is in place to manage the project.
- 12.2 The Project Board was established in early 2012 and has been there to manage the project since that point. The Board formally meets approximately every two months but members of the Board meet on an AD-HOC basis, as required, to allow the Project Executive and/or Project Manager to advance the project. A schematic of the Project Board's structure is provided in figure 12.2 below.

Figure 12.2 – The Project Board Organogram



- 12.3 The project is being advanced in discrete stages, which is in accordance with

the PRINCE2 System, and these stages have been designed to align with the major stages in advancing a flood protection scheme. A schematic programme is provided in figure 12.3 that both illustrate the six discrete stages, but also the timescales associated with each of these stages.

Figure 12.3 – Schematic Programme (based on scenario with final decision to confirm Scheme in December 2017)

	2017	2018	2019	2020	2021	2022
Objection Resolution	■					
Scheme Confirmed	◆					
Detailed Design	■	■				
Advance Works		■	■			
Procurement		■	■			
Construction			■	■	■	

12.4 It is proposed that Scottish Borders Council provide the Project Executive with the authority to: continue the Detailed Design; commence the Advanced Works; and undertake the procurement of a Main Works Contractor; following the authorisation on 2 November 2017 to commence the Detailed Design and the preparation for the Advanced Works.

### 13 IMPLICATIONS

#### 13.1 Financial

(a) The current approved budget estimate for the project was determined in September 2016 during the Outline Design development stage and the drafting of the Environmental Statement, and at that time this estimate informed the preparation of the emerging Capital Financial Plan. The proposed budget and profile was approved by Council on 9 February 2017 and subsequently adjusted with Executive approval to meet the timing of the Scheme progression and is as follows:

Table 13.1(a) – Approved Budget as per Executive Committee on 5 September 2017.

	Historic al costs	2017/ 18 £000s	2018/ 19 £000s	2019/ 20 £000s	2020/ 21 £000s	2021/ 22 £000s	<b>TOTAL</b>
Total Estimate 1	2,127	884	1,945	11,948	15,703	8,103	<b>40,710</b>

(b) Following the finalisation of the Outline Design and Environmental Statement however, and a subsequent update to the quantified risk assessment in August 2017 (as part of the risk management strategy for the project), a revised budget estimate has been established as follows:

Table 13.1(b) – Current Scheme Estimate following Finalised Outline Design

	Historical costs	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	<b>TOTAL</b>
		£000s	£000s	£000s	£000s	£000s	£000s	
Current Estimate	2,127	884	4,390	12,607	16,036	7,909	308	<b>44,261</b>
Movement	0	0	2,445	659	333	(194)	308	<b>3,551</b>

- (c) The capital scheme estimate which will be submitted into the capital financial planning process for approval in February 2018, now has more certainty with the completion of the Outline Design and the identification of additional works and additional funding. The project has increased in value (£3,551M), but the Project Team have also brought in additional funding from partnering agencies. The total additional cost to Scottish Borders Council is £710k. Table 13.1 (c) provides a summary of the funding contributions towards the project.

Table 13.1(c) –Funding Summary (Based on £44,261M budget estimate)

Funder	Estimated Contribution (£000s)
Scottish Government	34,763
Scottish Borders Council (Capital)	8,918
Transport Scotland	500
Scottish Water (in principle agreement)	80
<b>TOTAL</b>	<b>44,261</b>

- (d) It should also be noted that all these costs are pre-tender estimates which will be competitively tendered in the marketplace.
- (e) The Scheme is currently 16th on the national priority list and the Scottish Government has funded 80% of cost incurred to date and confirmed funding at the same intervention rate for 2017/18 and part of 2018/19. This equates to a commitment to date of £3,647M.
- (f) The 2013 Preferred Scheme provided an average Benefit Cost Ratio of 3.02 across all six cells and this information was used as supporting evidence to obtain a placing on the SEPA priority funding list for 2016 to 2022. Based on the current estimated cost of £44,261M and with no inflation added to the original benefits derived of £84,393M the updated Benefit Cost Ratio is 1.906 maintaining a positive benefit for the public money that will be invested.
- (g) If we were to apply inflation to the calculated benefits, following the BCIS index for construction inflation, the benefits at today's prices would be increased by 30.05% (£109,754M), equating to a Benefit Cost Ratio of 2.48.

### 13.2 Risk and Mitigations

There is a Hawick Flood Protection Scheme project risk register that is

regularly reviewed and updated. The key risks relating to this stage in the project process are as follows:

- (a) If there is an appeal against the process, during the 6-week appeals period following notice of the Scheme's final decision being confirmed, then the appeal has to be made by way of a summary application to the sheriff of an appropriate sheriffdom in accordance with Paragraph 12 of Schedule 2 of the FRM. In this event the sheriff may suspend the scheme, or part thereof, until the appeal is heard and a determination made. This risk has been mitigated, by ensuring that the process that has been followed has robustly followed the appropriate route through the legislation and by seeking to ensure that the proposed Scheme constitutes the best approach to reducing the flood risk to Hawick and is the best possible flood protection scheme for the town. The consequence of this risk materialising is that it could cause a 6-12 month delay to the project and put at risk the delivery within the current Scottish Government funding window.
- (b) The District Valuer continues to evaluate the estimate for potential compensation. The risk of exposure to compensation claims has increased in Commercial Road with the current development of a new Aldi store and a distillery. The Project Team are working very closely with both developers to understand the interfaces with the proposed project and how to mitigate any issues.
- (c) The Final Outline Design contains a number of risks that will need to be investigated and mitigated at the Detailed Design stage. The Project Team have identified the risks and quantified their impact for inclusion in the project's budget estimate.
- (d) The Project Team are currently developing a strategy to deal with flood risk during construction. This involves the detailed modelling of several scenarios to find the best sequence of the work and identify the remaining risk for the Main Works Contractor to control.
- (e) The Scheme is currently 16th on the national priority list and Scottish Government has funded 80% of cost incurred to date and confirmed funding at the same intervention rate for 2017/18 and part of 2018/19. This equates to a commitment to date of £3,647M. On the current programme for delivery the project is in a good position to receive the funding for the construction period, however delay will put at risk the protect delivery by March 2022 and the potential funding for the scheme.
- (f) With the commencement of the Advanced Works (public utility diversions) in 2018 it will start to impact on the day to day traffic and pedestrian movements within the town. This disruption may cause complaints being lodged with Councillors or formally through the Council Complaints Procedure. To mitigate the impact and to engage proactively with the community, the Project Team will establish a Traffic Management Working Group within Hawick, formed of residents and business representatives, to help shape the development and delivery of the road and footway diversions/closures during the construction periods (advanced works and main works).

### 13.3 Equalities

A full Equalities Impact Assessment for the scheme has been undertaken.

Equalities issues have been taken into account as the scheme has developed and will continue to be monitored and analysed through the detailed design phase. The project aligns with Priority 1, 4, 5 & 7 of the Council eight equalities priorities of the 'Mainstreaming Report and Equalities Outcomes 2017 - 2021.

13.4 **Acting Sustainably**

There are no effects at this stage of the project.

13.5 **Carbon Management**

- (a) The construction of a flood protection scheme will generate a carbon footprint through the construction of the reinforced concrete walls and sheet piling. This is unavoidable in Hawick to deliver the project objective of a 1 in 75 level of protection with a 100 year design life.
- (b) The impact has been mitigated by delivering a lower level of protection for direct defences and focusing on up-stream Natural Flood Management provisions to increase the level of protection in future years.
- (c) Carbon will be reduced by the Scheme with the removal of flood risk below 1 in 75 and the associated works to repair infrastructure and property after every event.

13.6 **Rural Proofing**

Not applicable.

13.7 **Changes to Scheme of Administration or Scheme of Delegation**

Not applicable.

**14 CONSULTATION**

14.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, the Clerk to the Council and Corporate Communications have been consulted and comments received have been incorporated into the final report.

**Approved by**

**Martin Joyce**

**Service Director Assets & Infrastructure – Signature .....**

**Author(s)**

<b>Name</b>	<b>Designation and Contact Number</b>
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<b>Steven Vint</b>	<b>CH2M Design Manager</b>

**Background Papers:** 28 March 2013, 29 September 2016, 23 February 2017, 2 November 2017

**Previous Minute Reference:**

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

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

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# **APPENDIX A**

## **SCHEDULE OF CORRESPONDANCE WITH OBJECTORS & STATISICAL ANALYSIS**



**HAWICK FLOOD PROTECTION SCHEME**  
**OBJECTION TRACKER**

Project Code:	██████████
Revision Date:	04/12/2017
Completed By:	Gillian Douglas



Page 179

Count	Date Received	Objection Reference	Comment / Objection Details				Correspondance									
			How Contact was Made	Summary of Concern / Objection	Considered Yes / No	Valid Objection Yes / No	Trigger referral to Ministers - Section 5 (5) Yes / No	Action	Date of Response Letter sent	Request to publish Objection	Request for meeting sent	Response email received	Date of Meetings held	Letter requesting objection withdrawal	Date Objection Removed	
1	17/05/2017	HFPS-Objection-001-██████████	Email	Loss of view and enjoyment of River	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017					08/11/2017	
1	22/05/2017	HFPS-Objection-002-██████████	Email	Loss of view and enjoyment of River	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017				08/11/2017	
1	23/05/2017	HFPS-Objection-003-██████████	Email	Loss of view to River Division of Town Impact on property values	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017				08/11/2017	
1	24/05/2017	HFPS-Objection-004-██████████	Email	Disrupt connection between Town and River Height of Walls Discounting of NFM Many flood cells fall below BCR - No BCR analysis undertaken for dredging	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017					08/11/2017	
1	24/05/2017	HFPS-Objection-005-██████████	Letter	NFM not been fully tested Cell 6 works will exacerbate flooding downstream No consideration of Deanfoot Farm and Honeyburn Farm Embankments Increase in Flood Risk to Denholm ██████████	Yes	Yes	Yes	Clarification required on issues they are objecting about - Meeting required Matter of disputed fact - Have data to state does not increase flooding - Do not believe this triggers section 5 (5) No decision taken at this time - Objection to be further considered	20/06/2017	11/07/2017				08/08/2017	N/A	03/10/2017
1	26/05/2017	HFPS-Objection-006-██████████	Email	Height of Walls Division of Town Suggest lowering River bed levels	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017				08/11/2017	
1	28/05/2017	HFPS-Objection-007-██████████	Email	Lack of River Basin Management upstream Height of walls Confining River will increase speed and depth Surface run-off will be prevented from access to River	Yes	Yes	No	Provide response to objection letter	13/07/2017	11/07/2017			28/07/2017 27/09/2017	N/A	06/11/2017	
1	26/05/2017	HFPS-Objection-008-██████████	Email	Height of Walls	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017				08/11/2017	
1	27/05/2017	HFPS-Objection-009-██████████	Email	Scheme in general is ridiculous Cheaper and less obtrusive ways to prevent flooding	Yes	Yes	Yes	Could consider has interest in land as lives there - Could trigger section 5 (5) Engagement with ██████████ required	15/06/2017	11/07/2017					N/A	01/09/2017
1	27/05/2017	HFPS-Objection-010-██████████	Email	Tree Felling Height of Walls Using 2G/3G/Tennis Courts as Flood Plain	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017					08/11/2017	
1	28/05/2017	HFPS-Objection-011-██████████	Email	Height of Walls Suggest tree planting upstream Public engagement not sufficient	Yes	Yes	No	Provide response to objection letter	20/07/2017	11/07/2017					08/11/2017	
1	28/05/2017	HFPS-Objection-012-██████████	Email	Closing off of Right of Way Path Health and Safety concern re. Difficulty in rescuing those who may have fallen in River Detrimental to Tourism Loss of enjoyment of River	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017					08/11/2017	
1	28/05/2017	HFPS-Objection-013-██████████	Email	Consider what has been done at Northwich by EA	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			02/10/2017		08/11/2017	
1	28/05/2017	HFPS-Objection-014-██████████	Email	Height of Walls Division of Town Detrimental to Tourism	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017		Error - Email undelivered			08/11/2017	
1	28/05/2017	HFPS-Objection-015-██████████	Email	Height of Walls	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017				08/11/2017	
1	28/05/2017	HFPS-Objection-016-██████████	Email	Tree Felling Height of Walls	Yes	Yes	No	Provide response to objection letter	20/07/2017	11/07/2017	27/09/2017				08/11/2017	
1	28/05/2017	HFPS-Objection-017-██████████	Email	Visually Intrusive Loss of view of River	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017				08/11/2017	
1	28/05/2017	HFPS-Objection-018-██████████	Email	Rivers essential amenity Sever link between Town and Teviot Loss of enjoyment of River Detrimental to Town's economic prospects Consider NFM Failure to engage energetically enough Public Consultation failure	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			20/07/2017 27/09/2017		08/11/2017	
1	28/05/2017	HFPS-Objection-019-██████████	Email	Conservation of Bats Option 1 not investigated thoroughly enough	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017				08/11/2017	
1	28/05/2017	HFPS-Objection-020-██████████	Email	Sever link between Town and Teviot Increase flood risk to Denholm Upstream flood storage to be relooked at	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			27/09/2017		08/11/2017	
1	19/05/2017	HFPS-Objection-021-██████████	Email	Height of Walls Loss of enjoyment of River	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017					08/11/2017	
1	28/05/2017	HFPS-Objection-022-██████████	Email	Dredge River banks Hideous Walls Disruption during construction	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		02/10/2017	N/A	10/10/2017	
1	28/05/2017	HFPS-Objection-023-██████████	Email	Height of Walls Division of Town Damage Town's economy	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017				08/11/2017	
1	28/05/2017	HFPS-Objection-024-██████████	Email	Loss of enjoyment of River Disruption during construction Safety concerns due to lack of visibility because of high walls	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017					08/11/2017	

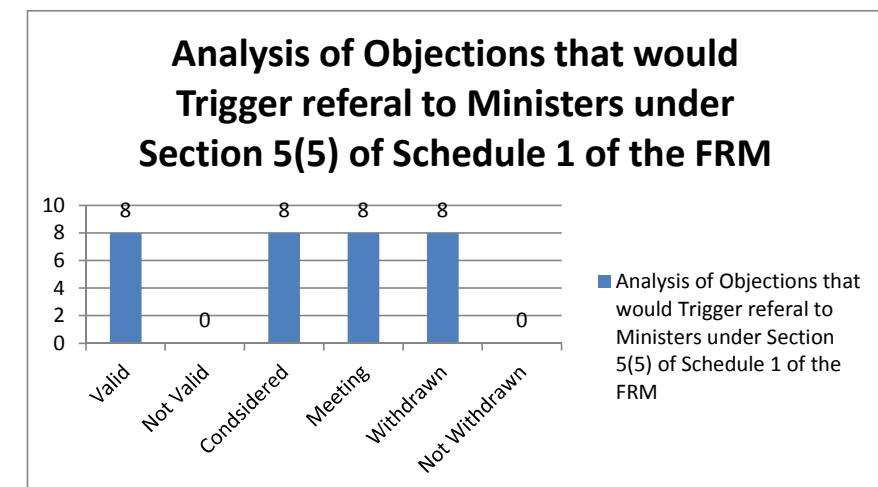
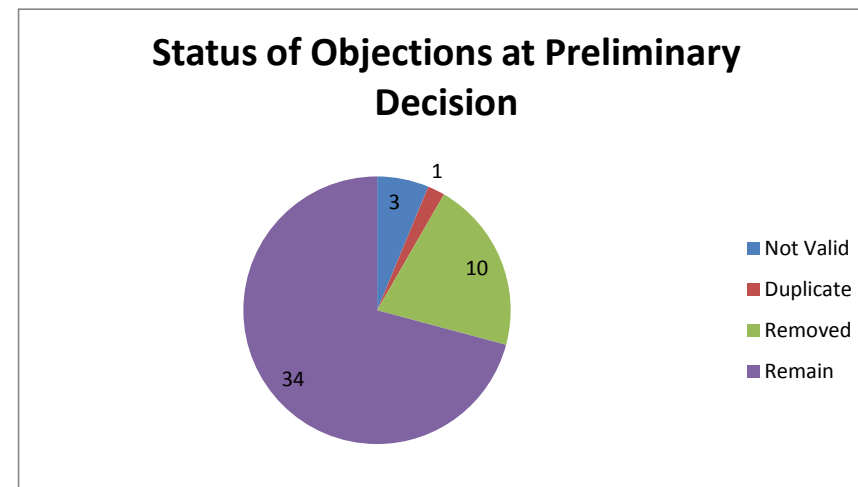
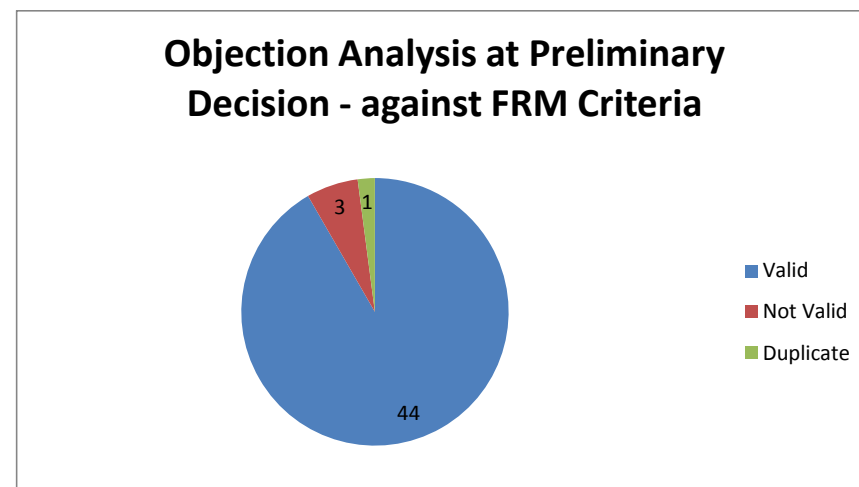
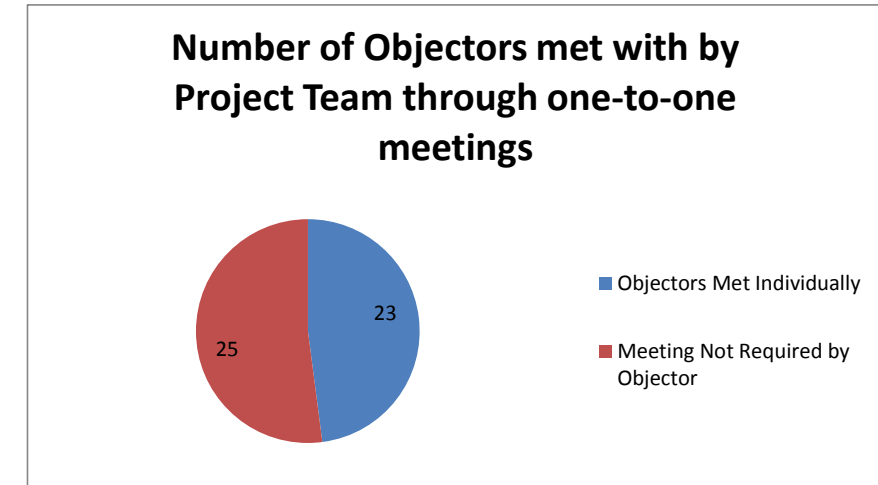
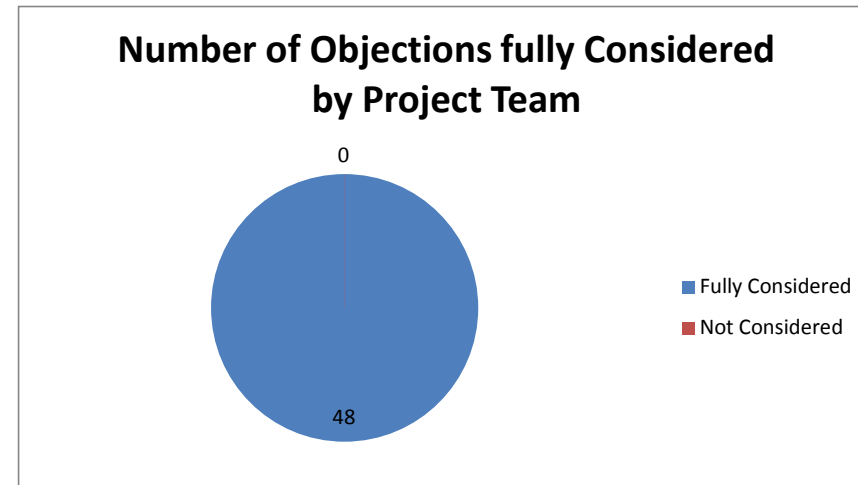
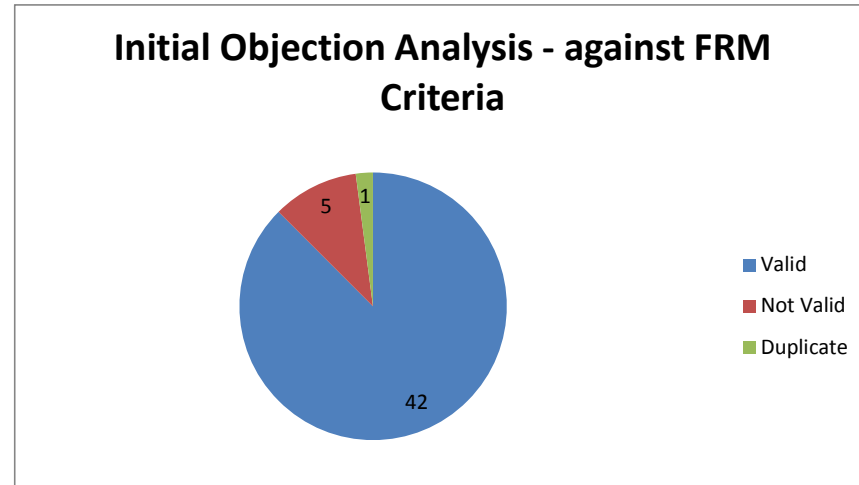
1	28/05/2017	HFPS-Objection-025-████████	Email	Impact on Tourism Use see through walls in all residential areas	Yes	Yes	No	Provide response to objection letter	13/07/2017	11/07/2017			08/11/2017		
1	29/05/2017	HFPS-Objection-026-████████	Email	Sever link between Town and Teviot Loss of enjoyment of River Difficulty in selling properties Disruption during construction	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			08/11/2017		
1	22/05/2017	HFPS-Objection-027-████████	Letter	Closure of A7 Disruption to Businesses	Yes	Yes	Yes	Engagement with ██████████ required	15/06/2017	11/07/2017			20/07/2017	N/A	04/10/2017
1	29/05/2017	HFPS-Objection-028-████████	Email	████████████████████ ████████████████████ ████████████████████ Visual Impacts Height of Walls Lack of tree replanting plan Closure of A7	Yes	Yes	Yes	Engagement with ██████████ required	15/06/2017	11/07/2017			10/07/2017 21/09/2017	N/A	01/11/2017
1	29/05/2017	HFPS-Objection-029-████████	Email	No contact from SBC Disruption during Construction	Yes	Yes	Yes	Engagement with ██████████ required	15/06/2017	11/07/2017			10/07/2017	N/A	10/07/2017
1	29/05/2017	HFPS-Objection-030-████████	Email	Height of Walls Loss of view of River Impact on Tourism	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		08/11/2017		
1	29/05/2017	HFPS-Objection-031-████████	Email	Tree Felling Height of Walls	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			08/11/2017		
1	29/05/2017	HFPS-Objection-032-████████	Email	Tree Felling Height of Walls	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			08/11/2017		
1	29/05/2017	HFPS-Objection-033-████████	Email	Tree Felling Height of Walls	Yes	Yes	Yes	Engagement with ██████████ required	15/06/2017	11/07/2017			28/07/2017	N/A	05/09/2017
1	29/05/2017	HFPS-Objection-034-████████	Email	Tree Felling	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			08/11/2017		
1	29/05/2017	HFPS-Objection-035-████████	Email	Height of Walls Tree Felling Enclosing of Teviot Crescent Reduction in Common Haugh Cutting off Cricket Pavilion for Pitch Using Volunteer Sport facilities as Flood Plain Use of ramps to access bridges Negative visual impact to Visitors and Tourists Disconnection between River and Town Barrier created between two sides of the town	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			08/11/2017		
1	29/05/2017	HFPS-Objection-036-████████	Email	Height of Walls Loss of view of River Information difficult to find	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		08/11/2017		
1	29/05/2017	HFPS-Objection-037-████████	Email	Environmental Impact No consultation with Children People with disabilities not taken into consideration Impact of Tourism and Economic future Height of Walls - H&S Issue	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			08/11/2017		
1	29/05/2017	HFPS-Objection-038-████████	Email	Height of Walls Dredge River	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		08/11/2017		
1	29/05/2017	HFPS-Objection-039-████████	Email	Height of Walls Tree Felling Impact of Tourism	Yes	Yes	Yes	Engagement with ██████████ required	15/06/2017	11/07/2017			10/07/2017 22/09/2017	N/A	22/09/2017
1	29/05/2017	HFPS-Objection-040-████████	Email	Reduction of Green Space Failed to eliminate unlawful discrimination Alternative option not been fully considered Loss of Enjoyment of River Loss of Connectivity	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			21/09/2017	08/11/2017	
1	29/05/2017	HFPS-Objection-041-████████	Email	Reduction of Green Space Failed to eliminate unlawful discrimination Alternative option not been fully considered Loss of Enjoyment of River Loss of Connectivity	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			21/09/2017	08/11/2017	
1	29/05/2017	HFPS-Objection-042-████████	Email	Tree Felling Loss of Amenity Perspex panels will be damaged Using Volunteer Sport facilities as Flood Plain Height of Walls	Yes	Yes	Yes	Engagement with ██████████ required	15/06/2017	11/07/2017			20/07/2017 20/09/2017	N/A	10/10/2017
1	29/05/2017	HFPS-Objection-043-████████	Email	Detrimental to Economy	Yes	Yes	No	Provide response to objection letter	13/07/2017	11/07/2017	27/09/2017		N/A		
1	29/05/2017	HFPS-Objection-044-████████	Email	Damage to Conservation Division of Town Safety of Public	Yes	Yes	No	Provide response to objection letter	13/07/2017	11/07/2017	27/09/2017		N/A		
1	28/05/2017	HFPS-Objection-045-████████	Letter	Building of Flood Wall Loss of Riverside Walkway Dredge River	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017			08/11/2017		
1	24/05/2017	HFPS-Objection-046-████████	Email	Alternative proposals not being discussed Loss of view of River Dredge River & use Filtering Systems	Yes	Yes	No	Provide response to objection letter	13/07/2017	11/07/2017			N/A		
1	26/05/2017	HFPS-Objection-047-████████	Email	Height of Walls Consider other options	Yes	Yes	No	Provide response to objection letter		11/07/2017			N/A	30/10/2017	
1	22/05/2017	HFPS-Objection-048-████████	Email	Monstrously ugly solution Damage to Town Propose Redesign	Yes	Yes	No	Provide response to objection letter	21/07/2017	11/07/2017	27/09/2017		08/11/2017		

**HAWICK FLOOD PROTECTION SCHEME**  
**SCHEME NOTIFICATIONS PROCESS UNDER FRM**  
**SUMMARY OF SCHEME OBJECTIONS**

Project Code:	
Revision Date:	23/11/2017
Completed By:	Conor Price

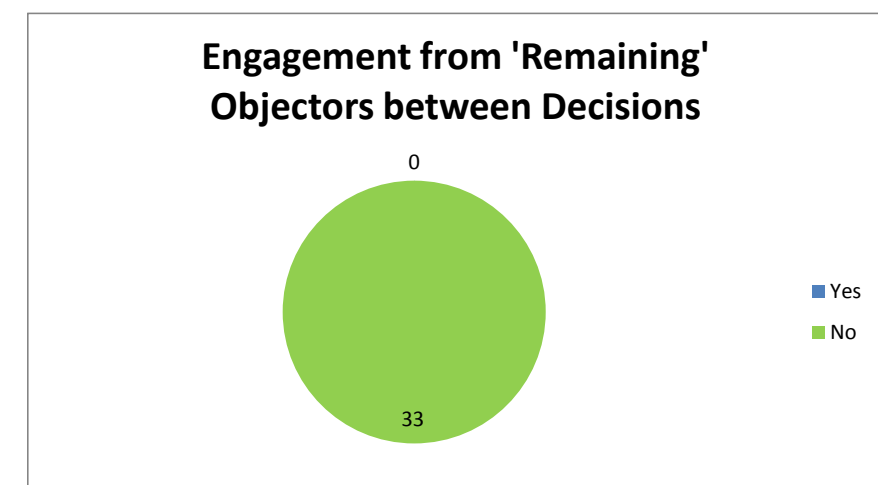
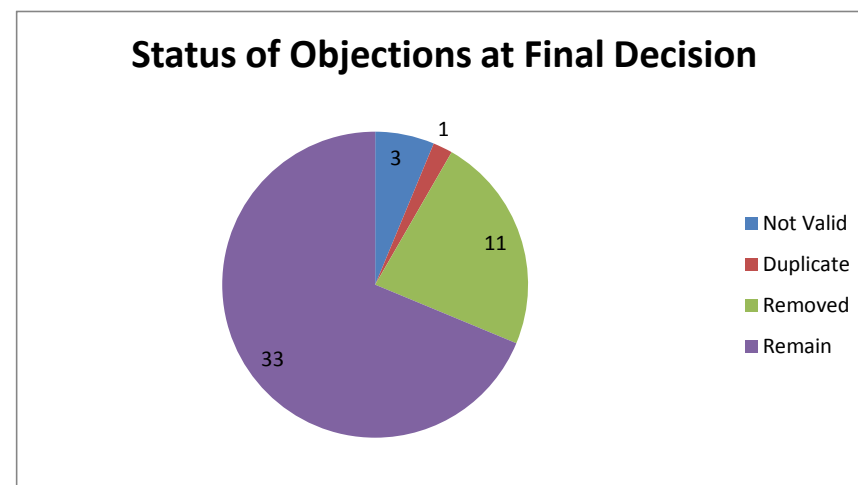


Page 181



**NOTES:**

1. Site Tour of the Upper Reach of the River Teviot through Hawick - Tuesday 29th August 2017 - Approx. 50 attended
2. Site Tour of the Lower Reach of the River Teviot through Hawick - Wednesday 30th August 2017 - Approx. 90 attended
3. Public Meeting held in the Town Hall to discuss the Scheme and the Objections - Thursday 31st August 2017 - Approx. 120 attended
4. An individual letter providing a detailed response was provided to all Objector
5. All Objections were published in a redacted format and made available to the public
6. Most Objectors with whom the Project Team met were met on more than one occasion with the meetings averaging around 2.5 hours each





# **APPENDIX B**

## **REMAINING OBJECTIONS & DETAILED RESPONSES**





HFPS-Objection-001

Objection and Response (redacted)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]

**Sent:** 17 May 2017 18:00

**To:** Legal

**Subject:** Hawick Flood Prevention Scheme 2017 Objection

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Dear Sirs

I wish to raise a formal objection to the Hawick Flood Prevention Scheme Report 2017. [REDACTED]

[REDACTED]

We then usually go across to the river Teviot at Duke Street.

There we can enjoy the river, its sounds, its view and its wildlife. [REDACTED]

[REDACTED]

I have read the Hawick Flood Prevention Scheme Report [REDACTED]

[REDACTED]

None of us will now be able to get a natural view of the river as a planned Flood wall of height 1.8 metres is to be constructed along Duke Street. Our enjoyment of the river will be completely ruined. [REDACTED]

[REDACTED] might be able to see out of a small viewing window which will be no substitute for a panoramic view of the river. [REDACTED] will not be able to use the viewing windows which to be honest are no substitute for the experience we currently enjoy there.

We might not return to Hawick again if this Proposed Flood Prevention Scheme is implemented as we have lost our rights to enjoyment of the land at the riverside. I hope you will give due regard to the points I have raised. [REDACTED]

[REDACTED]

[REDACTED]



*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009. We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding, noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

### **Your Specific Concerns**

We noted your concerns relating to the difficulties that wheelchair users have in reading the public notices on lampposts and took immediate action to provide duplicate notices at a lower level throughout the town.

**With regard to your concern relating to the views of the river:**

SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

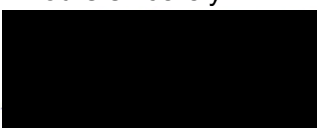
- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.

Please also note that the wall height along Duke Street varies from 1.1m to a maximum of 1.8m above existing ground level at one specific location; with the new raised footpath, the wall will be no greater than 1.4m above existing ground level.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-002

Objection and Response (redacted)

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**From:** [REDACTED]  
**Sent:** 22 May 2017 15:34  
**To:** Legal  
**Subject:** Hawick Flood Defences

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*  
Dear Sir or Madam,

We wish to object most strongly about the 2m high flood protection walls which are solution proposed to protect the low-lying areas of the town from flooding. They will completely spoil the pleasant views of the river which is one of its attractions. To think of Duke Street with no trees and just a concrete monstrosity either side of the river is a travesty.

From the point of view of tourism, visitors to the town will get the impression they are entering a warzone and as for residents looking out on the bare concrete wall it will certainly seem as if they are staring at the Berlin Wall.

Please can you register our opposition to this proposal and re-consider other alternatives.

Yours sincerely,

[REDACTED]

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This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009.

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding, noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern relating to the views of the river:**

SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unobstructed views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

### **With regard to your concern over tree loss along Duke Street:**

From the inception stage of the project SBC have been committed to minimising the environmental impact of the scheme. Since July 2012 the project team have met with key environmental stakeholders to gain an understanding of the potential impact, as the scheme progressed SBC established working groups to ensure the design was constantly monitored by external third parties who had a keen interest to the environmental impact. Members of these groups included representatives from Scottish Environmental Protection Agency (SEPA), Scottish National Heritage (SNH), Hawick Angling Club and Scottish Water, to name a few. The feedback the team received from these groups proved invaluable; as a result of this feedback the design team adopted a construction methodology which minimised the footprint of the proposed flood walls. This alternative method will result in less trees being removed than would have been required with a more traditional method.

The felling of the trees along Duke Street is a decision the Council has taken following review of the probable health and safety impacts during and after construction. The sheet pile foundations of the flood wall will sever the roots of the trees, causing them to potentially suffer from stability problems in the future. The first time we may notice such deterioration could well be after a winter gale which has caused the tree to fall on top of someone, their house or car.



Such a risk is deemed to be unacceptable. Following completion of the construction works, the remediation of Duke Street is proposed to include:

- Raised footpath / cycleway to with maximum surface to wall cope height of 1.4m;
- Viewing windows installed at locations along Duke Street (distribution and dimensions to be confirmed);
- Planting of new heavy standard (semi-mature specimens up to 3.5m in height) streetscape style trees, and;
- Removal of the overhead telecommunications poles and lines.

SBC is committed to providing at least two new trees for every tree which is felled as part of the HFPS, with the exact location, distribution and species of trees to be confirmed during the forthcoming detailed design phase.

**With regard to your concern over bare concrete walls:**

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. We can therefore confirm that there will not be any bare or plain concrete wall finishes. Please refer to our Environmental Statement <sup>1</sup> for a series of plans which explain the proposed distribution of these wall finishes.

**With regard to your request that other options are considered:**

The current HFPS has been in development for over six years, utilising a Scottish Government process which ensures that all possible options must be considered from economic, social, environmental and technical viewpoints. These options include:

- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for HFPS due to the fact that defences in Hawick would still be required, the capital cost of the provision of the dams made the HFPS uneconomic and potentially not qualify for Scottish Government funding, overwhelming and vehement objection to loss of livelihood from landowners, significant environmental impact). Despite rejecting this option for the HFPS, it will be considered as part of Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that the flood risk benefits afforded by NFM are very difficult to quantify, take decades to reach full potential, and are likely to only make a very small difference to the flood defence heights in Hawick, given the size of the River Teviot catchment. SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.

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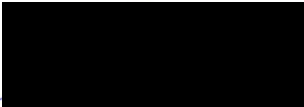
<sup>1</sup> [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/Hawick%20FPS%20ES\\_Volume%201\\_FINAL.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf)

- Dredging of the river. This option was rejected for the HFPS on the basis that the impact of dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-003

Objection and Response (redacted)

[REDACTED]

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**From:** [REDACTED]  
**Sent:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: Hawick Flood Scheme

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 23 May 2017 09:44  
**To:** Legal  
**Subject:** Hawick Flood Scheme

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

[REDACTED]

I would like to object to the height of the proposed walls in the above scheme, I feel they are too high and will have a detrimental effect on the town by obliterating the riverside views the town is known for as well as creating a divide between one side of the town and the other. Many householders will be faced with a massive wall as an outlook and this could also have an impact on property values in areas where houses already struggle to sell.

I agree that some kind of flood defence is required but do not feel that this is the best option available and urge that other options are considered.

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear [REDACTED]

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009.

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding, noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

### **Your Specific Concerns**

**With regard to your concern relating to the views of the river:** SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have

been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

**With regard to your request that other options are considered:** The current HFPS has been in development for over six years, utilising a Scottish Government process which ensures that all possible options must be considered from economic, social, environmental and technical viewpoints. These options include:

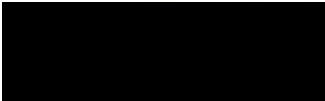
- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for HFPS due to the fact that defences in Hawick would still be required, the capital cost of the provision of the dams made the HFPS uneconomic and potentially not qualify for Scottish Government funding, overwhelming and vehement objection to loss of livelihood from landowners, significant environmental impact). Despite rejecting this option for the HFPS, it will be considered as part of Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that the flood risk benefits afforded by NFM are very difficult to quantify, take decades to reach full potential, and are likely to only make a very small difference to the flood defence heights in Hawick, given the size of the River Teviot catchment. SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.

- Dredging of the river. This option was rejected for the HFPS on the basis that the impact of dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



Ewan Doyle  
Project Executive

HFPS-Objection-004

Objection and Response (redacted)



## Douglas, Gillian

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**From:** [REDACTED]  
**Sent:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: Hawick Flood Scheme

**Importance:** High

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**From:** [REDACTED]  
**Sent:** 24 May 2017 11:58  
**To:** Legal  
**Subject:** Hawick Flood Scheme

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

I object to the current Flood Scheme proposals for Hawick on the following grounds:

1. Hawick relies significantly on its position on the River Teviot to attract visitors and encourage passing visitors to pause awhile in the town. Erection of flood walls along Commercial Street and the bank opposite Commercial Street will significantly disrupt the connection between the river and the town centre conservation area both physically and visually.
2. The council has argued that the impact of the flood walls might be lessened by the raising of ground levels behind them. In effect that argument supports the case for removing spoil from the river as there is no practical difference between the raising of the height of a wall and the lowering of the ground level on one or other side of it.
3. The council uses the argument that the options to use natural flood prevention methods and lowering the river bed should be discounted because they may be controversial. Since controversy and planning are often closely intertwined this argument could be used to avoid making almost any planning decision. In using this argument the council admit to not having fully explored these options and cannot, therefore, present either their preferred option or alternative option as the best available.
4. The government requires a certain level of cost benefit for the support of the scheme. A number of the cells, principally those against which objection is lodged, fall below or far below that target. ~There is no comparable cost/benefit analysis for the options preferred by many townspeople of dredging the river and restoring the watercourse to its natural channel supported by dispersal of floodwater by flooding at the points established in earlier centuries which could still be renovated at significantly lower cost than that of the proposed scheme.



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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009.

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern relating to the views of the river:**

SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

### **With regard to your suggestion for removing spoil from the river:**

The option to dredge the river bed was rejected for the HFPS on the basis that:

- removing this material does not significantly reduce the flood risk;
- it is unacceptably detrimental to the environment and wildlife habitats;
- it will need to be repeated on a regular basis, and;
- it has the potential to cause erosion to banks upstream of the dredged areas.

Our advanced computer model of the river shows that if the river bed was dredged by a depth of 1 metre from Langlands Bridge to Weensland, the design flood level would only be lowered by 100mm.

**With regard to your statement that other options have not been fully considered:**

The current HFPS has been in development for over six years and a number of other options have been thoroughly considered, including full public consultation on those options in August 2012. The reasons for rejection of some of the options you identify are as follows:

- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for HFPS due to the fact that defences in Hawick would still be required, the capital cost of the provision of the dams made the HFPS uneconomic and potentially not qualify for Scottish Government funding, overwhelming and vehement objection to loss of livelihood from landowners, significant environmental impact). Despite rejecting this option for the HFPS, it will be considered as part of Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (e.g. hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that the flood risk benefits afforded by NFM are very difficult to quantify, take decades to reach full potential, and are likely to only make a very small difference to the flood defence heights in Hawick, given the size of the River Teviot catchment. SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.

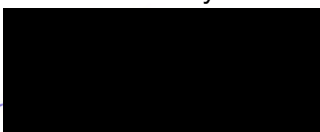
**With regard to your statement relating to cost benefit:**

We are unsure how you substantiate the statement relating to a number of the cells falling below the benefit cost target. Table 9 in our Preferred Scheme Report<sup>1</sup> shows that all flood cells have a benefit cost ratio in excess of the minimum target of 1.0. The benefit cost ratio associated with dredging of the river has not been included because that option was discounted (due to the reasons identified above) prior to the formal economic appraisal of the short listed options.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

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<sup>1</sup> ([http://www.hawickfloodscheme.com/finalscheme/4\\_PSR/Preferred%20Scheme%20Report\\_COMBINED\\_V1.0\\_ISSUE.pdf](http://www.hawickfloodscheme.com/finalscheme/4_PSR/Preferred%20Scheme%20Report_COMBINED_V1.0_ISSUE.pdf))

HFPS-Objection-006

Objection and Response (redacted)

[Redacted]

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**From:** [Redacted]  
**Sent:** [Redacted]  
**To:** [Redacted]  
**Subject:** FW: Hawick Flood Prevention Scheme

**From:** [Redacted]  
**Sent:** 26 May 2017 14:26  
**To:** Legal  
**Subject:** Hawick Flood Prevention Scheme

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*  
Dear Sirs

I am writing to object to the proposed plans for the Hawick Flood Prevention Scheme.

While I understand, all too well, the need for measures to be put in place, I believe the proposed measures are in the extreme and will completely ruin Hawick and it's river side.

The proposed height of walls through the town are ludicrous, and will turn what is a picturesque stretch of river into a concrete barrier between the two sides of town. While I understand the need to try and keep the water in the river is there really any need for the walls to be made so high. And if the water is so high it would go over the already existing wall at the High School I am sure the river will have flooded much more than those on it's banks, by making its way behind any proposed barriers before it even gets to them. These wall may be to keep the water coming from the Teviot side but what about the water coming for the houses sides it need a way to escape. There also has to be a balance between prevention and everyday life. Hawick's waterways play a big part in making Hawick look and feel as it does these plans do not seem to take this into account. Stop using flood planes for building on, stop turning natural slow soaking land areas into built areas ( such as the Astro pitch and £G at the Volunteer) which cause water to run off much more quickly.

Also I believe there is a proposal to lift all bridges by 1 meter, Surely it would be less costly and more sensible to lower the river bed levels, yes they fill up again, but they will still fill up even if the bridges are lifted, thus negating the change in height, easier to remove stone regularly.

Regards

[Redacted]

[Redacted]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear [REDACTED],

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding, noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

### **Your Specific Concerns**

**With regard to your concern that the walls are too high:** The height of the walls are dictated by the flood levels for a 1 in 75 year flood event (a flood which has a 1 in 75 chance of occurring in any given year). This is an event greater than anything experienced in recorded history, which

explains why the walls are this height (see also bullet point 2 above). Our design ensures that the flood walls intercept high ground at the upstream end of the scheme, to ensure that the walls cannot be “outflanked” by the design flood event. We are going to replace the wall at the High School with a new structure which is consistent with the design requirements for the rest of the scheme.

**With regard to your concern that water coming from the houses side needs a way to escape:** This is a very valid point and has been considered in detail by the design team. With no HFPS in place, if heavy rainfall generates surface water flows which are greater than the capacity of the road drainage network, excess water would pond and then flow over the banks into the river. With the HFPS in place, the walls could create a barrier to this escape mechanism and cause flooding. Our design includes for a high capacity drainage system along the back of the new walls to take the excess flows to a large chamber. If the river levels aren’t high (eg summer thunderstorm), the water will discharge via gravity from the chamber into the river. If the river is in flood (eg winter storm), the excess water will be pumped from the chamber via an underground pumping station into the river.

**With regard to your concern that the scheme needs to find a balance between prevention and everyday life:** SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

**With regard to your concern relating to building on flood plains:** This is a matter for the local Planning Authority, where any non-permitted development which may have an impact on flood risk



must undertake a full Flood Risk Assessment (FRA), to confirm that the proposed works will not have a detrimental effect on flood risk elsewhere.

**With regard to your concern relating to the bridge raising and lowering of river bed levels:**

The bridges require to be raised to help reduce the wall heights upstream of each bridge. The cost of raising the bridges is a very small percentage of the overall scheme cost (<0.5%) and brings significant benefit to the overall scheme by virtue of wall heights reduced by up to 1.0m.

The option to dredge the river bed was rejected for the HFPS on the basis that dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas. Our advanced computer model of the river shows that if the river bed was dredged by a depth of 1 metre from Langlands Bridge to Weensland, the design flood level would only be lowered by 100mm.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



Ewan Doyle  
Project Executive

HFPS-Objection-008

Objection and Response (redacted)

[Redacted]

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**From:** [Redacted]  
**Sent:** [Redacted]  
**To:** [Redacted]  
**Subject:** FW: Flood defences

**From:** [Redacted]  
**Sent:** 26 May 2017 18:22  
**To:** Legal  
**Subject:** Flood defences

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*  
The reason I am infuriated at the proposals is that I have seen what they look like at Selkirk.  
I walk a lot, including Selkirk and this year faced the Great Wall from the car park at the west end. After passing the dump I found myself walking in a corridor caused by a huge wall which prevented me seeing anything of note.  
I can't believe such a high wall is needed,for example ,has there ever been a time when the river even approached two metres.?  
After walking for about two hours I still couldn't get it out of my head.

To see this monstrosity in Hawick is really unbelievable. We talked about it and even forecast the effect it would have.

We wondered who on earth was responsible and what planet do they live on. As for viewing Windows,that is surely for the likes of The Eiger.

I suggest a wall more like the one up river at Selkirk which allows one to see the surrounding area. I can't imagine tourist walking up a drain like this.

[Redacted]

[Redacted]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009.

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern that the walls are too high:**

The height of the walls are dictated by the flood levels for a 1 in 75 year flood event (a flood which has a 1 in 75 chance of occurring in any given year). This is an event greater than anything experienced in recorded history, which explains why the walls need to be this height (see also bullet point 2 above).

SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle footpaths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland (similar to some of the paths in Selkirk). If there was sufficient space to implement this form of flood protection at more locations in Hawick, then we would certainly have done so, however this would have involved permanently closing a number of roads and footpaths.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have.

If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-010

Objection and Response (redacted)

**From:** [REDACTED]  
**Sent:** 27 May 2017 20:57

**To:** Legal

**Subject:** Fwd: Hawick Flood Scheme - Objections

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

FAO Chief Legal Officer,

Please regard this email as an official objection to the proposed scheme for the Hawick Flood Defence.

There are a number of areas where I would like to object:

1. The feeling of trees in Duck Street
2. The feeling of trees in Mansfield Road
3. The height of the proposed wall in Duke Street & Mansfield Road
4. The proposed wall that is aligned with the A7 in Buccleuch Road & cuts in front on the cricket pavilion.

The trees in Duke Street & Mansfield Road are of great importance to the town and the people living in the vicinity. The trees help soften what would be a stark outlook on to a long and featureless terraced row of flats. Many of these flats do not have their own garden and there is already a lack of green space in this area. The thought of losing these trees and the wildlife that goes with them would be extremely detrimental to the town. These streets are viewed by those travelling through Hawick whilst crossing the river at the Station or travelling down Mansfield Road to the rugby ground.

The height of the wall is far too high being proposed for Duke Street & Mansfield Road. Never has the river come up so high. Past flooding in these areas is a result of water backing up not the river toppling the embankment. A wall of 1 foot high is more than adequate providing the water doesn't back up from down river.

It is unacceptable for the people of the town to view the river by looking through glass panels!!!! These will be covered in scratch marks and graffiti in no time, making a view impossible through an opaque window!!! Do the designers know nothing about the importance of the river Teviot to the manufacturing of Cashmere in the town?? The softness of the water is unique in this industry and makes Hawick the home of Cashmere manufacturing throughout the world. Why would we want to block off the view of the river that makes the town famous?

I really do not understand the proposed design where the defence wall will follow the A7 down Buccleuch Street and cut back in front of the cricket pavilion. Why do the designers think it is a good idea to create a flood plain



where the 2g hockey pitch, the newly built 3g pitch and the new tennis courts are??? How are people going to view a cricket match if there is wall in front of the pavillion - do we sit on top?

These areas should be equally protected by creating a new embankment to follow the river through Wilton Lodge Park.

I would appreciate acknowledgement of my objections by return.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009.

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern over tree felling in Duke Street:**

From the inception stage of the project SBC have been committed to minimising the environmental impact of the scheme. Since July 2012 the project team have met with key environmental stakeholders to gain an understanding of the potential impact, as the scheme progressed SBC established working groups to ensure the design was constantly monitored by external third parties who had a keen interest to the environmental impact. Members of these groups included representatives from Scottish Environmental Protection Agency (SEPA), Scottish National Heritage (SNH), Hawick Angling Club and Scottish Water, to name a few. The feedback the team received from these groups proved invaluable; as a result of this feedback the design team adopted a construction methodology which minimised the footprint of the proposed flood walls. This alternative method will result in less trees being removed than would have been required with a more traditional method.

The felling of the trees along Duke Street is a decision the Council has taken following review of the probable health and safety impacts during and after construction. The sheet pile foundations of the flood wall will sever the roots of the trees, causing them to potentially suffer from stability problems in the future. The first time we may notice such deterioration could well be after a winter gale which has caused the tree to fall on top of someone, their house or car. Such a risk is deemed to be unacceptable. Following completion of the construction works, the remediation of Duke Street is proposed to include:

- Raised footpath / cycleway to with maximum surface to wall cope height of 1.4m;
- Viewing windows installed at locations along Duke Street (distribution and dimensions to be confirmed);
- Planting of new heavy standard (semi-mature specimens up to 3.5m in height) streetscape style trees, and;
- Removal of the overhead telecommunications poles and lines.

SBC is committed to providing at least two new trees for every tree which is felled as part of the HFPS, with the exact location, distribution and species of trees to be confirmed during the forthcoming detailed design phase.

### **With regard to your concern over tree felling in Mansfield Road:**

The reasons for felling trees along Mansfield Road are identical to those for Duke Street. It is expected that some of the trees between the line of the flood defences and the bottom of the river bank will be able to be retained. Following completion of construction, the remediation of Mansfield Road will generally be on a like for like basis in terms of the footpath and street lights – SBC's Project Team are currently reviewing the most appropriate planting regime for the top of the bank, which will be confirmed during the detailed design phase.

### **With regard to your concern over the height of the proposed wall in Duke Street and Mansfield Road:**

The heights of the walls are dictated by the flood levels for a 1 in 75 year flood event (a flood which has a 1 in 75 chance of occurring in any given year). This is an event greater than anything experienced in recorded history which explains why the walls are this height. A 1 foot high wall would unfortunately not provide this minimum standard of protection.

SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

**With regard to your concerns over the defence alignment at Volunteer Park:**

The relatively recently created leisure / sports infrastructure in Volunteer Park has not been protected against flooding due to the following reasons:

- In designing flood protection schemes, there is an obligation on the designer to retain as much of the existing flood plain as possible, unless there are over-riding human safety / health issues. In this case, there is adequate egress to a point of safety during a flood event for all users of the sports pitches.
- The new 3G pitch has been subject to a rigorous flood risk assessment, to ensure that the pitch level is high enough to provide a standard of protection against the 1 in 50 year flood event. Apart from its far northwest corner, the majority of the 2G hockey pitch is similarly protected by virtue of its location and level.
- The alignment of the wall to the west of the cricket pavilion is necessary to avoid the following difficulties with routing the wall to the east of the pavilion:
  - A zone of dead space would be created between the pavilion and wall, leading to the probable accumulation of rubbish and difficult maintenance;
  - The High School access road would require to be narrowed, leading to traffic safety concerns, and;
  - The pavilion would remain at risk of flooding.

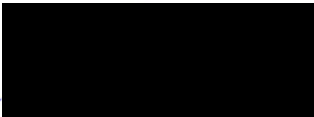
In order to maintain views of the cricket matches, we will discuss options with the Hawick and Wilton Cricket Club during the detailed design stage, which may include the provision of glass panelling, or alternative viewing arrangements built into or adjacent to the flood wall.

Please note that a flood embankment alongside the river to Wilton Lodge Park was considered during the option appraisal stage, but was rejected due to the unacceptable increase to the flood levels and wall heights further downstream towards the Common Haugh and High School.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public is kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-011

Objection and Response (redacted)

**From:** [REDACTED]  
**Sent:** 28 May 2017 14:07  
**To:** Legal  
**Subject:** Objection to Proposed Hawick Flood Defences

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Dear Sirs,

I would like to register my objection to the proposed flood prevention scheme due to be constructed along the Teviot through Hawick. Having looked at the scale of the proposed walls I was shocked by the impact which they will undoubtedly have on the look of the town. I am amazed that, in this day and age, a gigantic monolithic wall is the most advanced solution that the council can come up with. The glass viewing panes which are supposed to punctuate this wall seem to me a feeble attempt to maintain some relationship between the town and the river. Surely if you are going to acknowledge that the river should be seen and appreciated then there are other ways to implement flood defences. Land in the borders is relatively cheap and I am certain that a comprehensive tree-planting program upstream would provide an equal benefit in the long term without leaving a scar across Hawick for generations to come.

I understand that the town needs to be made safe quickly and that the money will go elsewhere if it is not spent soon but this process feels incredibly rushed and I do not believe that the council has engaged with or consulted locals and residents sufficiently. The proposals seem heavy handed and completely unsympathetic to the town or its inhabitants. I am sure that other towns in exactly the same situation have negotiated the perils of seasonal flooding without carving themselves in two.

Yours sincerely,

[REDACTED]

[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

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- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.



## **Your Specific Concerns**

### **With regard to your preference for consideration of NFM and upstream flood storage:**

The current HFPS has been in development for over six years and a number of other options have been thoroughly considered – following extensive public and stakeholder liaison on 2011 and 2012 (including the Options Public Exhibition in July 2012), the reasons for taking forward the current scheme were set out in a report to Council in March 2013.

The reasons for rejection of some of the options you identify for inclusion within the Phase 2 HFPS are:

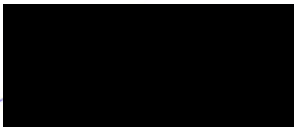
- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for Stage 2 HFPS due to the following:
  - Even with a combination of five large flood storage areas on the River Teviot and Slitrig and Borthwick Waters, direct defences in Hawick would still be required to deliver the minimum standard of protection. This would mean that bat derogation licences would still be required;
  - This would have the effect of a potential threefold increase in the capital cost of the HFPS, making it uneconomic and potentially not qualify for Scottish Government funding;
  - The overwhelming and vehement objection to loss of livelihood from landowners, their suppliers and customers and the National Farmers Union led to the conclusion that resolution of the difficulties would likely delay the HFPS to such an extent that it may not qualify for funding within the Scottish Government's 2016 – 2021 funding cycle, jeopardising delivery of any form of FPS.
  - The dam construction would cause significant adverse environmental impact, which in combination with the impacts of the necessary direct defences had the potential to cause the scheme to be rejected by the various environmental stakeholders. Despite rejecting this option for the HFPS, it will be considered as part of a Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that:
  - Although analysis technology is improving all the time, the flood risk benefits afforded by NFM are very difficult to quantify.
  - NFM measures often take decades to reach full potential; therefore we cannot cite their benefits to Hawick until they reach maturity.
  - For a catchment the size of the River Teviot, even large scale implementation of NFM measures are likely to only make a very small difference to the flood defence heights in Hawick.
  - SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.

Our hydraulic model of the River Teviot shows that there is no increased flood risk to any property downstream of the last flood defences, including Denholm.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely

A black rectangular redaction box covering the signature of Ewan Doyle.

**Ewan Doyle**  
**Project Executive**

HFPS-Objection-012

Objection and Response (redacted)

**From:** [REDACTED]  
**Sent:** 28 May 2017 18:01  
**To:** Legal  
**Cc:** [REDACTED]  
**Subject:** Hawick Flood Scheme Formal Objection

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Dear Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it. There are 4 points of objection I wish to raise.

My first point of objection involves the permanent closing off of a Right of Way. A Right of Way currently exists within cell 2 of your plan on the north side of the River Teviot. This path is accessible from Commercial road and is a riverside path that goes underneath the bridge known locally as the Burns Club Bridge. The path allows you to come out next to the Hawick Haugh. If I have studied the flood scheme report correctly then the proposal put forward for consideration would involve permanently closing off this Right of Way. I am prepared to offer more details in relation to this path if subsequently required.

My second point of objection is related to health and safety. Over the years there have been many accidents involving people or pets within the river Teviot. If for example someone was to fall from the Station Road Bridge into the river Teviot it would be almost impossible to save them if your plan was implemented. The likelihood that they would be seen falling into the river would be significantly reduced. The ability to reach them in order to help them would be virtually impossible as it would involve climbing on average a 2 metre high wall to reach them. If they themselves managed to scramble to the river banking they could possibly be trapped and injured behind a flood wall possibly with no one knowing they were there. If the current carried them down river how would rescuers know where they were and how would they attempt to get them out of the water? This argument would also hold true for anyone climbing over a flood wall in order to access the riverside who later found themselves in difficulty. In addition to this, there is a specific part of the flood plan in cell 5 where you plan to allow river access at the bottom of Mansfield opposite the rugby ground. If the flood plan is approved this will essentially be the only place on the north side of the river Teviot outside of the Haugh where children can access the river. Apart from a view from the access ramp this riverside location will be entirely hidden from view by a 2.3m wall. This huge wall will mean that this location will be far too dangerous to be left open in case children are tempted to access the riverside there unattended.

My third point of objection is related to tourism and commerce. Hawick is currently a beautiful riverside town. The people of Hawick have made a great effort over the years to improve the town's amenities and make the town more attractive to tourists. There is a realistic possibility that the Waverley Line will be extended to Hawick and then onto Carlisle. There has recently been media coverage of a six month study and plan to open a rail line between Leeds and Edinburgh via Hawick. With all the improvements that have been made to increase the attractiveness of Hawick to both tourists and day shoppers and the real prospect of a rail connection coming to the town it would be incredibly catastrophic to implement this flood scheme. The ramifications of hiding the River Teviot with giant flood walls and uprooting so much of the beautiful natural environment at this time might be incalculable. It is imperative that other flood plan options should be looked into more thoroughly including new innovative methods that have been developed during the time it has taken for this flood scheme to progress.

My fourth point of objection is that my own enjoyment of the river Teviot and its riverbanks and its paths will be severely depreciated. The uprooting of much of the natural environment next to the river Teviot, along with the closing of direct access in many places, and the building of disproportionate high walls parallel to the river Teviot will seriously disturb and impact upon my enjoyment of the land. [REDACTED]

[REDACTED] I either visit or directly pass by the River Teviot every day often with members of my family, accessing the natural environmental green space that almost exclusively lies within the areas the flood scheme report described as cell 2, 3, 4, and 5. I would therefore state that my interest in this natural environmental green space land that sits within and next to the river Teviot will be unequivocally destroyed.

I wonder if you would be kind enough to send me an email receipt for this email.

Yours faithfully

[REDACTED]

28 May 2017

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern over the closing off of a Right of Way:**

We have undertaken a number of consultation exercises with SBC's Access officers and have studied the various core paths, promoted paths, safe routes to schools, rights of way and water access points across Hawick<sup>1</sup>. We can find no evidence of a current Right of Way which takes the route described in your correspondence. We would be pleased to discuss the source of your information with you, to ensure that we are properly interpreting all available and historic data.

### **With regard to your concern over health and safety:**

The ability to safely access and egress the river after implementation of the HFPS has been subject to significant discussion within the Project Team. We recognise that the presence of flood walls at the top of the river bank will have an impact on the ability for someone to escape to safety. We must also consider the requirements for future inspection and maintenance of the river side of the walls and build in an ability to safely carry out these tasks. We are looking at a number of options to explore further during detailed design which may include one or more of the following:

- Signage on the wet side of the defences to advise of the nearest safe egress point;
- Ladders built into the flood walls or other similar means of escaping from the wet side of the wall;
- Lifelines placed at strategic points along the river;
- The presence of flood gates at each of the bridges which will be open except in a flood event
- Viewing platforms and glazed panels which will allow for visual reference to the river channel.
- Refuge points built into the walls.

### **With regard to your concern relating to tourism and commerce:**

SBC have continually recognised the visual impact that the proposed HFPS may have on the landscape, and the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle footpaths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;

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<sup>1</sup> [https://www.scotborders.gov.uk/downloads/file/1197/hawick\\_core\\_paths](https://www.scotborders.gov.uk/downloads/file/1197/hawick_core_paths)

- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined;
- Provision of a formal viewing area at the west end of the Little Haugh where the height from cope to the viewing area surface will be reduced to 1.0m, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite the Hawick RFC.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrates with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

**With regard to considering other options:** The current HFPS has been in development for over six years, utilising a Scottish Government process which ensures that all possible options must be considered from economic, social, environmental and technical viewpoints. These options include:

- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for HFPS due to the fact that defences in Hawick would still be required, the capital cost of the provision of the dams made the HFPS uneconomic and potentially not qualify for Scottish Government funding, overwhelming and vehement objection to loss of livelihood from landowners, significant environmental impact). Despite rejecting this option for the HFPS, it will be considered as part of Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that the flood risk benefits afforded by NFM are very difficult to quantify, take decades to reach full potential, and are likely to only make a very small difference to the flood defence heights in Hawick, given the size of the River Teviot catchment. SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.



- Dredging of the river. This option was rejected for the HFPS on the basis that the impact of dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas.

**With regard to your concern over enjoyment of the River Teviot:**

We fully appreciate your statement that your enjoyment of the riverbank and its paths will be severely depreciated. Our design has taken into account the impact of the HFPS on the environment through our comprehensive Environmental Statement, with over 100 individual mitigation measures set out in table 16-1<sup>2</sup>. We will continue to advance our environmental impact mitigation measures during detailed design and share the proposals with the public where appropriate.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

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<sup>2</sup> [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/Hawick%20FPS%20ES\\_Volume%201\\_FINAL.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf)

HFPS-Objection-013

Objection and Response (redacted)

[REDACTED]  
[REDACTED]  
[REDACTED]

Hawick Flood Prevention Scheme.

Let me start by saying I welcome the idea of a flood prevention scheme for Hawick. In the 16 years we have owned a property in the town there have been at least 3 major floods.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

In Hawick the major visual asset is the riverside views, the proposed scheme will destroy this asset. Solid walls with small viewing windows will not enhance the visual amenity of the town. I have heard it described as the Berlin wall, it will effectively split the town in two with the people on one side of the river being unable to see anything on the other.

What is needed is the same approach as the one taken in Northwich where the riverside was recognised as a major asset and steps were taken to preserve it, the scheme proposed for Hawick seems determined to destroy the town's major visual asset.

The council say they are prioritising the regeneration of Hawick with tourism as a major focus, how will this proposal help this aspiration?

This scheme needs to be turned on its head with panoramic windows strengthened by periodic pillars preserving the asset of the riverside views. This will protect both the riverside properties and the riverside views.

[REDACTED]



*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

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In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern relating to visual impact:**

SBC have continually recognised the visual impact that the proposed HFPS may have on the landscape, and the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
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- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

We acknowledge the efforts made to preserve the views in [REDACTED] and will consider all options available within the HFPS's technical and financial constraints to determine how best to preserve visual and physical access to the River Teviot.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

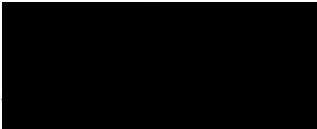
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We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-014

Objection and Response (redacted)

**From:** [REDACTED]  
**Sent:** 28 May 2017 20:03  
**To:** Legal  
**Subject:**

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Sent from Windows Mail  
Proposed Hawick Flood prevention scheme

With reference to the above I feel I must record my objection to the scheme as planned. I have viewed the details of the proposed scheme and feel strongly that they will have a massive detrimental effect on Hawick far outwaying their intended purpose. Of course a flood prevention scheme is required to prevent a repeat of previous floods but these plans go way over the top and the effects will be even more detrimental to the town.

Plans to build massive substantial walls on both sides of the river will without doubt alter the visual amenity of the river Teviot for residents and visitors alike. Walls of 2 metres in height cannot be disguised as anything other than what they are. The views of the river will be obliterated to locals and visitors alike. No amount of viewing panels or view points will ever change this fact.

Hawick is trying hard to entice tourists to the town and surrounding area, this scheme would make this effort very much more difficult. This project would have a devastating effect on tourism and visitor numbers with the local economy suffering accordingly.

This plan would in effect split Hawick in two parts, possibly to be named hawick north and hawick south in the future. This is not required and goes against the traditional spirit of the people of Hawick.

There are very many alternative solutions which could be implemented which would not have such a detrimental impact on the town.

[REDACTED]

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For more information please visit <http://www.symanteccloud.com>

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

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**With regard to your request that other options are considered:**

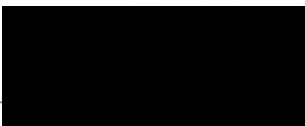
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Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-015

Objection and Response (redacted)

**From:** [REDACTED]

**Sent:** 28 May 2017 20:50

**To:** Legal

**Subject:** Hawick Flood prevention scheme

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

To Whom It may Concern

I am writing to express my concerns about the proposed flood prevention measures in Hawick. although I havnt heard much about it until recently and I am not fully informed I was alarmed to be told that there are going to be walls built at the sides of the river, possibly even blocking it from view!

Hawick is a town which has been built on a river and is important to its heritage. The river is an integral part of the town and adds to its attraction. Myself and many others love to walk beside the river, to hear and see the birds there, sometimes otters, and take the kids or dogs to the riverbank to throw stones in.

I know the river has been destructive when in flood recently and something needs to be done to address this. I remember walking in Selkirk recently and there appeared to be an embankment built up which I could walk along to still be able to see the river there. Im sure there must also be other options available.

I and many others I have spoken to do not consider it an option to build walls and hide the river from view in our town to the detriment of the majority of people. I think we need some other suggestions and let people see mock-ups of what it will look like. Not enough information has been given to the people in the town.

Regards

[REDACTED]

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[REDACTED]

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For more information please visit <http://www.symanteccloud.com>

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

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### **With regard to your request that other options are considered:**

The current HFPS has been in development for over six years, utilising a Scottish Government process which ensures that all possible options must be considered from economic, social, environmental and technical viewpoints. These options include:

- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for HFPS due to the fact that direct defences in Hawick would still be required, the capital cost of the provision of the dams made the HFPS uneconomic and potentially not qualify for Scottish Government funding, overwhelming and vehement objection to loss of livelihood from landowners, significant environmental impact). Despite rejecting this option for the HFPS, it will be considered as part of Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky

barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that the flood risk benefits afforded by NFM are very difficult to quantify, take decades to reach full potential, and are likely to only make a very small difference to the flood defence heights in Hawick, given the size of the River Teviot catchment. SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.

- Dredging of the river. This option was rejected for the HFPS on the basis that the impact of dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas.
- Embankments similar to Selkirk. The only location in Hawick where this form of flood protection is feasible is at Weensland. Embankments need very large footprints to allow the side slopes to remain stable during a flood event. Adding a wide footpath on the crest further increases the space required, which is at a premium through the centre of Hawick. Implementing this option would require the closure of many roads and footpaths, which would clearly be unacceptable.

**With regard to your concern relating to lack of consultation with locals and residents:**

We believe that a high level of consultation and opportunity for comment has been offered to the residents of Hawick during the development of the HFPS since 2010. The Project Team have undertaken a number of activities in the public domain to raise awareness of the project at various stages:

- Option Appraisal Stage: 2 day (0900 – 2100 hrs) Public Exhibition no.1 at Heart of Hawick on 18<sup>th</sup> and 19<sup>th</sup> July 2012 to explain the options being considered for the preferred Scheme. Adverts placed in the newspaper and around the town. Report on findings published August 2012.
- Development of Project Website: Dedicated website for the scheme set up in August 2015 to act as a portal to share news, information and documentation
- Development of Facebook site: To keep up with the increasing demand for information shared via social media, SBC set up a Facebook page in February 2016 to share information and raise awareness of public events with social media users.
- Concept Design Stage: evening event at Hawick High school on 23<sup>rd</sup> March 2016 to showcase the scheme design progression and integration with other community initiatives.
- Concept Design Stage: 2 day (0900 – 2100 hrs) Public Exhibition no.2 at Hawick Town Hall on 23<sup>rd</sup> and 24<sup>th</sup> August 2016 to identify the proposed scheme and gather opinion from the public with a view to undertaking modifications where appropriate. Adverts placed in the newspaper, notices posted round town and mentioned on Radio Borders. Report on findings published September 2016.
- Concept Design Stage: 2 day (1630 – 2100 hrs) Public Exhibition no.3 at Heart of Hawick on 18<sup>th</sup> and 19<sup>th</sup> January 2017 to show how the comments made in August were taken into account for the final design before Scheme publication in April. Adverts placed in the newspaper, notices posted round town and mentioned on Radio Borders.
- Over 100 face to face meetings with landowners, businesses, stakeholders and community groups, focussing on the main issues.



Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-016

Objection and Response (redacted)

**From:** [REDACTED]

**Sent:** 28 May 2017 20:52

**To:** Legal

**Subject:** Flood Scheme - Hawick

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

I strongly object to the proposed flood prevention scheme for Hawick. I find it incredible that the solution is to cut down beautiful trees and build ridiculously high walls so the river will not be visible. The river is a much loved part of the town, so surely this must be looked at much more sympathetically. A balance must be found between flood prevention and preserving the view of the area, as well as keeping as many trees as possible.

[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern relating to visual impact:**

SBC have continually recognised the visual impact that the proposed HFPS may have on the landscape, and the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

### **With regard to your concern over tree felling:**

From the inception stage of the project SBC have been committed to minimising the environmental impact of the scheme. Since July 2012 the project team have met with key environmental stakeholders to gain an understanding of the potential impact, as the scheme progressed SBC established working groups to ensure the design was constantly monitored by external third parties who had a keen interest to the environmental impact. Members of these groups included representatives from Scottish Environmental Protection Agency (SEPA), Scottish National Heritage (SNH), Hawick Angling Club and Scottish Water, to name a few.

The feedback the team received from these groups proved invaluable; as a result of this feedback the design team adopted a construction methodology which minimised the footprint of the proposed flood walls. This alternative method will result in less trees being removed than would have been required with a more traditional method.

The objective of felling the trees is to ensure that the flood protection works can be constructed as safely and effectively as possible. The felling of trees is a decision the Council has taken following review of the probable health and safety impacts during and after construction. The sheet pile foundations of the flood wall will sever the roots of the trees, causing them to potentially suffer from stability problems in the future. The first time we may notice such deterioration could well be after a winter gale which has caused the tree to fall on top of someone, their house or car. Such a risk is deemed to be unacceptable.

SBC is committed to providing at least two new trees for every tree which is felled as part of the HFPS, with the exact location, distribution and species of trees to be confirmed during the forthcoming detailed design phase.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-017

Objection and Response (redacted)

**From:** [REDACTED]

**Sent:** 28 May 2017 21:02

**To:** Legal

**Subject:** Flood Prevention Scheme for Hawick

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

I am writing to object to the proposed flood scheme for Hawick. I believe that the scheme will be visually intrusive, ruin views of the river and spoil the look of the town. I realise that some measures must be taken, but a compromise, such as lower wall height should be considered.

[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern relating to visual impact:**

SBC have continually recognised the visual impact that the proposed HFPS may have on the landscape, and the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintaining safe access to the river at the Cobble Cauld, west end of Duke Street and Weensland.

### **With regard to your concern over the height of the proposed walls:**

The height of the walls are dictated by the flood levels for a 1 in 75 year flood event (a flood which has a 1 in 75 chance of occurring in any given year), and have been reduced as much as possible (see above). This is an event greater than anything experienced in recorded history, which explains why the walls need to be this height.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have.

If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-018

Objection and Response (redacted)

**From:** [REDACTED]  
**Sent:** 28 May 2017 21:34  
**To:** Legal  
**Subject:** Hawick Flood Prevention Scheme 2017

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Dear Sir,

I object to this scheme for the following reasons.

The scheme takes insufficient account of the importance of the Rivers Teviot and Slitrig to Hawick. These rivers formed and shaped Hawick. Their waters powered the mills. Their economic importance as a source of energy has waned but because they flow through the centre of the town they are vital constituents of the town. Most people in Hawick will see the rivers during the day, they will enjoy the open views they provide and the wildlife and vegetation; they notice whether the river is up or down. They can get to the rivers to swim, to fish or to walk their dogs. The rivers are an essential amenity for Hawick. Perhaps they are taken for granted.

These plans will completely sever the close and dynamic link between town and the Teviot, in particular. They will create a hard physical barrier between the people of Hawick and their river. In many cases the river will no longer be visible except through a glass viewing pane, a pathetic substitute for unmediated contact with the river and its atmosphere. In some places there are to be raised walkways. But that brings an artificiality to the whole experience of being near the river. The wonder of the river experience as it exists is that it is immediate and ever present. There are many places where you can walk down to the river, without worrying about climbing a wall or going through a gap in the wall.

These concerns are recognised in the Environmental Statement ("ES"); the proposers of the scheme however pretend that the effects of this traumatic severance can be mitigated by certain measures: the viewing panes, viewing points, public art (I assume they mean graffiti) and tree planting (after many trees are cut down). In my view, none of these will go anywhere near repairing the damage. The view of the river will be of a watercourse confined within massive barriers. The river will no longer be seen in relation to the buildings and the life going on along its banks. The experience will be akin to looking at a canal in an industrial estate, or eating a Mars bar with the wrapper on.

Consider the Teviot between Mansfield Road and Duke Street. Here there are wide tree lined boulevards. The Johnstons of Elgin building is a fine edifice; looking at it, you are transported to the Continent. Here is how it is described on the website of British Listed Buildings: "The administration block at Eastfield Mills has the grandest façade of any of the textile buildings in Hawick and it makes a major contribution to the streetscape. Its French Renaissance chateau style is highly distinctive and the building is both imposing and impressively detailed." If you sit in the Johnstons' restaurant you look out through the large windows and the trees at the attractive cottages on the south bank. Not surprisingly it is a popular place to go. This will be utterly changed if this scheme goes ahead. The huge walls will obstruct the view of the river and of the buildings on the other bank.

I do not believe that Hawick is so rich in places of genuine charm and beauty that it can afford to diminish such an important area as this in the interests of flood protection. It seems to me that Hawick has a great, if as yet poorly exploited potential for a certain type of tourism. It is relatively difficult to get to and has remained unspoiled as a result. It is surrounded by beautiful countryside and historic places and towns. In my view, it could do even more to push itself as a centre for walking and cycling. But there is competition in the market for tourism: Hawick isn't chocolate box pretty; I find it beautiful but not everyone does. This flood prevention scheme will be ugly and will divorce the river from the town. I cannot see how it could be anything but detrimental to the town's economic prospects in the long term.

How has Hawick got to the point where it is even considering this monster remedy? I am not a hydrologist, but I believe that it is accepted that the best way to deal with flooding is to slow the effect of gravity on rainwater: in other words you try to keep the rain where it lands as long as possible and slow its eventual course to the sea. The techniques are known as Natural Flood Management ("NFM") and involve inter alia planting deciduous trees and creating dams on the burns feeding the bigger rivers. NFM was indeed considered by the project sponsors: it is option 38 in the ES. But it seems to have been dismissed at a very early stage as a front runner, being relegated to stage 3, after the flood walls in Hawick have been built. The reasons given are at page 37 of the ES: they are "Currently difficult to make a sound economic case, and difficult to quantify the flood risk reduction at this time. Would require a

culture shift by upland landowners and farming community. NB Would deliver the Scheme objective for NFM, so is considered as part of the phase 3 longer term ". From the brief note of the meeting with the upstream landowners and farmers on 12 September 2012 it seems that they were against keeping the water on farmland for as long as possible. It is not entirely clear why. So NFM was relegated to a subsidiary measure.

Judging by the ES, the sponsors simply failed to engage with the landowners and farmers energetically enough. They are reasonable people and I am sure that they would be willing to help were it explained to them that if they did not wholeheartedly and urgently embrace NFM they would condemn Hawick to these ghastly flood protection measures. And to make it easier for them to do so they could of course be offered compensation when flooding occurs on their land.

The benefits of massive NFM measures cannot be overstated. Not only will large scale deciduous planting help save the planet, it will also be an invaluable tourism resource and will help redress the damage done to the Border hills by sheep and commercial forestry. If, as some predict, Brexit will destroy the UK's lamb industry as well as removing the existing subsidy regime, famers may find that planting the hills and accepting occasional flooding provides a valuable means of diversification. They may now be more receptive to NFM. How wonderful would it be to have a new Border forest a la Carrifran between Hawick and MossPaul.

Finally, the public consultation has in my view been a failure. I do not live in the town but I have worked here for 24 years and I am interested in what goes on. I only found about the **scale** of the Scheme 14 days ago. I immediately started to ask people if they knew about the plans. I would say that 70% of the people I asked had no idea and they all live in the town. Most of those to whom I spoke were appalled when I told them what was proposed. I appreciate that there have been public exhibitions, albeit thinly attended. But for a scheme of this magnitude and importance to the town there should have been something dramatic like a mock up of the flood wall along Duke Street. The residents would have said "what the hell is going on" and a real debate would have started. Instead, the scheme has crept forward under most people's radar, without any rigorous public scrutiny.

Yours sincerely,

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

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In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

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- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

### **With regard to your preference for consideration of NFM and upstream flood storage:**

The current HFPS has been in development for over six years and a number of other options have been thoroughly considered – following extensive public and stakeholder liaison on 2011 and 2012 (including the Options Public Exhibition in July 2012), the reasons for taking forward the current scheme were set out in a report to Council in March 2013<sup>1</sup>.

The reasons for rejection of some of the options you identify for inclusion within the Phase 2 HFPS are:

- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for Stage 2 HFPS due to the following:

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<sup>1</sup> <http://www.hawickfloodscheme.com/ps/>



- Even with a combination of five large flood storage areas on the River Teviot and Slitrig and Borthwick Waters, direct defences in Hawick would still be required to deliver the minimum standard of protection;
- This would have the effect of a potential threefold increase in the capital cost of the HFPS, making it uneconomic and potentially not qualify for Scottish Government funding;
- The overwhelming and vehement objection to loss of livelihood from landowners, their suppliers and customers and the National Farmers Union led to the conclusion that resolution of the difficulties would likely delay the HFPS to such an extent that it may not qualify for funding within the Scottish Government's 2016 – 2021 funding cycle, jeopardising delivery of any form of FPS.
- The dam construction would cause significant adverse environmental impact, which in combination with the impacts of the necessary direct defences had the potential to cause the scheme to be rejected by the various environmental stakeholders. Despite rejecting this option for the HFPS, it will be considered as part of a Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that:
  - Although analysis technology is improving all the time, the flood risk benefits afforded by NFM are very difficult to quantify.
  - NFM measure often take decades to reach full potential, therefore we cannot cite their benefits to Hawick until they reach maturity.
  - For a catchment the size of the River Teviot, even large scale implementation of NFM measures are likely to only make a very small difference to the flood defence heights in Hawick.
  - SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.

**With regard to your concern over the level of public consultation:**

We believe that a high level of consultation and opportunity for comment has been offered to the residents of Hawick during the development of the HFPS since 2010. The Project Team have undertaken a number of activities in the public domain to raise awareness of the project at various stages:

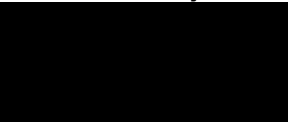
- Option Appraisal Stage: 2 day (0900 – 2100 hrs) Public Exhibition no.1 at Heart of Hawick on 18<sup>th</sup> and 19<sup>th</sup> July 2012 to explain the options being considered for the preferred Scheme. Adverts placed in the newspaper and around the town. Report on findings published August 2012.
- Development of Project Website: Dedicated website for the scheme set up in August 2015 to act as a portal to share news, information and documentation
- Development of Facebook site: To keep up with the increasing demand for information shared via social media, SBC set up a Facebook page in February 2016 to share information and raise awareness of public events with social media users.

- Concept Design Stage: evening event at Hawick High school on 23<sup>rd</sup> March 2016 to showcase the scheme design progression and integration with other community initiatives.
- Concept Design Stage: 2 day (0900 – 2100 hrs) Public Exhibition no.2 at Hawick Town Hall on 23<sup>rd</sup> and 24<sup>th</sup> August 2016 to identify the proposed scheme and gather opinion from the public with a view to undertaking modifications where appropriate. Adverts placed in the newspaper, notices posted round town and mentioned on Radio Borders. Report on findings published September 2016.
- Concept Design Stage: 2 day (1630 – 2100 hrs) Public Exhibition no.3 at Heart of Hawick on 18<sup>th</sup> and 19<sup>th</sup> January 2017 to show how the comments made in August were taken into account for the final design before Scheme publication in April. Adverts placed in the newspaper, notices posted round town and mentioned on Radio Borders.
- Over 100 face to face meetings with landowners, businesses, stakeholders and community groups, focussing on the main issues and impacts affecting those directly.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-019

Objection and Response (redacted)

**From:** [REDACTED]  
**Sent:** 28 May 2017 21:59  
**To:** Legal  
**Cc:** [REDACTED]  
**Subject:** Chief Legal Officer Hawick Flood Scheme

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

28 May 2017

Dear Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it.

My objection involves the conservation of bats. Findlay Ecology Services of Kelso carried out an initial surveys scoping survey in 2015 and then carried out a full bat survey report in 2016. The report stated that the level of bat foraging activity was high along the length of the proposed Flood Prevention Scheme. The report concluded that if any of the proposed works directly or indirectly impacted the roosts sites identified within this report it would be necessary to obtain a derogation licence from the Scottish Natural Heritage Species Licensing Team before the planned works could take place. The authors of the flood scheme report acknowledge that they will have to apply for these derogation licences for this scheme to be implemented. As derogation licences can only be obtained when there is no satisfactory alternative to the granting of a licence it is therefore reasonable to assume that the preferred option cannot be altered any way that would negate the need to apply for such a licence.

In my opinion this could mean one of two things, firstly that the progression of this flood proposal to this stage is either a huge gamble or that there is a belief that the licence will be granted because there is a strong argument that the benefits of implementing the preferred option outweighs the negative impact it would have on bats. However in my opinion it cannot be argued that there is no alternative solution and the licence should not be sought or granted. The report states there were originally 50 flood protection options, even after only having studied flood option one section table 4.6 in the Main Report Environmental statement it is clear that this option was not thoroughly expanded upon. The report cannot be more specific than stating that between 5 and 9 upstream online storage areas would be needed. This is incredibly vague considering that the report states that average price of each upstream online storage area is £7.5 million The report fails to give any details on the flood defences that would be needed to be setup in Hawick to compliment the upstream online storage, nor does it give any indication of the impact that option one would have on the local bat population if it was implemented.

In my opinion it is clear that option one is still a viable alternative option and it was not investigated thoroughly enough to argue that there is no satisfactory alternative available that would prevent the need for issuing a derogation licence. This option appears to have been dismissed at such an underdeveloped stage because of resistance from the sections of the farming community who either attended a public exhibition or attended the farmers meeting in 2012. What exactly did the farmers reject to 5,6,7,8 or 9 upstream online storage areas being sited? Also on realising the impact that the preferred option would have on bat conservation and that there would need to be an application for a derogation licence I would have expected to have seen evidence in the flood report that other options including new ones would have been looked at in some depth again. My understanding of bat derogation licences are that they provide the licensee temporary immunity from prosecution from carrying out an illegal act. Hence they really only should be applied for and granted in exceptional circumstances when there really is no alternative. Could you please acknowledge this objection.

Kind regards

[REDACTED]  
[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern over impacts on bats:**

The HFPS design team have undertaken a number of discussions with the environmental stakeholders who have responsibility for ensuring that our proposals do not adversely affect protected species, including bats. Our Environmental Impact Assessment determines the likely impact on those species and offers a series of mitigation measures which must, if the scheme is confirmed, be carried out as part of the construction work contract. These measures include no working during times when the bats are foraging or emerging from roosts, carrying out further surveys and employing an Environmental Clerk of Works to ensure compliance with the mitigation measures.

We note that all other forms of flood protection which were considered for Hawick (Natural Flood Management (NFM), upstream flood storage areas, dredging) would have required direct defences to be constructed as well, thus requiring the derogation licence to be obtained in any case (please refer to subsequent sections on NFM and flood storage).

### **With regard to your preference for consideration of NFM and upstream flood storage:**

The current HFPS has been in development for over six years and a number of other options have been thoroughly considered – following extensive public and stakeholder liaison on 2011 and 2012 (including the Options Public Exhibition in July 2012), the reasons for taking forward the current scheme were set out in a report to Council in March 2013.

The reasons for rejection of some of the options you feel were dismissed quickly for inclusion within the Phase 2 HFPS are:

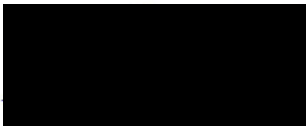
- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for Stage 2 HFPS due to the following:
  - Even with a combination of five large flood storage areas on the River Teviot and Slitrig and Borthwick Waters, direct defences in Hawick would still be required to deliver the minimum standard of protection;
  - This would have the effect of a threefold increase in the capital cost of the HFPS, making it uneconomic and potentially not qualify for Scottish Government funding;
  - The overwhelming and vehement objection to loss of livelihood from landowners, their suppliers and customers and the National Farmers Union led to the conclusion that resolution of the difficulties would likely delay the HFPS to such an extent that it may not qualify for funding within the Scottish Government's 2016 – 2021 funding cycle, jeopardising delivery of any form of FPS.
  - The dam construction would cause significant adverse environmental impact, which in combination with the impacts of the necessary direct defences had the potential to cause the scheme to be rejected by the various environmental stakeholders. Despite rejecting this option for the HFPS, it will be considered as part of a Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that:
  - Although analysis technology is improving all the time, the flood risk benefits afforded by NFM are very difficult to quantify.

- NFM measure often take decades to reach full potential, therefore we cannot cite their benefits to Hawick until they reach maturity.
  - For a catchment the size of the River Teviot, even large scale implementation of NFM measures are likely to only make a very small difference to the flood defence heights in Hawick.
  - SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.
- Dredging of the river. This option was rejected for the HFPS on the basis that the impact of dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**



HFPS-Objection-020

Objection and Response (redacted)

-----Original Message-----

From: [REDACTED]

Sent: 28 May 2017 22:15

To: Legal

Subject: Hawick Flood Prevention Scheme 2017

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Dear Sir,

I would like to object to the proposed Hawick Flood Prevention scheme. Recently Hawick has been badly flooded, residents have had their houses badly damaged and there does need to be a flood prevention scheme to protect the town. But the proposed scheme is not in the right one for the following reasons;

It would partition the town from the Teviot river. The river is an intrinsic part of Hawick both historically and aesthetically. The town would lose a great deal of its charm and the residents would lose much of the pleasure they take in living alongside the river. The massive walls proposed would be oppressive and unattractive. The touristic appeal of Hawick would also be much reduced.

The proposed scheme would channel any flood between vertical and immovable walls. The effect of this would be to increase the speed of the river in flood through Hawick and so to increase the risk from flooding for places such as Denholm which are downstream of Hawick.

In the past the risk of flooding in Hawick was reduced by allowing the river to flood upstream or by damming it upstream. If farmers were payed a reasonable sum of money to allow their fields either to be subject to flooding or to operate some type of sluice system to divert flood waters away from Hawick this would be a much more environmentally friendly and sustainable way of dealing with the floods. I find it hard to believe that farmers would not be prepared to take part in such a scheme if adequately rewarded especially since agricultural subsidies are likely to decrease after Brexit. If the potential flood risk was reduced in this way there would not be a need for such a massive and intrusive scheme in Hawick itself. In the longer term planting trees would also help to alleviate the flood risk.

The right scheme for Hawick needs to balance the gain from flood prevention with the negative impact of the scheme itself. The proposed scheme will have a very substantial negative effect on the town and the downstream area. It is my belief that if other flood prevention measures were implemented then a much less obtrusive and hopefully cheaper scheme could be built.

[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009.

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern over the height of the proposed walls:**

The height of the walls are dictated by the flood levels for a 1 in 75 year flood event (a flood which has a 1 in 75 chance of occurring in any given year). This is an event greater than anything experienced in recorded history, which explains why the walls need to be this height (see also bullet point 2 above).

SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the Haugh opposite Hawick RFC.

### **With regard to your suggestion relating to upstream tree planting:**

In 2017/18, SBC are going to undertake a full study into the potential opportunities and benefits which could be gained by implementing Natural Flood Management (NFM) in the wider River Teviot catchment. This will feed into the overall feasibility assessment for Phase 3 of the Hawick Flood Risk Management strategy. It is widely recognised, however, that NFM (including wide scale tree planting) cannot wholly replace the need for direct defences or other forms of flood protection.

**With regard to your concern relating to lack of consultation with locals and residents:**

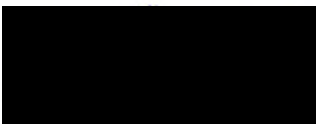
We believe that a high level of consultation and opportunity for comment has been offered to the residents of Hawick during the development of the HFPS since 2010. The Project Team have undertaken a number of activities in the public domain to raise awareness of the project at various stages:

- Option Appraisal Stage: 2 day (0900 – 2100 hrs) Public Exhibition no.1 at Heart of Hawick on 18<sup>th</sup> and 19<sup>th</sup> July 2012 to explain the options being considered for the preferred Scheme. Adverts placed in the newspaper and around the town. Report on findings published August 2012.
- Development of Project Website: Dedicated website for the scheme set up in August 2015 to act as a portal to share news, information and documentation
- Development of Facebook site: To keep up with the increasing demand for information shared via social media, SBC set up a Facebook page in February 2016 to share information and raise awareness of public events with social media users.
- Concept Design Stage: evening event at Hawick High school on 23<sup>rd</sup> March 2016 to showcase the scheme design progression and integration with other community initiatives.
- Concept Design Stage: 2 day (0900 – 2100 hrs) Public Exhibition no.2 at Hawick Town Hall on 23<sup>rd</sup> and 24<sup>th</sup> August 2016 to identify the proposed scheme and gather opinion from the public with a view to undertaking modifications where appropriate. Adverts placed in the newspaper, notices posted round town and mentioned on Radio Borders. Report on findings published September 2016.
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- Over 100 face to face meetings with landowners, businesses, stakeholders and community groups, focussing on the main issues.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-021

Objection and Response (redacted)

**From:** [REDACTED]

**Sent:** 28 May 2017 22:42

**To:** Legal

**Subject:** Fw: Hawick Flood Scheme Objection

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Please see email objection below. I have still not received an acknowledgement and would like to request one.

[REDACTED]

-----Original Message-----

**From:** [REDACTED]

**Date:** 19-May-2017 10:20

**To:** <[legal@scotborders.gov.uk](mailto:legal@scotborders.gov.uk)>

**Subj:** Hawick Flood Scheme Objection

Dear Sir or Madam

19 May 2017

I wish to raise a formal objection to the proposed Hawick flood prevention scheme 2017. I was brought up next to the river and would describe Hawick as a river town. I have planned to spend the rest of my life here in this beautiful town. The river is an integral part of Hawick, it is both part of the towns culture and history. In my view the river Teviot is the lifeblood of the town. Many people choose to traverse the town via the various paths that adjoin the river. The proposed flood prevention proposal will involve socially excluding most of the residents of Hawick from the river. Walls some in excess of 2 metres in height will hide the river from the people of the town. The people of Hawick depend on the environment around them for their physical and mental health and general well being. These walls will exclude much of the river Teviot and the associated green space from the people of Hawick. [REDACTED] I personally rely on the river for my general well being and all the areas of the river I am currently able to access will be lost to me if this proposed plan is put into place. To clarify I am objecting to the plan because I believe that the exclusion from the river that I will have to endure will prevent me from being able to enjoy the river and will thus have an effect on my health and wellbeing.

I am also objecting to the plan because I believe that the people of Hawick and the surrounding area will be excluded from accessing the vast majority of the river Teviot that flows through the town. It is this social exclusion from the river that will prevent the people of Hawick from fully being able to enjoy the river. This I argue will also have an effect on the health and wellbeing of many of the residents of Hawick.

Regards

[REDACTED]



*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
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In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.



## **Your Specific Concerns**

### **With regard to your concern relating to impact on health and wellbeing:**

SBC have continually recognised the visual impact that the proposed HFPS may have on the landscape, and the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

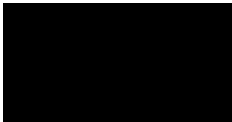
- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- A Community art project

Please also note that many of Hawick's greenspaces are protected under Scottish Borders Council's Local Development Plan; whilst there may be some temporary disruption to these greenspaces during construction of the defences, they will be reinstated in full to a standard that matches, or in many cases, improves upon their current status.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-023

Objection and Response (redacted)

**From:** [REDACTED]  
**Sent:** 28 May 2017 11:21  
**To:** Legal  
**Subject:** Objection to hawick flood defence proposal

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Dear sir,

I would like to object to the proposed plans for Hawick flood scheme.

I have viewed the proposed plans and I have great concerns over the size of the retaining walls within the town at 2metres tall they will have the effect of dividing the town in two, also blocking views of the river. This proposal will have a very detrimental impact on the landscape within the town. I think this will have a very bad effect on visitors to the town and subsequently damage the town's economy.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear [REDACTED]

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

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SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern relating to visual impact:**

SBC have continually recognised the visual impact that the proposed HFPS may have on the landscape, and the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

**With regard to your request that other options are considered:**

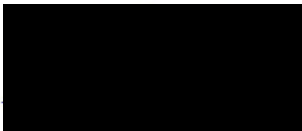
The current HFPS has been in development for over six years, utilising a Scottish Government process which ensures that all possible options must be considered from economic, social, environmental and technical viewpoints. These options include:

- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for HFPS due to the fact that direct defences in Hawick would still be required, the capital cost of the provision of the dams made the HFPS uneconomic and potentially not qualify for Scottish Government funding, overwhelming and vehement objection to loss of livelihood from landowners, significant environmental impact). Despite rejecting this option for the HFPS, it will be considered as part of Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that the flood risk benefits afforded by NFM are very difficult to quantify, take decades to reach full potential, and are likely to only make a very small difference to the flood defence heights in Hawick, given the size of the River Teviot catchment. SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.
- Dredging of the river. This option was rejected for the HFPS on the basis that the impact of dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-024

Objection and Response (redacted)



**From:** [REDACTED]  
**Sent:** 28 May 2017 14:54  
**To:** Legal  
**Cc:** [REDACTED]  
**Subject:** Hawick Flood Scheme Formal Objection

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*  
28 May 2017

Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it. There are 3 points of objection I wish to raise.

[REDACTED]  
[REDACTED]. After having read the Report I wish to raise the following points of objection.

My first point of objection is that my family and I will no longer be able to experience the River Teviot unless we visit Hawick Park. On a day to day basis we all travel by the river, often on foot and sometimes by car. All the services we use within the town and the people and places we visit will mean viewing high walls instead of a beautiful riverside. This means we will no longer be able to truly experience the river Teviot on a daily basis. [REDACTED]

[REDACTED] In my opinion we will no longer be living in a riverside town because the flood plan essentially involves enclosing the river Teviot behind two large walls as it travels through Hawick. This plan is too severe and will completely destroy the relationship my family and I and the people of Hawick currently have with the river Teviot.

My second point of objection is that the plan states that the Scheme will take years to complete. In my opinion the disruption caused during the building of the flood scheme will be too severe. [REDACTED]

[REDACTED] I also read that some play facilities within the town would have to be dismantled during the process and will not be reinstated until a considerable amount of time had elapsed.

My third objection involves the issue of health and safety. I will give you an example of one riverside walk that I often take with my children. The walk I am referring to is on the south side of the river Teviot and sits within cell 4 of your flood plan. At the end of the walk there is a small play park. I do not think I would take this walk in future if the planned walls were built. While on this walk I can currently see and be seen from the other side of the river. The other side of the river is usually quite busy, with people coming and going from places like the nursery, a mill and commercial garages that are there. People are often in their gardens or at their windows looking over enjoying the view from the Mansfield side. I feel somewhat reassured by this and believe that if I was faced by either a real or perceived threat that someone on the other side would notice what was happening, particularly if I shouted out for help. I would not now have this feeling of security if large walls being built on both sides of the river blocking any view of this path from the north side. Other vulnerable people including those who have no choice but to use this path might now do so both with a feeling of trepidation and with an actual increased level of risk. I think this

argument would hold for the majority of riverside paths in Hawick where there are plans to build large high walls.

I wonder if you could furnish me with an email receipt of this emailed Objection

Yours Faithfully

A large black rectangular redaction box covering the signature area.

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern relating to visual impact:**

SBC have continually recognised the visual impact that the proposed HFPS may have on the landscape, and the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

### **With regard to your concern over the duration of construction:**

The construction methodology has been very carefully considered to reduce the impact on the public's normal day-to day activities and travel / access requirements. Whilst some adverse impacts in relation to noise, dust, vibration and restricted access are inevitable, the duration and scale of those impacts has been reduced by virtue of the following measures:

- Adopting a sheet piled solution for over 70% of the scheme's length to reduce the duration of the construction works;
- Working from within the river channel at multiple locations to minimise disruption to roads and footpaths;
- Ensuring that alternative access arrangements are in place, and are well signposted and maintained, and;
- Consult with and inform the public before and during construction works, such that all disruption is planned and properly mitigated in advance.

The only children's play facility which is likely to be temporarily adversely affected by the HFPS will be the one in the Little Haugh. The reinstatement of these facilities will be subject to our intention to let the public have their say on how the Little Haugh is reinstated. The new facilities at Wilton Lodge will be unaffected by our works.

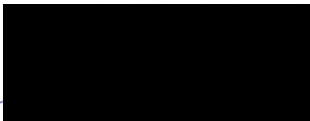
**With regard to your concern over health and safety:**

We fully appreciate your concern over the feeling of trepidation which may result from the new flood walls and have, where possible, included for raised footpaths and intermittent glass panels to maintain the ability of the public to continue their safe enjoyment of the river environment. These details will require to be further developed during our detailed design stage and may include further measures such as improved street lighting.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-025

Objection and Response (redacted)

**From:** [REDACTED]

**Sent:** 28 May 2017 23:08

**To:** Legal

**Subject:** Hawick flood protection scheme

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*  
To whom it may concern.

I hereby log my objection to the design of the scheme within residential areas of Hawick. My objection is in regard to the solid block style design where the river is hidden from view. Other than a few all windows. This will adversely affect residents daily environs and have a huge impact on visitors to the town and future developments along the rivers.

I would highlight the keswick scheme where long areas of see through walls are used. I would like to see this approach taken to all residential areas, and the solid style used in industrial and non residential areas.

The benefits must not outweigh the costs incurred.

Kind regards

[REDACTED]

[REDACTED]

Sent from Samsung Mobile

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For more information please visit <http://www.symanteccloud.com>

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Please ask for:

Conor Price

Our Ref:

HFPS-L-1001

Your Ref:

Phone:

01835 826765

E-Mail:

[conor.price@scotborders.gov.uk](mailto:conor.price@scotborders.gov.uk)

Date:

13 July 2017

Dear [REDACTED]

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### General Information

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
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- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.



## **Your Specific Concerns**

### **With regard to your concern relating to construction of walls and visual impact generally:**

SBC have continually recognised the visual impact that the proposed HFPS may have on the landscape, and the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact Conor Price as detailed above to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-026

Objection and Response (redacted)

-----Original Message-----

From: [REDACTED]

Sent: 29 May 2017 10:45

To: Legal

Cc: [REDACTED]

Subject: Hawick Flood Scheme Formal Objection

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Chief Legal Officer

29 May 2017

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it.

My first point of objection is that the implementation of this flood proposal will completely alter and almost destroy the relationship that the people of Hawick have with the River Teviot. Hawick will no longer be a riverside town because its residents will be unable to access or experience the River Teviot in the ways that they currently enjoy. [REDACTED]

[REDACTED]. The people in these areas of the town have a specific relationship with the river which is not dissimilar to the relationship people who live by the sea have with the coast. As a child I often frequented the riverside to experience its beauty and wildlife. The areas of Mansfield and Trinity which includes Duke Street are riverside areas of Hawick. These areas are many comprised of tenement housing, around 90 per cent of which are council tax band A. It is this very relationship that people from these areas have with the river Teviot that makes these areas attractive to the people who live there.

If you build high walls along both sides of the river then they will no longer really be riverside areas. If the preferred option is put in place there will be two large tenement areas next to two large walls with no access to the river. This in my view can do nothing but lead to a decrease in attractiveness of these areas. Tenement properties within Hawick have become increasingly difficult to sell or rent out in recent years. How attractive are these areas going to be to prospective buyers or tenants when they basically become walled up tenement areas? Also please consider the children and pensioners from these areas who will have no choice but to lose their relationship with the river. In general I believe that this flood proposal will be seriously detrimental to the town of Hawick, but being more specific I believe that it will be catastrophic for the people whose homes are in the Mansfield and Trinity areas of Hawick.

My second point of objection is that my own interest and enjoyment of the land at the riverside will be lost. I will no longer be able to experience the river Teviot in the ways I currently do. I also believe that the implementation of this proposal will not only decrease the enjoyment I have of Hawick in general but that it will also reduce my enjoyment of own home. I have worked, invested and made decisions for my future all based on the fact I would retire and live in Hawick for the rest of my life. When I made these decisions it was not reasonable for me to assume that there would be a flood plan for Hawick that would be on a scale or a level of severity of the one proposed. The scale and severity of this proposal is so great that if it is implemented I will essentially be living in a different town. It is also stated within the report that the preferred option will take years to complete. [REDACTED]

Please could you send me an email receipt of this objection.

Yours Faithfully



*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding, noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

### **Your Specific Concerns**

**With regard to your concern relating to visual impact:** SBC have continually recognised the visual impact that the proposed HFPS may have on the landscape, and the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns

have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
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- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

**With regard to your concern over the impact of construction:** The construction methodology has been very carefully considered to reduce the impact on the public's normal day-to day activities and travel / access requirements. Whilst some adverse impacts in relation to noise, dust, vibration and restricted access are inevitable, the duration and scale of those impacts has been reduced by virtue of the following measures:

- Adopting a sheet piled solution for over 70% of the scheme's length to reduce the duration of the construction works;
- Working from within the river channel at multiple locations to minimise disruption to roads and footpaths;
- Ensuring that alternative access arrangements are in place, and are well signposted and maintained, and;
- Consult with and inform the public before and during construction works, such that all disruption is planned and properly mitigated in advance.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or

clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



Ewan Doyle  
Project Executive

HFPS-Objection-030

Objection and Response (redacted)



**From:** [REDACTED]  
**Sent:** 29 May 2017 14:41  
**To:** Legal  
**Subject:** Hawick Flood Protection Scheme

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Ref: The Hawick Flood Protection Scheme under the Flood Risk Management (Scotland) Act 2009 (the Act) and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (the Regulations).

Dear Sirs,

I write to lodge my objection to the flood protection walls that have been proposed in the report that has recently been made available to the public. I fully accept and support that something has to be done to avoid the types of floods we have seen in recent years, however I feel that 2 metre high concrete walls being built the length of the town, which would completely obscure the river from view in parts of the town, would be detrimental to Hawick.

The town is currently trying to rebuild and regenerate after the significant decline of the textile industry, and one of these regeneration schemes has been to improve the Wilton Lodge and Volunteer parks. The river is a fundamental part of these tourist attractions in the town, and to hide it from view would be ridiculous. People have worked hard to make the park an area of natural beauty, and tourists (and locals) do not want to come to such a place and look at concrete walls. There is also regeneration ongoing in Commercial Road with retail and tourist attractions opening, i.e. the new Whisky Distillery and the large children's soft play centre, as well as the new Aldi retail unit. Could the current wall not be replaced or reinforced at its current height? The river is also recognised during the town's Common Riding festival, how will towns people and tourists see the Cornet dip his flag in the Cobble Pool when there is a 2 metre wall stopping access?

This river is an important landmark in the town and should not been hidden behind concrete walls. As stated above, I fully support a flood protection scheme for the town and those most at risk, but this proposal should be a last resort after all less invasive options have been exhausted.

Yours faithfully

[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern that the walls are too high:**

The height of the walls are dictated by the flood levels for a 1 in 75 year flood event (a flood which has a 1 in 75 chance of occurring in any given year). This is an event greater than anything experienced in recorded history which explains why the walls are this height (see also bullet point 2 above). For the avoidance of doubt, the walls are not 2.0m in height throughout the town; they generally fluctuate between 1.1m and 2.2m with a mean height of 1.66m.

### **With regard to your concern that the walls will impact on recent and proposed retail and tourist development:**

The HFPS will not adversely affect the recent improvements at Wilton Lodge Park, nor will it affect the 3G pitch at Volunteer Park. SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.

We have looked into options to reinforce the existing masonry walls, but because it is necessary to provide the HFPS with a design life of 100 years, we cannot utilise existing structures due to potential hidden defects.

The HFPS construction works will be undertaken in a manner which does not disrupt the Common Riding routes, activities and traditions. Once the works are complete, the current situation with regard to access to the Cobble Pool will be unchanged, along with the ability for people to view the ceremony. The HFPS Project Team has liaised with the Hawick Common Riding Committee to allay any concerns in this regard.

**With regard to your request that other options are considered:**

The current HFPS has been in development for over six years and a number of other options have been thoroughly considered. This includes:

- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for HFPS due to the fact that direct defences in Hawick would still be required, the capital cost of the provision of the dams made the HFPS uneconomic and potentially not qualify for Scottish Government funding, overwhelming and vehement objection to loss of livelihood from landowners, significant environmental impact). Despite rejecting this option for the HFPS, it will be considered as part of Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that the flood risk benefits afforded by NFM are very difficult to quantify, take decades to reach full potential, and are likely to only make a very small difference to the flood defence heights in Hawick, given the size of the River Teviot catchment. SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.
- Dredging of the river. This option was rejected for the HFPS on the basis that the impact of dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas.
- Embankments similar to Selkirk. The only location in Hawick where this form of flood protection is feasible is at Weensland. Embankments need very large footprints to allow the side slopes to remain stable during a flood event. Adding a wide footpath on the crest further increases the space required, which is at a premium through the centre of Hawick. Implementing this option would require the closure of many roads and footpaths, which would clearly be unacceptable.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-031

Objection and Response (redacted)

**From:** [REDACTED]

**Sent:** 29 May 2017 22:38

**To:** Legal

**Subject:** Hawick Flood Scheme

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Hi,

I am objecting against the felling of trees in Duke Street and Mansfield Road and the very high walls that will make it difficult to see the river.

Thank you

[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern that the Duke Street and Mansfield Road trees are being felled:**

We understand that the Duke Street and Mansfield Road trees are a significant part of the landscape in this area and have looked into options to retain them. We have decided that the trees on Duke Street require to be removed for a number of reasons:

- To allow the construction machinery to operate safely;
- To allow us to safely remove the overhead telephone lines, which will be diverted underground, and;
- If the trees were not removed, there is a danger that their roots may be damaged during construction, causing them to suffer stability issues in the future. This would become a significant health and safety issue if the tree fell over during windy conditions.

We will be replacing the trees once construction of the flood walls is complete, and we will be carrying out a landscaping project along Duke Street which will include raised footpaths (so you can see over the wall), glass panels (so you can see through the wall), new trees and removal of the unsightly overhead telephone wires.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**



HFPS-Objection-032

Objection and Response (redacted)

**From:** [REDACTED]

**Sent:** 29 May 2017 22:43

**To:** Legal

**Subject:** Hawick Flood Scheme

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Hello,

I do not want the trees to be chopped down in Duke street. The trees are nice and make the street green and are a home for birds.

I am scared that if you fall in the river that you will not climb out because the walls are very very tall and no one will see you.

[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

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In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern that the Duke Street trees are being felled:**

We understand that the Duke Street trees are a major part of the landscape in this area and have looked into options to keep them. We have decided that the trees on Duke Street require to be chopped down for a number of reasons:

- To allow the construction machinery to operate safely;
- To allow us to safely remove the overhead telephone lines, which will be diverted underground, and;
- If the trees were not removed, there is a danger that their roots may be damaged during construction, causing them to become dangerous, if the tree fell over during windy conditions.

At Duke Street, we will be planting new trees once building of the walls is complete and will involve the public in the design of the new landscape. We will be fitting artificial bat and bird boxes to those trees which aren't being taken down to offer alternative homes for affected animals.

### **With regard to your concern that the very high walls will make it difficult for people who fall into the river to get out:**

This is an excellent point, and is a problem we are working hard to solve. Options we are looking at to help people who may be trapped in the river or on the river side of the wall include:

- Signage on the river side of the defences to direct people to the nearest safe exit point;
- Ladders built into the flood walls or other similar means of escaping from the river side of the wall;
- Life belts along the line of the defences, and;
- Viewing platforms and windows built into the walls to allow you to see down to the river
- Keep the safe access points to the river at the Cobble Cauld, Common Haugh and upstream end of Duke Street.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-034

Objection and Response (redacted)

**From:** [REDACTED]  
**Sent:** 29 May 2017 22:34  
**To:** Legal  
**Subject:** Hawick Flood Scheme

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Hi,

I would like to object to the beautiful trees in Duke Street and Mansfield Road being chopped down.

[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

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In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern that the Duke Street and Mansfield Road trees are being felled:**

We understand that the Duke Street and Mansfield Road trees are a significant part of the landscape in this area and have looked into options to retain them. We have decided that the trees on Duke Street require to be removed for a number of reasons:

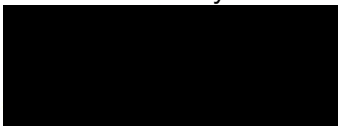
- To allow the construction machinery to operate safely;
- To allow us to safely remove the overhead telephone lines, which will be diverted underground, and;
- If the trees were not removed, there is a danger that their roots may be damaged during construction, causing them to suffer stability issues in the future. This would become a significant health and safety issue if the tree fell over during windy conditions.

We will be replacing the trees once construction of the flood walls is complete, and we will be carrying out a landscaping project along Duke Street which will include raised footpaths (so you can see over the wall), glass panels (so you can see through the wall), new trees and removal of the unsightly overhead telephone wires.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**



HFPS-Objection-035

Objection and Response (redacted)

**From:** [REDACTED]  
**Sent:** 29 May 2017 22:31  
**To:** Legal  
**Subject:** Hawick Flood Protection Scheme Objections

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

Hello,

I would like to make the following objections with the design of the proposed Hawick Flood Protection Scheme.

1. The height of the walls in Duke Street & Mansfield Road
2. The felling of the mature trees in Duke Street & Mansfield Road
3. The enclosing of the Teviot Crescent (lower haugh) grass area and playpark in 2mtr high walls
4. The reduction in space of the main upper common haugh and the use of ramps to access the bridge
5. The 2mtr high wall that will run in front of the cricket pavilion cutting the building off from the pitch
6. Using the new 3g pitch, the hockey pitch and the new tennis courts as a flood plain
7. The use of numerous ramps throughout the town to gain access on to foot bridges
8. The negative visual impact to visitors and tourists
9. The disconnection between the river and the town
10. The distinct separation and barrier that will be created on both sides of the town

[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

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In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern over the height of walls on Duke Street and Mansfield Road and visual impacts generally:**

The wall heights proposed across the HFPS, and including Duke Street and Mansfield Road, are necessary to protect the town against the effects of the 1 in 75 year flood event. The design team has made considerable effort to reduce these wall heights, including:

- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;
- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m.

SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will complement the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

**With regard to your concern that the Duke Street and Mansfield Road trees are being felled:**

From the inception stage of the project SBC have been committed to minimising the environmental impact of the scheme. Since July 2012 the project team have met with key environmental stakeholders to gain an understanding of the potential impact, as the scheme progressed SBC established working groups to ensure the design was constantly monitored by external third parties who had a keen interest to the environmental impact. Members of these groups included representatives from Scottish Environmental Protection Agency (SEPA), Scottish National Heritage (SNH), Hawick Angling Club and Scottish Water, to name a few. The feedback the team received from these groups proved invaluable; as a result of this feedback the design team adopted a construction methodology which minimised the footprint of the proposed flood walls. This alternative method will result in less trees being removed than would have been required with a more traditional method.

The felling of the trees along Duke Street is a decision the Council has taken following review of the probable health and safety impacts during and after construction. The sheet pile foundations of the flood wall will sever the roots of the trees, causing them to potentially suffer from stability problems in the future. The first time we may notice such deterioration could well be after a winter gale which has caused the tree to fall on top of someone, their house or car. Such a risk is deemed to be unacceptable. Following completion of the construction works, the remediation of Duke Street is proposed to include:

- Raised footpath / cycleway to with maximum surface to wall cope height of 1.4m;
- Viewing windows installed at locations along Duke Street (distribution and dimensions to be confirmed);
- Planting of new heavy standard (semi-mature specimens up to 3.5m in height) streetscape style trees, and;
- Removal of the overhead telecommunications poles and lines.

SBC is committed to providing at least two new trees for every tree which is felled as part of the HFPS, with the exact location, distribution and species of trees to be confirmed during the forthcoming detailed design phase.

**With regard to your concern over enclosing of the Teviot Crescent grass area and playpark in 2 metre high walls:**

We presume that your concern relates the safety and security of people using the Little Haugh. In designing flood defence schemes, we are encouraged to set the walls and embankments back from the river where possible to allow the river to flood naturally onto parts of the flood plain which is not occupied by property. In this instance, the setback defences allow water to flood onto the Little Haugh, reducing the wall heights by around 600mm in conjunction with raising the Victoria footbridge. This explains why the flood defence alignment runs around the park, rather than along the edge of the river.

SBC are committed to investigating all possible options for the reinstatement and landscaping works for to the Little Haugh. We believe that the following design attributes go some way to mitigating the safety and security issues:

- Safe means of egress from the park via the ramped access the southern (upstream) end;
- The entire park will be visible from the proposed raised platform at the southern end of the Little Haugh, and from the raised Victoria Bridge, and;
- The path network in the park will be accompanied by replacement lighting columns to improve safety at night.

It is noted that the existing hedge which runs along the eastern side of the park creates a visual barrier from Teviot Road, which will be made no worse by construction of the flood defences.

**With regard to your concern over the reduction in space of the main upper Common Haugh and use of ramps to access the bridge.**

The Common Haugh car park overall plan area will be temporarily reduced during the flood defence construction works. The grassed area to the northwest of the car park will be used as a site compound during the construction period. Upon completion of the works, this site compound area will be converted into the same area of parking lost as a result of the new floodwall alignment, preserving the 400 spaces which are currently available. The strip of land between the flood wall and the river is one of our four key areas for delivering landscape improvement. We are unsure why you are objecting to the ramps to access the bridge, which will have a gradient of less than 1 in 20 – please confirm the reason for your objection.

**With regard to your concern over the wall in front of the cricket pitch and the general wall alignment at Volunteer Park:**

The relatively recently created leisure / sports infrastructure in Volunteer Park has not been protected against flooding due to the following reasons:

- In designing flood protection schemes, there is an obligation on the designer to retain as much of the existing flood plain as possible, unless there are over-riding human safety / health issues. In this case, there is adequate egress to a point of safety during a flood event for all users of the sports pitches.
- The new 3G pitch has been subject to a rigorous flood risk assessment, to ensure that the pitch level is high enough to provide a standard of protection against the 1 in 50 year flood event. Apart from its far northwest corner, the majority of the 2G hockey pitch is similarly protected by virtue of its location and level.
- Please note that a flood embankment alongside the river to Wilton Lodge Park was considered during the option appraisal stage, but was rejected due to the unacceptable increase to the flood levels and wall heights further downstream towards the Common Haugh and High School.

The alignment of the wall to the west of the cricket pavilion is necessary to avoid the following difficulties with routing the wall to the east of the pavilion:

- A zone of dead space would be created between the pavilion and wall, leading to the probable accumulation of rubbish and difficult maintenance;
- The High School access road would require to be narrowed, leading to traffic safety concerns, and;
- The pavilion would remain at risk of flooding.

In order to maintain views of the cricket matches, we will discuss options with the Hawick and Wilton Cricket Club during the detailed design stage, which may include the provision of glass panelling, or alternative viewing arrangements built into or adjacent to the flood wall.

**With regard to your concern over the use of numerous ramps to gain access to footbridges:**

Can you please provide us with further details of your objection in relation to the access ramps, which will be fully compliant with the requirements of the Disability Discrimination Act.

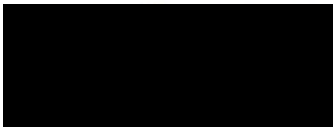
**With regard to your concern over disconnection and separation:**

We feel that the use of high quality materials to enhance the appearance of the walls, combined with measures to mitigate the visual impact of their height, provide the most appropriate balance between delivering the minimum standard of flood protection to Hawick and limiting the impact on the outstanding landscape and environment. The various regulatory bodies and the public have provided the design team with comments on the HFPS over the last two years of design development, which will be taken into account during the final detailed design stages.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-036

Objection and Response (redacted)



**From:** [REDACTED]

**Sent:** 29 May 2017 22:13

**To:** Legal

**Subject:** Flood Prevention Scheme Hawick

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*  
[REDACTED]

My objection to the proposed scheme are:

Height of wall, 2.3m seems excessive. It will be an eyesore and block the view of the river, spoiling the heart of the town. Will this solve the problem of the water backing up through the drains?

Would flood plains outside the town be an alternative?

Could the river bed be lowered?

I would like to add that the information was very difficult to find. I think that artists impressions of the proposed scheme should have been displayed in the windows of Hawick's empty shops to obtain the views of the townsfolk.

---

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding, noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

### **Your Specific Concerns**

**With regard to your concern over the height of walls:** The wall heights proposed across the HFPS are necessary to protect the town against the effects of the 1 in 75 year flood event. The design team has made considerable effort to reduce these wall heights, including:

- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;

- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m.

Please note that the 2.3m wall height referred to in your correspondence is not representative of wall heights throughout the town, with the average wall height being 1.66m above existing ground level.

SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

**With regard to your concern about water backing up through the drains:** The HFPS aims to provide protection against a number of sources of flooding, including surface water backing up through drains which cannot discharge into the river when it is in flood. We intend to deal with the surface water drainage issue in the following manner:

With no HFPS in place, if heavy rainfall generates surface water flows which are greater than the capacity of the road drainage network, excess water would pond and then flow over the banks into the river. With the HFPS in place, the walls could create a barrier to this escape mechanism and cause flooding. Our design includes for a high capacity drainage system along the back of the

new walls to take the excess flows to a large chamber. If the river levels aren't high (eg summer thunderstorm), the water will discharge via gravity from the chamber into the river. If the river is in flood (eg winter storm), the excess water will be pumped from the chamber via an underground pumping station into the river.

**With regard to your suggestion to use flood plains upstream of the town:** Deliberate flooding of farmland upstream of Hawick using man made dams across the valley was considered as an option for the HFPS in 2011. This option was rejected for HFPS due to the following reasons:

- direct defences (walls and embankments) in Hawick would still be required in addition to the dams, increasing cost of the scheme significantly;
- the capital cost of the provision of the dams in addition to flood defences made the HFPS uneconomic and potentially not qualify for Scottish Government funding;
- overwhelming and vehement objection to loss of livelihood from landowners who would be impacted by the proposals in terms of land loss and land degradation, and;
- significant impact on the sensitive environment.

Despite rejecting this option for the HFPS, it will be considered as part of the long term Phase 3 to potentially augment the defences and provide an increase in the standard of protection to the catchment.

**With regard to your query over lowering the river bed:** The option to dredge the river bed was considered back in 2011 and rejected for incorporation into the HFPS on the basis that:

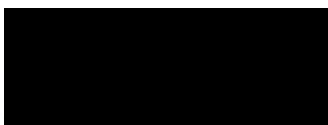
- removing this material does not significantly reduce the flood risk and other forms of flood defence would still be needed;
- it is unacceptably detrimental to the environment and wildlife habitats;
- it will need to be repeated on a regular basis, and;
- it has the potential to cause erosion to banks upstream of the dredged areas.

Our advanced computer model of the river shows that if the river bed was dredged by a depth of 1 metre from Langlands Bridge to Weensland, the design flood level would only be lowered by 100mm

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress (including through the provision of more artist's impressions as you suggest) and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



Ewan Doyle  
Project Executive

HFPS-Objection-037

Objection and Response (redacted)

## Formal Objection to Hawick Flood Scheme Proposal

29 May 2017

Dear Chief Legal Officer,

I am writing to object to the proposal put forward May 2017 relating to the Hawick Flood Scheme. The reasons of which are stated clearly below.

### **Environmental Impact**

In particular the concrete walls and disruption to the river habitat will undoubtedly impact on the natural environment. Specific indigenous plant life and associated wildlife will be detrimentally affected by their removal during the construction process. This natural environment will never be replaced despite proposals for 'landscaping'. Many species and their habitats will inevitably be lost including the bats that roost along the many established trees along the Duke Street section of the river. These are a protected species that rely on strict legislation to ensure they do not become endangered or extinct.

### **Children's Participation**

Within Scotland, we are bound to the ratification of the United Nations Convention of the Child, 1989. The Children and Young Peoples Commissioner for Scotland has to actively promote and uphold the UN Articles and advocate on behalf of the children and young people of Scotland to their legal right to be fully informed and consulted. Such a project as this definitely falls into these legal categories. The children and young people of Hawick, and recently Selkirk, have been manipulated and tokenised at all stages of the Scheme. In the specific area of Duke Street and the Mansfield area of the river, children will cease to have a view or ready access to the river or its banks.

Children (Scotland) Act 1995 and the relatively new legislation of Children and Young People (Scotland) Act 2014 specifically make provision for full Participation. Participation is a term which does not merely describe 'taking part' but rather denotes a full unequivocal right to have a voice, empowering the young people of Scotland to have shared autonomy with adults. This has definitely not been incorporated within this proposal.

The Equality Act 2010 is also breached due to the protected characteristic of age as much of the proposal will severely impact on the children and young people of Hawick placing them as being directly discriminated against.

### **Disability**

The Equality Act 2010 also states that Disability is a protected characteristic. Anyone with a disability has been directly discriminated against from the planning stages, published proposal, public scrutiny process and the entire proposal for the Flood Scheme. Not one member of the Flood Protection Scheme has taken into account the very real issues faced by individuals with a disability. It took an emailed

complaint before Flood Scheme planning notice posters were placed at a lower height so wheelchair users could read the plans. Concrete walls will prevent the viewing of the river areas and even the 'planned viewing windows' are to be placed at a minimum height of 1.4m. The average height of a seated wheelchair user is 98cm. These are just one or two examples of direct discrimination and the construction of the Flood Scheme has not even begun.

### **Tourism and Commerce**

In recent years Hawick has experienced a decline in the number of manufacturing jobs, the once booming mill town is experiencing times of real economic hardship and an aging demographic. The one shining gem we have as a town is that of its historical beauty, the river being a major part within this. The river is the lifeblood of the town and with tourism within Scotland on the increase, it is essential that Hawick taps into this market. The highly successful mills such as Johnston's of Elgin are placed along the Mansfield/Duke Street area of the river and benefit from a large number of tourists who visit them. The new distillery currently under construction further upriver will also boost the tourist numbers that visit each year. Part of their brand within any Hawick Company is the town's heritage and beauty and this cannot be emphasised enough. It is therefore imperative that the river and surrounding Green space areas retains their aesthetic if the economic future of the town is to be secure.

### **Personal Safety**

My final reason for objection is that of perceived or actual threat. Many of the current routes will be made very unsafe due to the nature of the proposed walls and the subsequent reduction in footfall. Some areas of the proposed scheme will in fact become extremely unsafe due to being obstructed from view leading to antisocial behaviour and may even place individuals at risk. In relation to this aspect, there are also the health and safety factors to consider if someone was to find oneself in the river, essentially becoming trapped or unable to call for help.

Thank you very much for considering these objections, if I could possibly have an emailed acknowledgement that would be very much appreciated.

Yours faithfully

[Redacted signature block]



**Please ask for:**

*Ewan Doyle*

**Our Ref:**

*Hawick FPS*

**Your Ref:**

**E-Mail:**

**Date:**

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding, noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

### **Your Specific Concerns**

**With regard to your concern over the impact on wildlife:** The HFPS has been taken forward in partnership with the wide range of bodies who are responsible for regulating and governing the impacts of human activity on the environment, including SBC, Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH), Historic Environment Scotland (HES) and the



River Tweed Commission (RTC). The HFPS has therefore carried out the following activities to ensure that all such impacts have been appropriately mitigated to the satisfaction of those bodies, and to take on board the concerns of the public:

- Seven separate workshops with stakeholders, representing all impacts on the environment, including protected species (including bats), designation of the watercourse, flora and fauna, water quality, ground water, landscape and heritage, archaeology, noise, vibration and traffic impacts;
- Comprehensive Environmental Impact Assessment and Habitat Regulations Appraisal, and;
- Three public events or exhibitions at various locations in Hawick in March and August 2016 and January 2017 to convey the flood protection proposals and how we intend to mitigate their impact.

For the bat impacts you specifically highlight, our Environmental Impact Assessment determines the likely impact on bats and offers a series of mitigation measures which must, if the scheme is confirmed, be carried out as part of the construction work contract. These measures include no working during times when the bats are foraging or emerging from roosts, carrying out further surveys and employing an Environmental Clerk of Works to ensure compliance with the mitigation measures, which will include a licenced bat worker to check for presence of bats and supervise the tree felling operations.

We note that all other forms of flood protection which were considered for Hawick (Natural Flood Management (NFM), upstream flood storage areas, dredging) would have required direct defences to be constructed as well, thus requiring the same mitigation measures to be implemented in any case (please refer to subsequent sections on NFM and flood storage).

**With regards to your concerns over the alleged breach of legislation:** Whilst we note your comments regarding the rights of children it should be noted that the promotion of the scheme fully meets the requirements of the FRM. The scheme was advertised in both local newspapers and the Edinburgh Gazette. Notices were also displayed at prominent locations throughout the area. In addition, prior to the publication of the scheme public exhibitions, as mentioned above, were held over a number of days and locations to which all residents of Hawick and others were welcome to attend.

**With regard to your concern over impacts on tourism and commerce:** SBC have continually recognised the impact that the proposed HFPS may have on the ability of tourists, pedestrians and residents to continue to enjoy views of the river from the riverside footpaths, as well as the wider concerns on general visual impact. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;

- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- Maintain and, where possible, enhance existing Key Greenspace as set out in the SBC Local Development Plan 2016.
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

**With regard to your concern about personal safety:** We fully appreciate your concern over the feeling of trepidation which may result from the new flood walls and have, where possible, included for raised footpaths and intermittent glass panels to maintain the ability of the public to continue their safe enjoyment of the river environment. These details will require to be further developed during our detailed design stage and may include further measures such as improved street lighting.

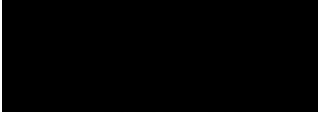
In terms of issues over the safety of people who fall into the river or become trapped on the river side of the defences, we are working with the emergency services to devise a series of measures which will limit the risk posed by the defences for safe egress from the watercourse. Such measures include:

- Signage on the river side of the defences to direct people to the nearest safe exit point;
- Ladders built into the flood walls or other similar means of escaping from the river side of the wall;
- Life belts along the line of the defences;
- Viewing platforms and windows built into the walls to allow you to see down to the river, and;
- Keep the safe access points to the river at the Cobble Cauld, Common Haugh and upstream end of Duke Street.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress (including through the provision of more artist's impressions as you suggest) and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



Ewan Doyle  
Project Executive

HFPS-Objection-038

Objection and Response (redacted)

**From:** [REDACTED]

**Sent:** 29 May 2017 19:56

**To:** Legal

**Subject:** Hawick Flood Scheme

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

I have read the article on the above and was horrified to hear that you would even consider building a wall on the side of the river Teviot. I am now [REDACTED] and would hate to see the town and river vandalised in this way. I have seen high rivers in my time but not the destruction of recent years probably because common sense was used and the river was dredged regularly and farmers up the valley were allowed to use gravel for gateways, roads etc.

Please stop this harebrained idea before it is too late.

[REDACTED]  
[REDACTED]  
[REDACTED]

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

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In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your concern over the visual impact of the Scheme:**

SBC have continually recognised the impact that the proposed HFPS may have on the ability of tourists, pedestrians and residents to continue to enjoy views of the river from the riverside footpaths, as well as the wider concerns on general visual impact. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- Maintain and, where possible, enhance existing Key Greenspace as set out in the SBC Local Development Plan 2016.
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

### **With regard to your comment on historical methods of flood protection, including dredging:**

The option to dredge the river bed was considered by the design team during the options stage in 2011. It was rejected for inclusion in the HFPS on the basis that:

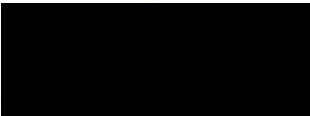
- removing this material does not significantly reduce the flood risk and would still require walls and embankments to be constructed to provide a good standard of protection;
- it is unacceptably detrimental to the environment and wildlife habitats;
- it will need to be repeated on a regular basis, and;
- it has the potential to cause erosion to banks upstream of the dredged areas.

Our advanced computer model of the river shows that if the river bed was dredged by a depth of 1 metre from Langlands Bridge to Weensland, the design flood level would only be lowered by 100mm.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress (including through the provision of more artist's impressions as you suggest) and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**



HFPS-Objection-040

Objection and Response (redacted)

**From:** [REDACTED]  
**Sent:** 29 May 2017 18:36  
**To:** Legal  
**Cc:** [REDACTED]  
**Subject:** Hawick Flood Scheme Objections

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*  
Chief Legal Officer

I hereby wish to formally object to the Hawick Flood Scheme Report and the preferred option that lies within it.

My first point of objection is that the implementation of this plan will lead to a significant reduction in natural green space in Hawick. The entire river Teviot that flows through Hawick and the vegetated land that surrounds it is green space. The vast majority of this will be lost if the preferred option is implemented. The flood scheme report and associated documentation fails to truly acknowledge that the river Teviot and its riverbanks are green space. The loss of this green space and the knock on effects it will have on areas such as health and wellbeing will be too great if the preferred option is implemented.

My second point of objection is that I believe that Scottish Borders Council and the agents acting on its behalf have failed to eliminate unlawful discrimination under the Equality Act 2010. In my opinion the flood scheme report fails to show that due regard was given to people with the protected characteristics of age (primary school children) or disability (wheelchair or mobility scooter users). The flood scheme report states that viewing windows will be placed in certain areas to provide an alternative to the current natural view. The flood report also states that the viewing windows will on average start from a height of 1.4metres. In my opinion it is clear from the report that there is a general assumption that viewing windows starting at a height of 1.4 metres will provide an acceptable alternative to the current natural view of the river. However these windows cannot provide an acceptable alternative view to a primary school child or any person with a disability who uses a wheelchair or mobility scooter. The people with these protected characteristics will be unable to see the river Teviot from these windows. In my opinion the flood report completely fails to acknowledge this fact. The report also fails to give any reasons why discriminating against people with these protected characteristics would be justifiable when placing the viewing windows at a height starting at 1.4 metres. Nowhere within the report do I recall seeing any attempt to specifically obtain the views of people with these protected characteristics on the issue of viewing window heights. I have also failed to find any evidence within the report of any meaningful explanation being given to people with the above mentioned protected characteristics as to why the viewing windows will be placed at a height that prevents them from participating in the same way as everyone else at the riverside. These failures have led me to believe that Scottish Borders Council and the agents acting on their behalf have failed to eliminate unlawful discrimination under the Equality Act 2010 and will continue to do so if they approve this preferred option.

My third point of objection is that the flood report does not provide enough evidence that alternative options have been thoroughly considered. This is particularly important considering the size, scale cost and impact of the preferred option. The report mentions an earlier report from 2004 which states that a flood scheme similar to the one being proposed might have a severe effect on the amenity of Hawick. Therefore I was surprised to see that many of the fifty original

flood plan options were disregarded very quickly. For example the option to create upstream online storage areas was dropped because a few people from the farming community objected to it at while attending a public exhibition or at later farmers meeting that took place in 2012. This does not give me confidence that the preferred option is the best or indeed the only available option. Also the apparent ease of which these other options appear to have been rejected seriously weakens any argument the Council might use to justify breaching the Human Rights of the people of Hawick in carrying out their duty to reduce the likelihood of flooding.

My fourth point of objection is that my own personal enjoyment of the land next to the river Teviot will be lost. [REDACTED] There are only two ways to walk into the centre of Hawick from [REDACTED], one is down the main road the A698 and the other is via the riverside. Currently I will almost always walk by the riverside to reach my destination. I take this route to visit family and friends, the library, the health centre and the shops. I also visit the sports grounds in Mansfield by walking by the riverside. I currently enjoy a beautiful panoramic view of the river while walking this route. If this plan is implemented I will be shadowed by high walls for the entire journey. This on average is 15 minute walk. There is no way I will continue to use these riverside paths and roads if these walls are built. The main reason I walk by the river is to see it and experience it. The buildings that run parallel to the river Teviot on the walks I currently take include boarded up mills, tenement blocks, and sewage works. It is the beauty of the riverside that balances out the ugliness of some of the buildings that run parallel to the Teviot. Replacing this panoramic riverside view with a wall will turn these routes into ugly areas that hardly anyone will want to walk along. Also if I no longer travel by riverside routes then I will no longer visit any pubs, shops, cafes or sports grounds that are accessible on this route. In conclusion my own enjoyment of the land next to the riverside will be lost and I will now traverse the town of Hawick using completely different routes.

My fifth point of objection is related to connectivity. The preferred option report mentions increasing connectivity by adding some very short paths to the areas next to the river. However how can this possibly be expected to increase connectivity when the plan is to simultaneously build high walls next to these short paths that will block the natural view of the river. The preferred option completely fails to understand that the main reason people in Hawick travel by the river are to see and experience it. For example no child from Burnfoot, which is the Scottish Borders largest housing estate, will be able to get a natural view of the river if they travel by the river to the town centre. This is an average 25 minute walk. Not only is this shocking in its own right but will also mean that the children themselves will probably take the main road into the town and completely avoid these bricked up riverside routes that are next to places like the sewage works and Council yards.

In conclusion, I hope you seriously consider all of the above objections on each of their own merits.

Please could you forward me an email receipt for this objection?

Yours Faithfully

[REDACTED]

29 MAY 2017

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*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding, noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

### **Your Specific Concerns**

**With regard to your concern over the reduction in green space:** Many of the green areas within Hawick are protected as Key Greenspaces, as defined in the Scottish Borders Council Local Development Plan 2016. Accordingly, the HFPS must comply with the LDP to preserve those greenspaces. Whilst it is inevitable that these areas will be temporarily disturbed during construction, SBC are committed to ensuring that all opportunities for preservation and

enhancement of these areas following construction are a key part of the overall detailed design of the scheme. Such opportunities exist at the Common Haugh, Little Haugh, Weensland and on the haugh opposite Hawick RFC.

**With regard to your concern over lack of consideration of alternative options:** The current HFPS has been in development for over six years and over fifty options or combinations of options have been thoroughly considered, using Scottish Government appraisal guidance to ensure the preferred scheme offers the most acceptable solution when considering elements such as value for money, health and safety, environmental and social impacts and technical challenges. Following extensive public and stakeholder liaison on 2011 and 2012 (including the Options Public Exhibition in July 2012), the reasons for taking forward the current scheme were set out in a report to Council in March 2013. The reasons for rejection of some of the options you feel were dismissed quickly for inclusion within the Phase 2 HFPS are:

- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for Stage 2 HFPS due to the following:
  - Even with a combination of five large flood storage areas on the River Teviot and Slitrig and Borthwick Waters, direct defences in Hawick would still be required to deliver the minimum standard of protection;
  - This would have the effect of a threefold increase in the capital cost of the HFPS, making it uneconomic and potentially not qualify for Scottish Government funding;
  - The overwhelming and vehement objection to loss of livelihood from landowners, their suppliers and customers and the National Farmer's Union led to the conclusion that resolution of the difficulties would likely delay the HFPS to such an extent that it may not qualify for funding within the Scottish Government's 2016 – 2021 funding cycle, jeopardising delivery of any form of FPS.
  - The dam construction would cause significant adverse environmental impact, which in combination with the impacts of the necessary direct defences had the potential to cause the scheme to be rejected by the various environmental stakeholders. Despite rejecting this option for the HFPS, it will be considered as part of a Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that:
  - Although analysis technology is improving all the time, the flood risk benefits afforded by NFM are very difficult to quantify.
  - NFM measure often take decades to reach full potential, therefore we cannot cite their benefits to Hawick until they reach maturity.
  - For a catchment the size of the River Teviot, even large scale implementation of NFM measures are likely to only make a very small difference to the flood defence heights in Hawick.
  - SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.

- Dredging of the river. This option was rejected for the HFPS on the basis that the impact of dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas.

**With regard to your concern over impact on personal enjoyment and connectivity:** SBC have continually recognised the impact that the proposed HFPS may have on the ability of tourists, pedestrians and residents to continue to enjoy views of the river from the riverside footpaths, as well as the wider concerns on general visual impact. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- Maintain and, where possible, enhance existing Key Greenspace as set out in the SBC Local Development Plan 2016.
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact the undersigned to arrange.

Yours sincerely



Ewan Doyle  
Project Executive

HFPS-Objection-045

Objection and Response (redacted)



28/5/17

## Re HAWICK FLOOD PROTECTION SCHEME

I am objecting to the building of a fortress around a common ground in Teviot Road, and along the river bank. £42m! The riverside is and should remain a pleasant walkway.

Dredging the river would be less costly, less unpleasant for residents and businesses to live with. And the Council could recoup some of the cost by selling the removed stone.

The flooding has become more frequent with the build-up of rocks and debris.

Please, for once, listen to your employers, i.e. the taxpayers.



*Please ask for:*

*Ewan Doyle*

*Our Ref:*

*Hawick FPS*

*Your Ref:*

*E-Mail:*

*Date:*

*21 June 2017*

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding, noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

### **Your Specific Concerns**

**With regard to your concern relating to wall heights:** The walls require to be constructed to the proposed height to ensure that the minimum standard of flood protection (protect against the effects of the 1 in 75 year flood event) can be provided.

SBC have continually recognised the impact that the proposed HFPS may have on the ability of tourists, pedestrians and residents to continue to enjoy views of the river from the riverside footpaths, as well as the wider concerns on general visual impact. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures.

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- Maintain and, where possible, enhance existing Key Greenspace as set out in the SBC Local Development Plan 2016.
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

**With regard to other forms of flood protection:** The current HFPS has been in development for over six years, utilising a Scottish Government process which ensures that all possible options must be considered from economic, social, environmental and technical viewpoints. These options include:

- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for HFPS due to the fact that defences in Hawick would still be required, the capital cost of the provision of the dams made the HFPS uneconomic and potentially not qualify for Scottish Government funding, overwhelming and vehement objection to loss of livelihood from landowners, significant environmental impact). Despite

rejecting this option for the HFPS, it will be considered as part of Phase 3 to augment the defences and provide a significant increase in the standard of protection.

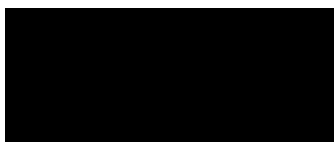
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that the flood risk benefits afforded by NFM are very difficult to quantify, take decades to reach full potential, and are likely to only make a very small difference to the flood defence heights in Hawick, given the size of the River Teviot catchment. SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.
- Dredging of the river. This option was rejected for the HFPS on the basis that the impact of dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas. Please note that there is no evidence to suggest that gravel is building up, as historical photographs clearly show significant gravel banks throughout the town – please also note how quickly gravel has become re-established at the foot of the cobble cauld since over 1000 tonnes were removed in September 2016.
- Demountable defences. This option was considered during option appraisal process, but rejected for the HFPS basis on the basis that it would rely on significant human input to ensure it could work. If the defences are not continuous by virtue of failure to fully deploy the demountable defences, then there is a risk that properties are still inundated.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that the information provided above in response to your written objection offers you the evidence that SBC will effectively and proactively mitigate the impacts the HFPS may have on the River Teviot and the businesses and residents of Hawick.

In order to conclude this matter to the mutual satisfaction of all parties, we would be keen to meet with you at a venue and date to suit you. We will be in contact shortly with you to arrange.

Yours sincerely



Ewan Doyle  
Project Executive

HFPS-Objection-046

Objection and Response (redacted)

**From:** [REDACTED]

**Sent:** 24 May 2017 08:19

**To:** Legal

**Subject:** Hawick Flood Scheme proposal - river wall

\*\*\*\*\* This email was received from the GCSX \*\*\*\*\*

I would like to make my views known on this matter. I am unhappy that alternative proposals are not being discussed. Please consider dredging and filtering systems/works so as to retain the view of the river.

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*Please ask for:* Conor Price  
*Our Ref:* HFPS-L-1003  
*Your Ref:*  
*Phone:* 01835 826765  
*E-Mail:* [conor.price@scotborders.gov.uk](mailto:conor.price@scotborders.gov.uk)  
*Date:* 13 July 2017

Dear [REDACTED]

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### **General Information**

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your request that other options are considered:**

The current HFPS has been in development for over six years, utilising a Scottish Government process which ensures that all possible options must be considered from economic, social, environmental and technical viewpoints. These options include:

- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for HFPS due to the fact that defences in Hawick would still be required, the capital cost of the provision of the dams made the HFPS uneconomic and potentially not qualify for Scottish Government funding, overwhelming and vehement objection to loss of livelihood from landowners, significant environmental impact). Despite rejecting this option for the HFPS, it will be considered as part of Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that the flood risk benefits afforded by NFM are very difficult to quantify, take decades to reach full potential, and are likely to only make a very small difference to the flood defence heights in Hawick, given the size of the River Teviot catchment. SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.
- Dredging of the river. This option was rejected for the HFPS on the basis that the impact of dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas.

### **With regard to your concern relating to the views of the river:**

SBC have continually recognised the impact that the proposed HFPS may have on the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;

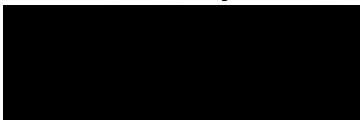


- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river, and;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland.
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact Conor Price as per the details above to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**

HFPS-Objection-048

Objection and Response (redacted)

-----Original Message-----

From: [REDACTED]

Sent: 22 May 2017 12:45

To: [mail@hawickfloodscheme.com](mailto:mail@hawickfloodscheme.com)

Subject: Feedback Form from Hawick FPS Website [EXTERNAL]

Below is the result of your feedback form. It was submitted by  
[REDACTED] on Monday, May 22, 2017 at 12:44:55

---

name: [REDACTED]

address: [REDACTED]  
[REDACTED]

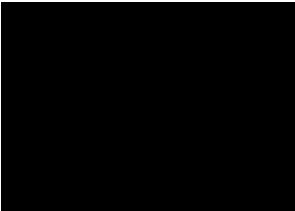
email: [REDACTED]

phone: [REDACTED]

comments: The Scheme proposes a monstrously ugly solution, which would irrevocably damage a beautiful Borders town. Not enough thought has gone into this. I propose a redesign, which mitigates the flood risk, while taking into account the need to preserve views of the river and trees.

contactviaemail: Yes

---



*Please ask for:* Conor Price  
*Our Ref:* HFPS-L-1005  
*Your Ref:*  
*Phone:* 01835 826765  
*E-Mail:* [conor.price@scotborders.gov.uk](mailto:conor.price@scotborders.gov.uk)  
*Date:* 13 July 2017

Dear 

Thank you for your recent correspondence relating to the Hawick Flood Protection Scheme (HFPS), which constitutes a valid objection in accordance with Schedule 2, Paragraph 3(2) of the Flood Risk Management (Scotland) Act 2009 (FRM).

We have considered the content of your correspondence and offer the following responses to your concerns, which we hope explains why Scottish Borders Council (SBC) has chosen this particular scheme to reduce the flood risk to over 700 residential and business properties in Hawick.

### General Information

SBC is committed to a three phased approach to deliver the most effective flood risk management solutions for Hawick and the River Teviot catchment:

- Phase 1 took place in 2013 and 2016/17 to deliver small scale works to provide local improvements to managing flood risk during very low return period floods (up to the 1 in 10 year event), including the provision of kerbs along Duke Street and Mansfield Road and the raising of the Common Haugh car park exit. This programme is ongoing.
- Phase 2 refers to the HFPS which will provide protection against the 1 in 75 year return period flood event (for reference, the October 2005 flood had a 1 in 50 year return period). 1 in 75 is the minimum standard of protection for properties to be considered by insurers to be protected against flooding; noting that many flood prone properties currently cannot obtain affordable insurance. It is currently planned to complete the HFPS in 2021.
- Phase 3 refers to the feasibility assessment and subsequent delivery of flood risk management measures within the wider River Teviot catchment upstream of Hawick, which could include measures such as natural flood management (NFM) and deliberate flooding of farmland. Our analysis shows that Hawick cannot be protected to the required minimum standard by these measures alone. These measures could enhance the HFPS standard of protection and provide flood risk reduction throughout the catchment, but the emerging nature of the analysis techniques to prove the effectiveness of NFM measures means that their flood risk benefits are likely to take many years, if not decades, to be realised.

In August 2012, SBC presented the results of a comprehensive option appraisal process at a public exhibition, which explained why options such as river dredging, natural flood management and deliberate flooding of farmland upstream could not be taken forward under the Phase 2 HFPS.

## **Your Specific Concerns**

### **With regard to your request to consider a redesign:**

The current HFPS has been in development for over six years, utilising a Scottish Government process which ensures that all possible options must be considered from economic, social, environmental and technical viewpoints. These options include:

- Deliberate flooding of farmland upstream of Hawick using man made dams across the valley. This option was rejected for HFPS due to the fact that defences in Hawick would still be required, the capital cost of the provision of the dams made the HFPS uneconomic and potentially not qualify for Scottish Government funding, overwhelming and vehement objection to loss of livelihood from landowners, significant environmental impact). Despite rejecting this option for the HFPS, it will be considered as part of Phase 3 to augment the defences and provide a significant increase in the standard of protection.
- Natural Flood Management (NFM) involves slowing down the catchment response to rainfall run off, by implementation of, for example, tree planting to intercept and soak up rainfall, reconnecting the flood plain to the river through lowering of river banks and creating leaky barriers (eg hedges perpendicular to the river) to retain water for longer on the flood plain). This option was rejected for the HFPS on the basis that the flood risk benefits afforded by NFM are very difficult to quantify, take decades to reach full potential, and are likely to only make a very small difference to the flood defence heights in Hawick, given the size of the River Teviot catchment. SBC accept that NFM has a role to play in the wider management of flood risk and accordingly intend to take forward a specific NFM study for the entire catchment above Hawick in 2017/18 to determine how such measures could augment the HFPS and increase the standard of protection in the future.
- Dredging of the river. This option was rejected for the HFPS on the basis that the impact of dredging does not significantly reduce the flood risk, is unacceptably detrimental to the environment and wildlife habitats, needs to be repeated on a regular basis and has the potential to cause erosion to banks upstream of the dredged areas.

### **With regard to your concern relating to visual impact:**

SBC have continually recognised the visual impact that the proposed HFPS may have on the landscape, and the ability of pedestrians and residents to continue to enjoy views of the river from the riverside footpaths. These concerns have been raised at the many public events we have hosted and have led to the design of the HFPS being refined over the last year to include the following measures:

- Full Environmental Impact Assessment which considers the visual impact of the walls and develops specific mitigation measures to reduce that impact, including how the walls will be finished (stone, patterned concrete);
- Setting walls back from the edge of the river wherever possible, such that existing riverside paths can be maintained with uninterrupted views of the river (Hawick High School, Common Haugh, Little Haugh);
- Raising of footpaths wherever possible to maintain a maximum height between wall cope and footpath of 1.4m, to reflect the minimum requirement for edge protection for combined foot/cycle paths. Such paths are proposed to be provided along Teviot Road (new path), Duke Street and Glebe Mill Street;
- Raising of the Lawson, Victoria and Mansfield footbridges by up to 1.0m to allow wall heights upstream of the bridges to be lowered by up to 1.0m;

- Setting back the defences in the Common Haugh and Little Haugh to allow space for flood water to bypass the bridges, further reducing the flood level by up to 0.4m;
- Provision of glass viewing panels at a number of locations to allow views of the river to be maintained. The exact distribution and dimensions of the viewing panels is still to be determined during the detailed design stage;
- Provision of a formal viewing area at the upstream end of the Little Haugh where the height of the wall will be reduced to 1.0m above the footpath to allow panoramic views of the river;
- New unhindered views of the river by virtue of a new footpath on the flood defence embankment crest at Weensland, and;
- Maintain ability to safely access the riverbank at the Cobble Cauld, Common Haugh, upstream end of Duke Street and on the haugh opposite Hawick RFC.

The design team has worked with SBC's heritage and landscape department to devise a series of wall finishes which will compliment the local area. The type of finish will depend on the predominant land use adjacent to the wall, but in general where the wall face can be viewed by the public, the finish will either be stone, reconstituted stone or patterned concrete, complimented with a stone and/or concrete coping detail. Please refer to our Environmental Statement for a series of plans which explain the proposed distribution of these wall finishes.

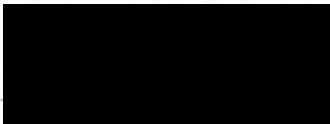
We are also focusing on delivering a number of multiple benefits as part of the HFPS design which integrate with the ongoing projects such as the Wilton Lodge Park improvements, including:

- Enhanced landscaping works at Common Haugh, Little Haugh, Weensland and Duke Street;
- A combined foot / cycle path from Wilton Park to Weensland, and;
- Community art project.

Many of the points raised above will require further development during the detailed design stage, which is planned to take place between summer 2017 and summer 2018. We will ensure that the public will be kept informed of progress and have the opportunity to comment on the details via newsletters, public engagement sessions and our website and Facebook pages.

We hope that this response offers you some comfort that SBC is committed to providing Hawick's residents, businesses and visitors with the most appropriate balance between effective flood protection and the impacts the HFPS may have. If you would like further information or clarification, we are available to meet you in person at a venue and date to suit you. Please contact Conor Price as per the details above to arrange.

Yours sincerely



**Ewan Doyle**  
**Project Executive**



# **APPENDIX C**

## **DESIGN STATEMENT**





## **HAWICK FLOOD PROTECTION SCHEME**

**Report by Project Manager**

### **REPORT TO PROJECT BOARD/PROJECT EXECUTIVE - DESIGN STATEMENT**

**12 December 2017**

#### **1 PURPOSE**

- 1.1 **To provide an overview of the Hawick Flood Protection Scheme's (the Scheme's) approach to evolving the design of the Scheme through the Design Process.**
- 1.2 **The report identifies the proposed design working group which has been named the Community Vision Working Group. This group is intended to facilitate the community's involvement in the design process through the 'Detailed Design' stage of the project. It details the structure and defines the objectives of the group.**
- 1.3 **The report is intended as a work package for Project Manager who will facilitate the Community Vision Working Group. It is also intended as a background document for the members of that group.**

#### **2 REVISION HISTORY**

<b>Version</b>	<b>Date</b>	<b>Summary of Changes</b>	<b>Author</b>
0.1	Aug–Nov 2017	Draft of report produced by Project Team	Conor Price
1.0	10-11-2017	Updated draft following Council Preliminary Decision	Ewan Doyle
1.1	11-12-2017	Updated to map in finalised approach re. CVWG	Conor Price
1.2	12-12-2017	Approved by Project Executive	Ewan Doyle

#### **3 TABLE OF CONTENTS**

<b>Section No.</b>	<b>Section Heading</b>	<b>Page No.</b>
1	Purpose	1
2	Revision History	1
3	Table of Contents	1
4	Background	2
5	The Project Objectives	4
6	The Hawick Flood Protection Scheme	5
7	The Community Vision Working Group	8

## 4 BACKGROUND

- 4.1 Hawick town has a history of damaging floods from both the River Teviot (which runs through the length of the town) and the Slitrig Water (which enters the Teviot by the town centre via Drumlanrig Bridge). The following events are noted:
1. In October 2005 flooding of the River Teviot caused extensive inundation of the urban areas adjacent the River Teviot. This was an approximate 1 in 50 year flood event: it affected hundreds of properties and caused millions of pounds of damage;
  2. Major flood events on the Slitrig Water were recorded in 1767 and 1846 amongst other events.
  3. More recently, December 2015 (storm Desmond) caused flooding of the River Teviot, causing extensive inundation of the urban areas adjacent to the river corridor and the erosion of infrastructure, particularly in the Duke Street area. This was an approximate 1 in 35 year return period event.
- 4.2 On 4 September 2007, the Council approved an Implementation Strategy for the delivery of flood protection schemes in the Borders. The prioritisation of schemes was to be for: (1) Galashiels; (2) Selkirk; and (3) Hawick, in that order. The Galashiels FPS was approved in 2010 and was complete in 2014. The Selkirk FPS was approved in 2012 and was completed in 2017.
- 4.3 In 2010 work began on development of the Hydrology for Catchment above Hawick, and thereafter the and Hydraulic Modelling of the River Teviot. This work ultimately yielded both the flood maps that are the basis of the understanding of the flood risk to the town, and the modelling tool through which possible new flood risk reduction measures could be analysed (i.e. what impact would any given option have in reducing flood risk).
- 4.4 During the early stages of the project the Project Team undertook a vast information collection exercise. This initially involved collecting and reviewing all available data, and thereafter undertaking additional survey works to collect as much information as required to allow project decisions to be taken from an informed position. By way of example the following areas were all information categories: catchment hydrology; topographic survey of the ground; geotechnical data of the ground make-up; structural information on the existing structures (e.g. roads/bridges/river-edge walls etc.); ecological information on the local environment (flora and fauna); financial information on the project (both the estimate of possible cost and the benefit via damages avoided thereby allowing a Benefit to Cost Ratio to be developed); existing public utility records; stakeholders within the town; etcetera.
- 4.5 The project has been managed through the PRINCE2 Project Management System and in accordance with this system the project has had clearly defined 'Project Objectives' from an early stage. The objectives are highlighted in Section 5 of this report. At all times the project is assessed against the abilities to achieve these objectives on behalf of the Scheme and thereby the Council. It is noted that the objectives are not necessarily complimentary, therefore at all times it is the best-balance of achievement against all objectives and not the success in achievement against one of town objectives that the project is trying to achieve.
- 4.6 In accordance with the objectives of the project and the ethos of the Flood Risk Management (Scotland) Act 2009 (the FRM) the project was advanced through a consultative process with the statutory organisations, key stakeholders and the people of Hawick. This process was manifest

through: (i) the partnership working approach developed with the statutory stakeholders (e.g. SEPA/SNH/Council Officers); (ii) the many individual meetings held with businesses and organisations in Hawick; and (iii) the public and community meetings held with the people of Hawick. The first main Public Exhibition was held during the summer of 2012.

4.7 The Scheme undertook a fully comprehensive Option Appraisal Process (OAP) in accordance with the appropriate processes for the development of a flood protection scheme. During the OAP all reasonable options through which the flood risk to the town could be reduced were considered. The output from this stage is known as the Preferred Scheme. The Preferred Scheme is essentially the best combination of the many flood risk reduction options which are combined to deliver the project objectives and thereby reduce the flood risk to the town by a defined level.

4.8 Further to Section 4.7 of this report an illustration has been provided through Figure 4.8 to assist in the visualisation of this process.

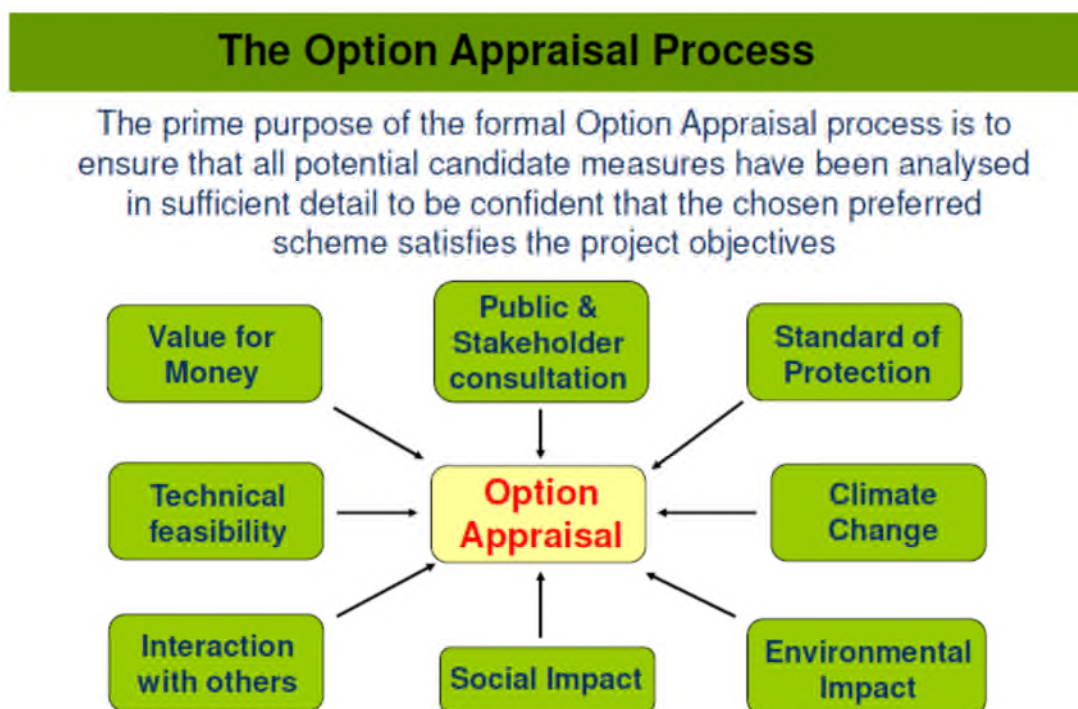


Figure 4.8 – Illustration of the principal inputs for consideration during the Option Appraisal Process

4.9 On 28 March 2013, at the end of the Option Appraisal Process, Scottish Borders Council agreed to:

1. Acknowledge progress in advancing the design of the proposed Hawick Flood Protection Scheme since June 2012;
2. Approve the Preferred Hawick Flood Protection Scheme as detailed in the report; and
3. Delegate authority to the Scheme's Project Board to authorise the Project Team to commence Stage 4 (Outline Design) and Stage 5 (The Statutory Approvals Processes) of the Scheme's design.

4.10 Between 2013 and 2017 the Project Team advanced the Scheme through the Outline Design stage. This process involved both designing a viable scheme, and collecting huge amounts of additional information/data to allow this design to be achieved. In a number of instances due to the complexities of delivering a flood scheme for Hawick the appropriate approach at a number of areas (e.g. protecting the Sandbed from the

Teviot) could not be determined at the OAP Stage. It was only after much more design work was completed on the various options at this location that a 'Preferred' approach could be identified. In this instance actual ground investigation needed to be completed in the river to provide some of the required technical information needed prior to the design advancing. As with the OAP Stage, this stage was undertaken in consultation with the project's stakeholders and also involved a key Public Exhibition in the town.

- 4.11 On 23 February 2017, at the end of the Outline Design stage, Scottish Borders Council agreed to:
1. Approves the Proposed Final Outline Design for the Scheme that had been developed over the previous two years;
  2. Authorises the Project Team to commence the Statutory Approvals Processes identified in the Flood Risk Management (Scotland) Act 2009 (the FRM), and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010; and
  3. Instruct the Project Team to present the Scheme to Council for a decision, as detailed in the FRM and the 2010 Regulations, as soon as possible after the end of the formal 28-Days objection period.
- 4.12 During the formal 28-Day Objections Period the Scheme received 48 objections. The Project Team considered these objections between May and the end of October 2017, and as part of this process both engaged with the individual objectors, and also the town via a series of community/public meetings in August 2017.
- 4.13 On 2 November 2017, at the end of the Objection Consideration Period, Scottish Borders Council agreed to:
1. Notes the progress made with the project since the update in February 2017;
  2. Makes a Preliminary Decision to confirm the proposed Hawick Flood Protection Scheme 2017 with no modification, under the Flood Risk Management (Scotland) Act 2009 and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010; as the Scheme requires an Environmental Impact Assessment;
  3. Confirms that it has taken into account the environmental information as detailed in section 7 of this report; and
  4. Provides the Scheme's Project Executive with the authority to commence the preparations for the Advanced Works and the Detailed Design stages to allow the project to stay on programme.
- 4.14 During the Objection Consideration Period the design of the Scheme and the approach of the project in delivering the Scheme continued to evolve (just as they have done throughout the whole of the design process). This is further considered within Section 6 of this report, however at this point it is worth highlighting that during this period a commitment was given to the community of Hawick to produce a 'Design Statement' to demonstrate how the community would be involved in the Detailed Design process in 2018. This is that design statement.

## **5 THE PROJECT OBJECTIVES**

- 5.1 Further to Section 4.5, the Scheme/project has a defined set of Project Objectives against which the Project Team advance and balance the design.
- 5.2 The Project Objectives are:
1. The Scheme will protect against flooding from the River Teviot

- through the length of the town of Hawick;
2. The Scheme will protect against flooding from the Slitrig Water between Drumlanrig bridge and when it joins the Teviot;
  3. The Scheme will not protect against the Slitrig Water above Drumlanrig Bridge;
  4. A uniform level of protection will be provided to all areas of the town that are being protected. This will be against the 1 in 75 year flood event. This does not include an allowance for climate change, thereby protecting 930 residential and commercial properties at risk.
  5. The foundations of the flood defences will be designed such that the defence heights can be increased to protect against the 1 in 100 year flood event;
  6. The total length of flood defences will be approximately 5.93km, with 5.6km of walls and 0.33km of embankments;
  7. The average height of the flood defences will be 1.63m above existing ground level, with a maximum of 2.55m at the High School;
  8. Where the height of the new flood defences is greater than 1.4m it is intended to raise the existing ground level behind the new defences where possible, or use strategically placed glass panels to retain the visual connection with the River Teviot;
  9. It will be required to provide a maximum of seven new flood gates;
  10. New flood walls and embankments will be provided, however wherever it is possible the Scheme will incorporate the walls that currently exist at the edge of the river;
  11. The walls will be designed for a lifespan of 100 years minimum;
  12. Maximise the cultural, heritage, educational, environmental, energy and health opportunities that a major civil engineering project can deliver in partnership with the community and external organisations; and
  13. Structural analysis of the existing riverside walls has shown that in virtually all cases, the existing walls must be replaced with new structures in order to achieve the 100 year design life.

## 6 THE HAWICK FLOOD PROTECTION SCHEME

- 6.1 During the Statutory Approvals Processes the Project Team sought the various approvals required to advance the Scheme. This consisted of the following main approvals:
  1. **Scheme** approval – under the FRM and its Regulations;
  2. **Deemed Planning Permission** – under the FRM and its Regulations;
  3. The **CAR Licence** – under the Water Environment (Controlled Activities) (Scotland) Act 2011, also known as a CAR Licence; and
  4. An **Appropriate Assessment** – under the Habitat Regulations Appraisal (HRA).
- 6.2 Further to Section 4.6 of this report, the Scheme was developed through an extensive process of consultation with key stakeholders and the people of Hawick. This included three public exhibitions, one major community meeting, various working groups and hundreds of other individual meetings and discussions between 2010 and 2017.
- 6.3 Further to Sections 4.14 and 6.2 of this report, the Scheme has been advanced through an iterative design process. In this instance 'iterative design' means that the design has been advanced through a cyclical process with advancements of the design being made step by step with each step forward adding a layer of refinement further to additional

analysis of the available information and furthermore after additional consultation with the key stakeholders. This type of design approach is not only considered appropriate but essential for a project to this level of complexity, and with this many stakeholders and objectives.

6.4 Further to Section 6.3 of this report an illustration has been provided through Figure 6.4 to assist in the visualisation of the approach to Scheme design via a timeline of key milestones.



Figure 6.4 – Illustration of key design milestones along the iterative design journey

6.5 The Scheme is detailed through the Scheme’s documents. The main Scheme Documents are: the ‘Schedule of Operations’; the ‘Scheme Drawings’; and the ‘Environmental Impact Assessment’. These documents identify the key parameters that define the Scheme. They are based on the completed Outline Design and they confirm:

1. The specific type of flood risk reduction measure (e.g. embankment or wall or bridge raising etc.);
2. The specific location / alignment of the structure;
3. The maximum height of that structure;
4. The maximum width of the structure;
5. The type of finish to be applied (e.g. grassed embankment or reinforced concrete wall with natural stone/formed concrete finish etc.);
6. The key interfaces with existing infrastructure;
7. The Limit of Land Affected by the Scheme; and
8. The environmental considerations how they need to be managed through the Detailed Design and thereafter Construction Stages of the project.

6.6 Once the Scheme has been approved it cannot significantly deviate from the specifications identified in the Scheme documents; however that does not mean that it cannot continue to evolve and be refined. This is not only allowed, but essential in accordance with the iterative design process. This approach is mapped out through this Design Statement.

6.7 Further to Section 6.6 of this report, the following example is provided by

way of an illustrative example of the approach taken:

1. At any given location the Schedule of Operations and Scheme Drawing will define the parameters of the new flood risk reduction measure at that location. This means that a new wall (for example will be provided) and not catchment management or gravel reduction. This decision was taken previously therefore this approach (or option) cannot now be revisited;
  2. Assume alongside any street the maximum height of the wall is given. This means that along the defined length, that the wall cannot be any higher than that height which is stated: **it does not mean that the wall cannot be lower.** Within the Outline Design, the Scheme defined the worst-case situation as the Detailed Design was not completed and a final specific height was not available to be stated. If the worst-case is approved then it is logical that the Scheme is acceptable, and thereafter any improvement (in this case a lowering of the wall height) only improves the Scheme and is thereby an acceptable evolution of the design;
  3. Similarly, the width of the wall;
  4. Similarly, the finish of the wall;
  5. Further to the above points it is noted that the final height and final width of the wall are ultimately technical decisions based on the flood modelling and the detail of the reinforced concrete (RC) wall design. This design is advanced through the appropriate 'Eurocode' for Reinforced Concrete Wall design, however there are many inputs to this design which are only finalised at this stage: which is why the major tasks of 'Detailed Design' of the RC Walls is only appropriate once the Scheme is approved. Examples of inputs are: confirmed Scheme level of protection and thereby flood waters to be retained by the new defences; confirmed seepage requirements which is a combination of both the Seepage Model output, the confirmed level of protection and the development of the new dry-side draining network – and thereby the finalised seepage design which is essentially part of the foundation of the new RC Wall etcetera. There is obviously much more to this point, but this high-level overview of the complexities of this element of the design is provided to give you an insight into the many requirements of the Design Team;
  6. Further to the above points it is noted that the finish of the walls is not purely a technical decision. This element of the design may be categorised under 'landscape' and it has many other decision inputs. Some of these are defined within the Environmental Impact Assessment. Others are defined within the Scheme's Planning Conditions. Finally, the processes defined within this Design Statement – and which are in accordance with the whole approach of this Scheme in advancing a flood protection scheme for Hawick through a consultative process – allow the key stakeholders and people of Hawick an input into these decisions.
- 6.8 During the Detailed Design the evolution of the design of the Scheme will continue to be advanced by the project's Design Consultant, CH2M, on behalf of the project.
- 6.9 Further to Section 6.8 of this report, the Community Vision Working Group will be set-up to facilitate the overlap between the Design Consultant that the key stakeholders and people of Hawick during the Detailed Design Stage. Further detail on this design working group is provided in Section 7 of this report.



## 7 THE COMMUNITY VISION WORKING GROUP

### 7.1 Mission Statement:

**The Community Vision Working Group will assist the Scheme's Project Team to develop the hard and soft landscape elements of the Detailed Design such that the Scheme can achieve its objective to 'Maximise the cultural, heritage, educational, environmental, energy and health opportunities that a major civil engineering project can deliver in partnership with the community and external organisations' through the delivery of its flood risk reduction measures.**

### 7.2 Membership:

Membership of the Working Group is open to all individuals that wish to participate. The membership is not exclusive in any way. The membership is equally open to residents, businesses, organisations and local representatives.

7.3 It is assumed that where an individual participates on behalf of an organisation that the individual has previously obtained authority from that organisation to represent their interests.

7.4 It is assumed that the combined membership of the Working Group will constitute: a body of expertise; representation of the town; and appropriate links to the local community - to assist and guide the Project Team in the development of the Detailed Design to allow for the achievement of the best possible flood protection scheme for Hawick which is tailored to the specific needs of the local communities/areas through which it passes. A positive effort will be made, where possible, to ensure that each group will have a diverse range of representatives from the community that will all bring a different perspective to the group.

7.5 Figure 7.5 provides an organogram of the proposed structure for the working group. It is understood that the final structure of the Working Group and specifically the number of satellite groups will be a function of the number of people that participate, and the areas which generate sufficient interest to sustain a local community satellite group. It is assumed that if only a limited number of people become involved that only one (main) Working Group will be formed.

## Proposed Structure for Working Group



Figure 7.5 – Proposed Organogram of the Working Group Structure

7.6 Figure 7.6 proposes some areas where the Project Team assume it may be appropriate to establish satellite local community groups within the 'Working Group' structure.

## Possible Satellite Working Group Areas



Figure 7.6–Organogram of possible local community satellite groups

7.7 It is understood by the Project Team that before the first meeting of the Community Vision Working Group is held there will be no accurate way to

identify the level of interest in this proposed process. The Project Team must therefore develop a process that can be tailored to both a limited and extensive involvement. Furthermore, the Project Team need to prepare for a first meeting of the Working Group where nobody or the whole town could attend.

7.8 Further to Section 7.7 of this report, Figure 7.8 provided an illustration of the satellite local community groups that the Project Team intend to use during the first meeting of the Community Vision Working Group. It is intended that during the first meeting the Project Team will commence with an introduction and short presentation to everyone that attends. Thereafter, the Project Team will distribute questionnaires to the attendees which will be designed to allow each attendee to commit key information relating to their desires and hopes for this process. The Project Team will then endeavour to split the attendance into the three satellite groups so that the 'Working Group' meeting can continue with each group delving into the key concerns and opportunities at each of these areas. At the end of the evening it is proposed to bring everyone back together so that the Project Team can achieve a summing up and confirmation of the next steps.

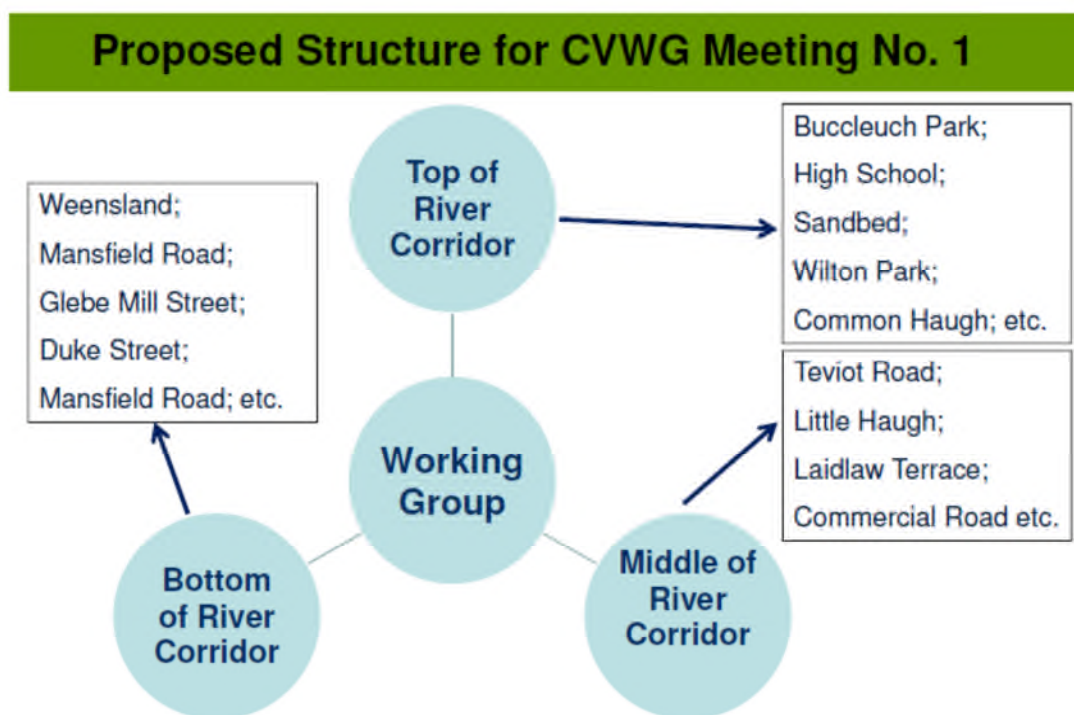


Figure 7.8–Organogram of proposed satellite local community area groups to be used for engagement purposes during the Community Vision Working Group Meeting No. 1

7.9 The Project Team wish to highlight that the approach to the Working Group will not be prescriptive, therefore notwithstanding the approach defined in this report it can and will change as required to ensure that it is best suited to achieve its Mission Statement as defined in Section 7.1 of this report.

7.10 Objectives:

The objectives of the Community Vision Working Group will be:

1. To assist the Project Team in developing the Detailed Design for the Hawick Flood Protection Scheme;
2. To provide a diverse perspective from the community to help develop the design elements to best fit the requirements of the

town;

3. To identify a list of all opportunities within, and directly adjacent to, the Scheme's 'River Corridor';
4. To assist the Project Team in considering and defining any opportunities that are considered relevant;
5. To assist the Project Team in moving any identified opportunities that cannot be delivered by the Scheme to another organisation who may champion its delivery for the community and /or the town;
6. To consider how the Scheme will be constructed and to identify both (1) any risks, and (2) how the Project Team can develop the Construction Plan in consultation with the community;
7. To assist the Project Team in considering and defining any risks that are identified;
8. To identify the best means of continuing to engage with the local community such that they both participate in this working group, the any construction state local community groups, and thereafter are empowered with a sense of ownership of the Scheme that is delivered.

7.11 Organisation:

The Community Vision Working Group will not be a stand-alone organisation. The outputs from the working group will ultimately be reported to the Project Executive for the Scheme via the Project Manager.

7.12 The Project Team will facilitate the working group on behalf of the Scheme. It is considered that this role involves the following key areas, which are not considered an exhaustive list:

1. To chair any working group meetings;
2. To convene and organise any working group meetings;
3. To produce appropriate paperwork for the working group;
4. To circulate any paperwork or information necessary for the working group members to fulfil their role;
5. To chase up actions required by members of the group; and
6. To ensure a proper flow of information both back and forth between the working group (and its satellite local community area groups) and the Design Consultant's Design Team.

7.13 It is not intended that the working group should be burdened with many of the administrative functions and paperwork exercises that can become inherent in such a process. It is therefore proposed that the following documents are only the essential documents required by the group:

1. An agenda for each meeting;
2. A record of key decisions and actions at each meeting;
3. Scanned records of any essential working documents (or maps) that are working document within a meeting; and
4. Other documents deemed appropriate by the group.

7.14 Exclusions:

The working group cannot:

1. Propose to amend or modify any part of the Scheme that is already approved unless it obtains the explicit permission of the Scheme's Project Board – this is to ensure that this process does not compromise the various approvals already achieved; and
2. Propose a route of action or shape the Detailed Design of the

Scheme such that it is ultimately detrimental to the interests of the Scheme or Hawick or the Scottish Borders Council.

7.15 Programme:

The Community Vision Working Group is one part of the Scheme and is therefore ultimately constrained by the Scheme's Project Programme. The authority to create the working group was obtained from Scottish Borders Council on 2 November 2017. Any outputs from this exercise must ultimately be considered and approved by the Project Board on behalf of the Scheme and thereby the Council. Project Board meetings are held on average every two months, however if required a special board meeting may be convened.

7.16 Further to section 7.16 of this report it is highlighted that the Detailed Design only commenced, and this additional community/design consultation process was only approved, on 2 November 2017. The Project Team do not yet have a full understanding of the overlap between this Community Vision Working Group Process and the Scheme's Project Programme. One key variable in understanding this relationship is advancement of the Scheme's Construction Reference Programme which is a major activity just commenced by the Project Team. This reference programme will yield the probably sequence of construction, and with construction taking place over 3 years this outcome will allow the areas where the design must be completed first to be identified. This will then allow any critical first activities of the working group to be identified to ensure that the overall programme can be achieved.

7.16 It is highlighted that within the context of the lifetime of the town and indeed the lifetime of a resident of the town, that the Community Vision Working Group will exist only for a very short period. It will exist to facilitate the Detail Design of the Scheme. Its job will then be completed, and it will be wound-up. It is not the role of this working group to resolve all of the issues of the town, and/or to continue to advance 'opportunities' after it has completed its objectives. The Project Team will do everything it can to ensure that the working group engages with other organisations from the town and that they take possession of the opportunities that the Scheme cannot deliver, however any failure in this regard cannot be attributed to the Scheme.

7.17 Further to Section 7.16, it is highlighted that the working group is considered to be a huge opportunity for the town over the coming period. At c.£44M the Scheme is a major project and perhaps the largest investment in the town in a generation. This process will be time consuming and challenging for the Project Team, however the working group has a valuable role to play in the definition of key areas of the town. **The key requirement is therefore for Hawick to make the most of this opportunity.**

7.18 Deliverables / Desired Outcomes:

It is considered that the convening and consultation process of the working group will be a hugely important exercise for the Scheme. Through its very existence and functioning the working group will assist the Project Team in both advancing the Detail Design; and engaging with key stakeholders and the community. That said, the following are noted as the key desired outcomes/deliverables of this working group:

1. To assist the Project Team is designing the best possible flood protection scheme for Hawick which is tailored to the unique needs of each of the areas/communities through which it passes;

2. To provide a defined list of opportunities associated with the Scheme;
3. To highlight any significant risks that the Scheme design or proposed means of construction contains;
4. To advance the Scheme's desire to engage with the Community;  
and
5. To advance the Scheme's desire to provide the Community with a sense of ownership of the Scheme.

# **APPENDIX D**

## **SUMMARY OF ADHERENCE TO FLOOD RISK MANAGEMENT ACT 2009 & 2010 REGULATIONS**

# Procedure 1 – Publication

## 1.1 Overview

Section 60 and Schedule 2 (Paragraphs 1 and 2) of the FRMA and Parts II, III and IV of the FRMR make detailed provision for how the Local Authority should prepare, notify and advertise the flood protection scheme. For flood protection schemes with an environmental statement, Regulations 4 and 7 of the FRMR make further provision with regard to notification and duty to consider the effects of the scheme of the environment. Section 65 of the FRMA and Part IV of the FRMR make provision for how the Scheme should apply for deemed planning permission to be granted.

The following sections take each part of the legislation in turn associated with the publication processes and demonstrate how the project team has complied with it. Copies of the relevant compliance documentation is contained in Appendix B1, or where relevant, hyperlinks to the electronic copies which are available on the Scheme website, hawickfloodscheme.com.

## 1.2 Compliance with FRMA

### 1.2.1 Section 60 – flood protection schemes

Only paragraph 2 within section 60 of the FRMA places specific duties on the Local Authority with regard to publishing a flood protection scheme. Table 2-1 reproduces those duties and summarises the compliance measures undertaken by Scottish Borders Council:

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
60 (2)	A proposed flood protection scheme must:		
(a)	Contain a description of the operations the local authority proposes to carry out	Full description of the operations are provided in the Scheme document entitled "Schedule of Scheme Operations". Refer to hyperlink A at bottom of this table	Posted on Scheme website 26 <sup>th</sup> April 2017
(b)	Include such maps, plans and specifications as may be specified by regulations by the Scottish Ministers	Full suite of plans, cross sections and descriptions as stipulated by Section 11 of the FRMR (see table 3-8 for further details). Refer to hyperlink B at bottom of this table	Posted on Scheme website 26 <sup>th</sup> April 2017
(c)	State how the operations will contribute to the implementation of current measures described in any relevant local flood risk management plan (LFRMP)	Refer to Section 1.2 of this report. The HFPS is contained within the implementation part of the LFRMP of PVA 13/12 for Hawick within the Tweed LPD. The preamble to the Schedule of Scheme Operations contains a statement to this effect	Posted on Scheme website 26 <sup>th</sup> April 2017
(d)	Inasmuch as they will not contribute, state the reasons why the local authority considers carrying them out will not affect implementation of those measures	Not Applicable in this case	

Table 2-1: Section 60 compliance

Hyperlink A:

[http://www.hawickfloodscheme.com/finalscheme/1\\_Scheme\\_Operations/Schedule%20of%20Operations\\_V1.0\\_ISSUE.pdf](http://www.hawickfloodscheme.com/finalscheme/1_Scheme_Operations/Schedule%20of%20Operations_V1.0_ISSUE.pdf)

Hyperlink B:

[http://www.hawickfloodscheme.com/finalscheme/2\\_Scheme\\_Drgs/Scheme%20Drawings%20COMBINED\\_V1.0\\_ISSUE.pdf](http://www.hawickfloodscheme.com/finalscheme/2_Scheme_Drgs/Scheme%20Drawings%20COMBINED_V1.0_ISSUE.pdf)



## 1.2.2 Schedule 2, Paragraph 1 - Notification

Within Paragraph 1 of Schedule 2, sub-paragraphs (1) to (4) are relevant. Table 2-2 reproduces the requirements within those sub-paragraphs and summarises the compliance measures undertaken

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
Sched 2, Para 1, sub para (1)	The local authority must give notice of a proposed flood protection scheme:		
Sub para (a)	In at least one newspaper circulating in the local authority's area	Adverts placed in the Hawick News and Hawick Paper, refer to Appendix B1-1	28 <sup>th</sup> April and 12 <sup>th</sup> May 2017
(b)	Not applicable		
(c)	In the Edinburgh Gazette	Advert placed in the Edinburgh Gazette – refer to Appendix B1-1	28 <sup>th</sup> April and 12 <sup>th</sup> May 2017
(d)	To every person known to the local authority – <ul style="list-style-type: none"> <li>(i) To have an interest in any land on which the proposed operations are to be carried out</li> <li>(ii) Whose interest in any other land may be affected by any of the proposed operations or by any alteration in flow of water caused by any of the operations</li> </ul>	Major exercise carried out to determine land ownership and serve notice on land owners within three separate zones: <ul style="list-style-type: none"> <li>1) those with an interest in land within the limit of land affected by the operations, as shown on the Scheme plans;</li> <li>2) those whose land was previously flooded by the 1 in 75 year flood event which will now be protected</li> <li>3) a wider area beyond zones 1 and 2 to capture all land and property who may be indirectly affected by the works</li> </ul> Utilised combination of SBC records, one to one discussions and specialist external land ownership consultants to obtain some gap site information. Resulted in database of over 3947 property owners and occupiers	Database complete 21 <sup>st</sup> April 2017 Notices served 21 <sup>st</sup> , 24 <sup>th</sup> and 25 <sup>th</sup> April 2017 Notices received latest 28 <sup>th</sup> April 2017
(e)	Not applicable		
(f)	To the following persons- <ul style="list-style-type: none"> <li>(i) SEPA</li> <li>(ii) Scottish Natural Heritage</li> <li>(iii) Not applicable</li> <li>(iv) Not applicable</li> <li>(v) Any responsible authority whose flood risk related functions may be affected by any of the operations.....</li> <li>(vi) Any statutory undertaker whose statutory undertaking may be affected by the operations.....</li> <li>(vii) Any other person specified by order of the Scottish Ministers, and</li> </ul>	Notice was served to a large number of statutory and non-statutory stakeholders and undertakers – refer to Appendix B1-2 for details of the database	Database complete 21 <sup>st</sup> April 2017 Notices served 25th April 2017 Notices received latest 28 <sup>th</sup> April 2017
(g)	In such other manner as the authority considers appropriate	Not applicable for this project	

Sched 2 Para 1 sub para (2)	The local authority must also display a notice of the proposed flood protection scheme in a prominent position in the locality in which the operations were carried out	The Scheme notice was displayed at 135 locations across Hawick. The notices were maintained throughout the 28 day objection period. Appendix B1-3 contains a plan showing the locations of the notices and a schedule of their maintenance. Photographs of the notice locations are available on request.	Complete by 27 <sup>th</sup> April 2017
Sched 2 Para 1 sub para (3)	A notice given under sub-paragraph (1) or (2) must –  (a) Contain a general description of the effect of the proposed scheme including-  (i) A summary of the operations to be carried out, and  (ii) A summary of the benefits which the local authority considers are likely to be derived from carrying out the operations  (b) State where and at what times the scheme documents can be inspected in pursuance of paragraph 2, and  (c) State that objections can be made about the proposed scheme to the local authority before the expiry of 28 days beginning with the date notice is first published under sub-paragraph (1)(a)	A copy of the notice is contained within the Scheme website – see hyperlink C at bottom of this table.	Posted on Scheme website 26 <sup>th</sup> April 2017.  Completed
Sched 2 Para 1 sub para (4)	Notices under sub-paragraph (1)(d) and (f) and sub-paragraph (2) must be given or, as the case may be, displayed no later than the date that notice is first published under sub-paragraph (1)(a)	All notices posted to those under sub-paras (1)(d) and (1)(f) and displayed under sub-para (2) were completed prior to the adverts appearing in the local newspapers and the Edinburgh Gazette – refer to Appendix B1-1 for details of the relevant dates	
Sched 2 Para 1 sub para (5)	Not applicable		

Table 2-2: Schedule 2, Paragraph 1 compliance

Hyperlink C: [http://www.hawickfloodscheme.com/finalscheme/8\\_Notice\\_Letter/HFPS\\_notice.pdf](http://www.hawickfloodscheme.com/finalscheme/8_Notice_Letter/HFPS_notice.pdf)

### 1.2.3 Schedule 2, Paragraph 2 – Public Inspection of scheme proposal

Within paragraph 2 of Schedule 2 of the FRMA, all sub-paragraphs are relevant to the HFPS. Table 2-3 reproduces the requirements within those sub-paragraphs and summarises the compliance measures undertaken by Scottish Borders Council

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
Sched 2, Para 2, sub para (1)	The local authority must make a copy of the scheme documents available for public inspection in a place in the authority's area	The documents were made available at the Council HQ in Newtown St Boswells, TD6 0SA and at the SBC offices in Hawick High Street, TD9 9EF and on the Scheme's website <a href="http://hawickfloodscheme.com">hawickfloodscheme.com</a>	27 <sup>th</sup> April 2017, available for inspection from 28 <sup>th</sup> April 2017
Sub para (2)	Not applicable		
Sub para (3)	The scheme documents must be available for inspection at all reasonable times during the period from the date notice is given under paragraph 1(1)(a) until the date a decision is made under paragraph 4(1), 7(4) or 9(1)	Hard copies continue to be made available at the locations identified above (during their normal periods of opening identified on the scheme notice) until such time a decision is made in accordance with this sub-para. The documents are also available for inspection on the website.	27 <sup>th</sup> April 2017, available for inspection from 28 <sup>th</sup> April 2017

Table 2-3 – Schedule 2, Paragraph 2 compliance

## 1.3 Compliance with FRMR

### 1.3.1 Regulation 4 – duty to consider environmental impact of proposed flood protection scheme

Within Regulation 4 of the FRMR, the local authority must consider if the scheme is likely to have a significant impact on the environment. Table 2-4 reproduces the requirements within that section and summarises the compliance measures undertaken by Scottish Borders Council.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 4, para (1)	<p>Prior to-</p> <p>(a) Giving notice of a proposed flood protection scheme under paragraph 1 of schedule 2 to the Act</p> <p>(b) See procedure 4 in this document</p> <p>(c) See procedure 5 in this document;</p> <p>the local authority must consider whether the scheme as proposed at that stage is likely to have a significant effect on the environment</p>	The preferred Scheme report in March 2013 identified that any scheme taken forward by Scottish Borders Council to protect Hawick to a 1 in 75 year standard of protection was likely to have potentially significant impacts on the environment. During the Outline Design stage, consideration of Schedule 1 to the FRMR confirmed that the risk of significant effect on the environment remained. The notice identified in Hyperlink C to this document states this to be the case.	Ongoing throughout project

Table 2-4: Regulation 4 compliance

### 1.3.2 Regulation 5 – screening opinions

If the local authority considers that the scheme is likely to have a significant effect on the environment, it must seek a screening opinion from each of the consultative bodies, with requirements and compliance measures set out in Table 2-5.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 5, para (1)	Where a local authority considers that a propose flood protection scheme is likely to have a significant effect on the environment, it shall request a screening opinion from each of the consultative bodies	In September 2015, the Scheme designer, CH2M, wrote to SBC Planning to advise that the Scheme was likely to have a significant effect on the environment and that a screening and scoping opinion for an EIA was requested. Details of the consultation invites and responses are available	CH2M letter to SBC 15/9/2015

		on request.	
Reg 5, other paras	These procedures relate to timescales for the consultative bodies to respond and other information that may be required and are not within the scope of this document		

Table 2-5: Regulation 5 compliance

### 1.3.3 Regulation 6 – environmental statements

Table 2-6 identifies the specific environmental statement (ES) requirements and compliance measures undertaken by Scottish Borders Council for Regulation 6 of the FRMR.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 6, para (1)	<p>Where –</p> <p>(a) A local authority considers under regulation 4 that a proposed flood protection scheme is likely to have a significant effect on the environment; or</p> <p>(b) A consultative body has concluded in a screening opinion under Regulation 5 that a proposed flood protection scheme is likely to have a significant effect on the environment,</p> <p>The local authority must prepare an environmental statement in accordance with paragraph (2)</p>	<p>Both the local authority and consultative bodies concurred with the project team’s original position that the scheme is likely to have a significant effect on the environment.</p> <p>An environmental statement was produced to accompany the flood protection scheme documents and plans. Hyperlinks D, E, F, G and H link to the appropriate documentation</p>	Uploaded to website on 26 <sup>th</sup> April 2017
Reg 6, para (2)	<p>An environmental statement must identify, describe and assess the direct and indirect effects of the proposed scheme on the following factors-</p> <p>(a) Human beings, flora and fauna</p> <p>(b) Soil, water, air climate and the landscape</p> <p>(c) Material assets including architectural and archaeological heritage; and</p> <p>(d) The interaction between the factors mentioned in sub-paragraph (a) to (c)</p>	<p>The relevant chapters which identify, describe and assess the impacts (and identify mitigation measures) within the environmental statement are:</p> <p>Stakeholder engagement; population, recreation and amenity; Biodiversity and nature conservation; noise and vibration; townscape / landscape and visual impacts; water and resilience to climate change; geomorphology; soils, geology and land contamination; archaeology and cultural heritage; traffic and transportation; cumulative impacts</p>	Uploaded to website on 26 <sup>th</sup> April 2017
Reg 6, para (3)	<p>An environmental statement must include –</p> <p>(a) The information referred to in Part 1 of Schedule 2; and</p> <p>(b) Such of the information referred to in Part II of Schedule 2 as reasonably required to assess the environmental effects of the proposed scheme and which, having regard in particular to current knowledge and methods of assessment, the local authority can reasonably be required to compile.</p>	<p>The environmental statement fully complies with the requirements of Part 1 of Schedule 2 which are:</p> <ol style="list-style-type: none"> <li>1. Description of the scheme comprising information on the site, design and size of the scheme (Chapter 4 of ES)</li> <li>2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects (Chapter 16 summary)</li> <li>3. The data required to identify and assess the main effects which the scheme is likely to have on</li> </ol>	Uploaded to website on 26 <sup>th</sup> April 2017

		<p>the environment (all chapters of the ES contain desk study and survey data)</p> <p>4. The main alternatives studied by the local authority and main reasons for its choice, taking into account the environmental effects (Chapter 4.7 of the ES)</p> <p>5. A Non-technical summary (Volume 3 of the ES, see hyperlink H below)</p> <p>The environmental statement fully complies with the requirements of Part II of Schedule 2:</p>	
Reg 6, para (4)	Only required if the Scheme requires to be confirmed with modification	Currently not applicable	

Table 2-6: Regulation 6 compliance

Hyperlink D- [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/Hawick%20FPS%20ES\\_Volume%201\\_FINAL.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf)

Hyperlink E – [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/ES\\_Appendix\\_A.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_A.pdf)

Hyperlink F – [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/ES\\_Appendix\\_B.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_B.pdf)

Hyperlink G – [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/ES\\_Appendix\\_C.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_C.pdf)

Hyperlink H – [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/Hawick%20FPS%20ES\\_Volume%201\\_FINAL.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf)

### 1.3.4 Regulation 7 – notification of scheme with environmental statement

Regulation 7 applies to the Hawick FPS because SBC has prepared an environmental statement. Table 2-7 highlights the additional notification requirements for schemes with an environmental statement and the compliance measures undertaken by SBC.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 7, para (2)(b)	<p>The local authority must make a copy of the environmental statement available for public inspection alongside the scheme documents that are made available in accordance with paragraph 2 of schedule 2 to the Act</p> <p>NB: Para (2)(a) covered elsewhere</p>	ES was part of the overall package information made available for public inspection at Council HQ and SBC contact centre in Hawick. Also published on the website as per hyperlinks E to H above.	Uploaded to website on 26 <sup>th</sup> April 2017, available for public inspection from 28 <sup>th</sup> April 2017
Reg 7, para (3)	<p>A notice under paragraph (2)(a) must, in addition to the information required by paragraph 1(3) of schedule 2 to the Act include a statement-</p> <p>(a) that the scheme is likely to have a significant effect on the environment;</p> <p>(b) that the scheme documents are accompanied by an environmental statement which is available for public inspection;</p> <p>(c) describing the circumstances under the Act in which the Scottish Ministers may cause a public inquiry into the application;</p> <p>(d) setting out the nature of possible decisions that may be taken in relation to the scheme</p>	The notice which was issued / displayed at the commencement of the notification process (refer to Hyperlink C) contains all of the required information	

Reg 7, para (4)	The local authority must supply a copy of the scheme documents and the environmental statement to the consultative bodies no later than the date that the notice referred to in paragraph (2)(a) is given	<p>The following bodies were made aware of the publication of the ES on the Scheme website and follow up phone calls made to ensure the information was able to be downloaded:</p> <ul style="list-style-type: none"> <li>• Scottish Environment Protection Agency, Mossilee Road, Galashiels;</li> <li>• Scottish Natural Heritage, Galashiels</li> <li>• River Tweed Commission, Drygrange, Melrose</li> </ul> <p>and electronically transferred to all Scottish Borders Council officers involved in the screening and scoping opinion</p>	26 <sup>th</sup> April 2017
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Table 2-7: Regulation 7 compliance

### 1.3.5 Regulation 11 – maps, plans and specifications

Regulation 11 relates to the specific requirements associated with the plans accompanying the scheme operations. Table 2-8 highlights the requirements and compliance measures undertaken by Scottish Borders Council


Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 11, para (1)	<p>A proposed flood protection scheme must include a description, by reference to maps, plans and specifications of:</p> <p>(a) The extent and scale of the scheme operations</p> <p>(b) The land which the local authority considers may be affected by those operations, and;</p> <p>(c) Any land on which the local authority would require to enter (whether temporarily or otherwise) for the purposes of carrying out the operations</p>	<p>The plans referred to in Hyperlink B of this document are:</p> <p>Drawn to a scale of 1 in 250 at A3</p> <p>Clearly identify the limit of land affected by means of a red dashed line, and;</p> <p>Describe that red dashed line as:</p> <p>Limit of the land which the local authority considers may be affected by those operations; and any land on which the local authority would require to enter (whether temporarily or otherwise) for the purposes of carrying out the operations</p> 	
Reg 11, para (2)	The maps and plans referred to in paragraph (1) must be at an appropriate scale to enable interested persons to identify whether their land will be affected by the scheme operations	The plans are drawn to a scale of 1 in 250, with full OS background mapping, which is more than adequate to interpret land ownership extents and boundary features	26 <sup>th</sup> April 2017
Reg 11, para (3)	A proposed flood protection scheme must include an estimate of the cost of the scheme operations proposed to be carried out	The Schedule of Scheme Operations (hyperlink A of this document) contains the scheme cost estimate	26 <sup>th</sup> April 2017

Table 2-8: regulation 11 compliance

### 1.3.6 Regulation 15 – serving of notices

Regulation 15 relates to the specific requirements which apply to the serving of notices. Table 2-9 highlights the requirement and compliance measures undertaken by Scottish Borders Council

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 15, para (1)	Any notice or other document to be sent, served or given under the Regulations or Schedule 2 to the Act may be sent served or given either:		
	(a) By delivering it to the person on whom it is to be served or to whom it is to be given;	N/A	
	(b) By leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address;	25 No. of notices were hand delivered	25th April 2017
	(c) By sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at their usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address	3725 No. of notices were sent in a prepaid registered letter	27th April 2017
	(d) In the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at its registered or principal office, or by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the clerk of the company or body at that office; or	178 No. of notices were sent by recorded delivery	26th April 2017
	(e) In a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in Paragraph (2), to that person at that address.	N/A	

Table 2-9 – Regulation 15 compliance

# Procedure 2 – Objections

## 2.1 Overview

Schedule 2 (Paragraphs 3 and 5) of the FRMA and Regulations 12 and 13 of the FRMR make provisions for how the Local Authority should manage objections associated with the flood protection scheme before making its preliminary decision. This method is required for the Hawick FPS, because the option to confirm the scheme under paragraph 4 is not available due to the presence of at least one valid objection.

The following sections take each part of the legislation in turn associated with the publication processes and demonstrate how the project team have complied with it. Copies of the relevant compliance documentation is contained in Appendix B2, or where relevant, hyperlinks to the electronic copies which are available on the Scheme website, [hawickfloodscheme.com](http://hawickfloodscheme.com).

## 2.2 Compliance with FRMA

### 2.2.1 Schedule 2, paragraph 3

It is noted that Schedule 2, paragraph 3 of the FRMA does not place any specific duty on the local authority in terms of legislation compliance – it sets out the criteria by which an objection to the scheme must be assessed once received.

For the Hawick FPS:

- There were 48 valid objections, which were received in a time period which started on the 28<sup>th</sup> April 2017 and concluded on the 29<sup>th</sup> May 2017, a duration of 31 calendar days (in excess of the minimum 28 day period to account for the local elections and bank holiday Monday);
- All were considered to be valid and, because SBC consider all objections, they became relevant under Schedule 2, paragraph 5, sub-para (4).
- None were late objections

### 2.2.2 Schedule 2, paragraph 5

Paragraph 5 of Schedule 2 identifies the need for the local authority to make a preliminary decision in the event it has received valid objections. The specific requirements placed on the local authority in relation to managing the objections are detailed in table 3-1 along with the compliance measures taken by Scottish Borders Council.

It is noted that under sub-paragraphs 5(5) and 5(6) that 8 of the 48 objections were received from persons with either an interest in the land affected by the operations, or by persons whose interest in the land has been affected by an alteration in the flow of water caused by the operations. These objections could require Scottish Ministerial review unless withdrawn.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Sched 2, para 5, sub-para (1)	Where, in relation to a proposed flood protection scheme, the local authority receives a valid objection, it must make a preliminary decision to-  a) Confirm the proposed scheme without modification;	SBC made the preliminary decision to confirm the scheme without modification at the full Council meeting on Th 2 <sup>nd</sup> November 2017. Following careful consideration of the objections and requirements of the scheme objectives, SBC determined that any changes made to the scheme during the objection process and prior to	2 <sup>nd</sup> November 2017



	<p>b) Confirm the proposed scheme with modification, or</p> <p>c) Reject the proposed scheme</p>	<p>making the preliminary decision would not be of a magnitude which would necessitate a formal modification to the scheme. Such changes include provision of additional detail for the wall appearance (including cladding, coping and distribution of glass panels) and some local reduction in wall height due to the provision of steps in the wall to accommodate drop in level with distance downstream.</p>	
<p>Sched 2, para 5, sub-para (2)</p>	<p>Before making its preliminary decision, the local authority-</p> <p>(a) Must consider-</p> <p>(i) And valid objections (unless withdrawn), and</p> <p>(ii) Any late objection if the authority is satisfied that it was reasonable for the objector to make the objection after the deadline for doing so.</p> <p>(b) May also consider any other matters it considers appropriate</p>	<p>SBC have carried out the following exercises to fully consider the objections:</p> <ol style="list-style-type: none"> <li>1) Written a specific letter to each of the 48 objectors which fulfils the following duties: <ul style="list-style-type: none"> <li>• acknowledge that they have made a valid objection;</li> <li>• identify that the local authority is considering their objection;</li> <li>• provide a response to each of the points raised in the objection</li> <li>• offers contact names, numbers and email addresses for further discussion</li> </ul> </li> <li>2) Carried out face to face discussions with 23 of the 48 objectors</li> <li>3) Written to all 48 objectors to invite them to the public meetings on 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> August 2017</li> <li>4) Undertaken site walks on 29<sup>th</sup> and 30<sup>th</sup> August and full public meeting on 31<sup>st</sup> August to provide public with opportunity to discuss their concerns</li> </ol>	<p>Letters issued by 21<sup>st</sup> June</p> <p>Face to face discussions took place between 10<sup>th</sup> July and 24<sup>th</sup> August</p> <p>Public meetings took place between 29<sup>th</sup> and 31<sup>st</sup> August</p> <p>Preliminary decision anticipated to be made at full Council on 28<sup>th</sup> September 2017</p>
<p>Sched 2, para 5, sub-para (3)</p>	<p>The local authority must give notice of its decision under sub-paragraph (1) to every person who made an objection which it considered</p>	<p>At the time of making the preliminary decision to confirm the scheme without modification on 2<sup>nd</sup> November 2017, 13 of the 48 objections had been either been withdrawn in writing (10 of 13), or no contact with the objector could be made to discuss the nature of their concerns. Evidence of the attempts to contact the objectors are included in Appendix C1. This means that 35 objections remain “live” at the point when the preliminary decision was made.</p> <p>Whilst SBC considered all 48 objections, notification of the preliminary decision is only required for the 35 remaining objections due the way Para 5 (2) (a) (i) is worded: withdrawal of an objection means the local authority is no longer required to consider it, therefore sub-para (3) no longer applies.</p>	<p>Letters sent out to the 35 remaining objections on 7<sup>th</sup> November 2017</p>
<p>Sched 2, para 5, sub-para (5)</p>	<p>Where any relevant objector is a person to whom sub-paragraph (6) applies, the local authority must also give to the Scottish Ministers notice of its decision.....</p>	<p>8 of the 48 objections fell into the category to which sub-paragraph (6) applies. All 8 objections were withdrawn prior to the preliminary decision being made, therefore the requirement to notify the Scottish Ministers does not apply.</p>	<p>Final withdrawal in writing was received on 1<sup>st</sup> November 2017</p>

Table 3-1: Schedule 2, paragraph 5 compliance

## 2.3 Compliance with FRMR

### 2.3.1 Regulation 12 – Objections

Regulation 12 of the FRMR makes further provision for assessing the validity and categorization of objections received. There are no legislative duties placed on the local authority within this regulation.

All 48 objections received set out the reasons for the objection (thus complying with paragraph (1)), and those that had an interest in the land or had an interest in land affected by alteration in the flow of water caused by the operations set out (a) details of the land in which the objector has an interest, (b) disclosure of the nature of the objector's interest in the land, and (c) details of which aspects of the proposed operations affect the objector

### 2.3.2 Regulation 13 – Withdrawal of objections

Regulation 13 of the FRMR discusses the procedures associated with objection withdrawal after the local authority has made a preliminary decision to confirm the proposed scheme. As the preliminary decision made by SBC on 2<sup>nd</sup> November 2017 was to confirm the scheme without modification, Regulation 13 (1) AND 13 (2) no longer apply.

Regulation 13 (3) identifies that withdrawal of an objection by electronic means is to be treated as being in writing if it is received in a form which is legible and capable of being used for subsequent reference. All objection withdrawals were received by e-mail and thus comply with this Regulation.

# Procedure 1 – Publication

## 1.1 Overview

Section 60 and Schedule 2 (Paragraphs 1 and 2) of the FRMA and Parts II, III and IV of the FRMR make detailed provision for how the Local Authority should prepare, notify and advertise the flood protection scheme. For flood protection schemes with an environmental statement, Regulations 4 and 7 of the FRMR make further provision with regard to notification and duty to consider the effects of the scheme of the environment. Section 65 of the FRMA and Part IV of the FRMR make provision for how the Scheme should apply for deemed planning permission to be granted.

The following sections take each part of the legislation in turn associated with the publication processes and demonstrate how the project team has complied with it. Copies of the relevant compliance documentation is contained in Appendix B1, or where relevant, hyperlinks to the electronic copies which are available on the Scheme website, [hawickfloodscheme.com](http://hawickfloodscheme.com).

## 1.2 Compliance with FRMA

### 1.2.1 Section 60 – flood protection schemes

Only paragraph 2 within section 60 of the FRMA places specific duties on the Local Authority with regard to publishing a flood protection scheme. Table 2-1 reproduces those duties and summarises the compliance measures undertaken by Scottish Borders Council:

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
60 (2)	A proposed flood protection scheme must:		
(a)	Contain a description of the operations the local authority proposes to carry out	Full description of the operations are provided in the Scheme document entitled "Schedule of Scheme Operations". Refer to hyperlink A at bottom of this table	Posted on Scheme website 26 <sup>th</sup> April 2017
(b)	Include such maps, plans and specifications as may be specified by regulations by the Scottish Ministers	Full suite of plans, cross sections and descriptions as stipulated by Section 11 of the FRMR (see table 3-8 for further details). Refer to hyperlink B at bottom of this table	Posted on Scheme website 26 <sup>th</sup> April 2017
(c)	State how the operations will contribute to the implementation of current measures described in any relevant local flood risk management plan (LFRMP)	Refer to Section 1.2 of this report. The HFPS is contained within the implementation part of the LFRMP of PVA 13/12 for Hawick within the Tweed LPD. The preamble to the Schedule of Scheme Operations contains a statement to this effect	Posted on Scheme website 26 <sup>th</sup> April 2017
(d)	Inasmuch as they will not contribute, state the reasons why the local authority considers carrying them out will not affect implementation of those measures	Not Applicable in this case	

Table 2-1: Section 60 compliance

Hyperlink A:

[http://www.hawickfloodscheme.com/finalscheme/1\\_Scheme\\_Operations/Schedule%20of%20Operations\\_V1.0\\_ISSUE.pdf](http://www.hawickfloodscheme.com/finalscheme/1_Scheme_Operations/Schedule%20of%20Operations_V1.0_ISSUE.pdf)

Hyperlink B:

[http://www.hawickfloodscheme.com/finalscheme/2\\_Scheme\\_Drgs/Scheme%20Drawings%20COMBINED\\_V1.0\\_ISSUE.pdf](http://www.hawickfloodscheme.com/finalscheme/2_Scheme_Drgs/Scheme%20Drawings%20COMBINED_V1.0_ISSUE.pdf)

## 1.2.2 Schedule 2, Paragraph 1 - Notification

Within Paragraph 1 of Schedule 2, sub-paragraphs (1) to (4) are relevant. Table 2-2 reproduces the requirements within those sub-paragraphs and summarises the compliance measures undertaken

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
Sched 2, Para 1, sub para (1)	The local authority must give notice of a proposed flood protection scheme:		
Sub para (a)	In at least one newspaper circulating in the local authority's area	Adverts placed in the Hawick News and Hawick Paper, refer to Appendix B1-1	28 <sup>th</sup> April and 12 <sup>th</sup> May 2017
(b)	Not applicable		
(c)	In the Edinburgh Gazette	Advert placed in the Edinburgh Gazette – refer to Appendix B1-1	28 <sup>th</sup> April and 12 <sup>th</sup> May 2017
(d)	To every person known to the local authority – <ul style="list-style-type: none"> <li>(i) To have an interest in any land on which the proposed operations are to be carried out</li> <li>(ii) Whose interest in any other land may be affected by any of the proposed operations or by any alteration in flow of water caused by any of the operations</li> </ul>	Major exercise carried out to determine land ownership and serve notice on land owners within three separate zones: <ul style="list-style-type: none"> <li>1) those with an interest in land within the limit of land affected by the operations, as shown on the Scheme plans;</li> <li>2) those whose land was previously flooded by the 1 in 75 year flood event which will now be protected</li> <li>3) a wider area beyond zones 1 and 2 to capture all land and property who may be indirectly affected by the works</li> </ul> Utilised combination of SBC records, one to one discussions and specialist external land ownership consultants to obtain some gap site information. Resulted in database of over 3947 property owners and occupiers	Database complete 21 <sup>st</sup> April 2017 Notices served 21 <sup>st</sup> , 24 <sup>th</sup> and 25 <sup>th</sup> April 2017 Notices received latest 28 <sup>th</sup> April 2017
(e)	Not applicable		
(f)	To the following persons- <ul style="list-style-type: none"> <li>(i) SEPA</li> <li>(ii) Scottish Natural Heritage</li> <li>(iii) Not applicable</li> <li>(iv) Not applicable</li> <li>(v) Any responsible authority whose flood risk related functions may be affected by any of the operations.....</li> <li>(vi) Any statutory undertaker whose statutory undertaking may be affected by the operations.....</li> <li>(vii) Any other person specified by order of the Scottish Ministers, and</li> </ul>	Notice was served to a large number of statutory and non-statutory stakeholders and undertakers – refer to Appendix B1-2 for details of the database	Database complete 21 <sup>st</sup> April 2017 Notices served 25th April 2017 Notices received latest 28 <sup>th</sup> April 2017
(g)	In such other manner as the authority considers appropriate	Not applicable for this project	

Sched 2 Para 1 sub para (2)	The local authority must also display a notice of the proposed flood protection scheme in a prominent position in the locality in which the operations were carried out	The Scheme notice was displayed at 135 locations across Hawick. The notices were maintained throughout the 28 day objection period. Appendix B1-3 contains a plan showing the locations of the notices and a schedule of their maintenance. Photographs of the notice locations are available on request.	Complete by 27 <sup>th</sup> April 2017
Sched 2 Para 1 sub para (3)	A notice given under sub-paragraph (1) or (2) must –  (a) Contain a general description of the effect of the proposed scheme including-  (i) A summary of the operations to be carried out, and  (ii) A summary of the benefits which the local authority considers are likely to be derived from carrying out the operations  (b) State where and at what times the scheme documents can be inspected in pursuance of paragraph 2, and  (c) State that objections can be made about the proposed scheme to the local authority before the expiry of 28 days beginning with the date notice is first published under sub-paragraph (1)(a)	A copy of the notice is contained within the Scheme website – see hyperlink C at bottom of this table.	Posted on Scheme website 26 <sup>th</sup> April 2017.  Completed
Sched 2 Para 1 sub para (4)	Notices under sub-paragraph (1)(d) and (f) and sub-paragraph (2) must be given or, as the case may be, displayed no later than the date that notice is first published under sub-paragraph (1)(a)	All notices posted to those under sub-paras (1)(d) and (1)(f) and displayed under sub-para (2) were completed prior to the adverts appearing in the local newspapers and the Edinburgh Gazette – refer to Appendix B1-1 for details of the relevant dates	
Sched 2 Para 1 sub para (5)	Not applicable		

Table 2-2: Schedule 2, Paragraph 1 compliance

Hyperlink C: [http://www.hawickfloodscheme.com/finalscheme/8\\_Notice\\_Letter/HFPS\\_notice.pdf](http://www.hawickfloodscheme.com/finalscheme/8_Notice_Letter/HFPS_notice.pdf)

### 1.2.3 Schedule 2, Paragraph 2 – Public Inspection of scheme proposal

Within paragraph 2 of Schedule 2 of the FRMA, all sub-paragraphs are relevant to the HFPS. Table 2-3 reproduces the requirements within those sub-paragraphs and summarises the compliance measures undertaken by Scottish Borders Council

Clause	Local Authority Duty under FRMA	Compliance Measure	Date completed
Sched 2, Para 2, sub para (1)	The local authority must make a copy of the scheme documents available for public inspection in a place in the authority's area	The documents were made available at the Council HQ in Newtown St Boswells, TD6 0SA and at the SBC offices in Hawick High Street, TD9 9EF and on the Scheme's website <a href="http://hawickfloodscheme.com">hawickfloodscheme.com</a>	27 <sup>th</sup> April 2017, available for inspection from 28 <sup>th</sup> April 2017
Sub para (2)	Not applicable		
Sub para (3)	The scheme documents must be available for inspection at all reasonable times during the period from the date notice is given under paragraph 1(1)(a) until the date a decision is made under paragraph 4(1), 7(4) or 9(1)	Hard copies continue to be made available at the locations identified above (during their normal periods of opening identified on the scheme notice) until such time a decision is made in accordance with this sub-para. The documents are also available for inspection on the website.	27 <sup>th</sup> April 2017, available for inspection from 28 <sup>th</sup> April 2017

Table 2-3 – Schedule 2, Paragraph 2 compliance

## 1.3 Compliance with FRMR

### 1.3.1 Regulation 4 – duty to consider environmental impact of proposed flood protection scheme

Within Regulation 4 of the FRMR, the local authority must consider if the scheme is likely to have a significant impact on the environment. Table 2-4 reproduces the requirements within that section and summarises the compliance measures undertaken by Scottish Borders Council.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 4, para (1)	<p>Prior to-</p> <p>(a) Giving notice of a proposed flood protection scheme under paragraph 1 of schedule 2 to the Act</p> <p>(b) See procedure 4 in this document</p> <p>(c) See procedure 5 in this document;</p> <p>the local authority must consider whether the scheme as proposed at that stage is likely to have a significant effect on the environment</p>	The preferred Scheme report in March 2013 identified that any scheme taken forward by Scottish Borders Council to protect Hawick to a 1 in 75 year standard of protection was likely to have potentially significant impacts on the environment. During the Outline Design stage, consideration of Schedule 1 to the FRMR confirmed that the risk of significant effect on the environment remained. The notice identified in Hyperlink C to this document states this to be the case.	Ongoing throughout project

Table 2-4: Regulation 4 compliance

### 1.3.2 Regulation 5 – screening opinions

If the local authority considers that the scheme is likely to have a significant effect on the environment, it must seek a screening opinion from each of the consultative bodies, with requirements and compliance measures set out in Table 2-5.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 5, para (1)	Where a local authority considers that a propose flood protection scheme is likely to have a significant effect on the environment, it shall request a screening opinion from each of the consultative bodies	In September 2015, the Scheme designer, CH2M, wrote to SBC Planning to advise that the Scheme was likely to have a significant effect on the environment and that a screening and scoping opinion for an EIA was requested. Details of the consultation invites and responses are available	CH2M letter to SBC 15/9/2015

		on request.	
Reg 5, other paras	These procedures relate to timescales for the consultative bodies to respond and other information that may be required and are not within the scope of this document		

Table 2-5: Regulation 5 compliance

### 1.3.3 Regulation 6 – environmental statements

Table 2-6 identifies the specific environmental statement (ES) requirements and compliance measures undertaken by Scottish Borders Council for Regulation 6 of the FRMR.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 6, para (1)	<p>Where –</p> <p>(a) A local authority considers under regulation 4 that a proposed flood protection scheme is likely to have a significant effect on the environment; or</p> <p>(b) A consultative body has concluded in a screening opinion under Regulation 5 that a proposed flood protection scheme is likely to have a significant effect on the environment,</p> <p>The local authority must prepare an environmental statement in accordance with paragraph (2)</p>	<p>Both the local authority and consultative bodies concurred with the project team’s original position that the scheme is likely to have a significant effect on the environment.</p> <p>An environmental statement was produced to accompany the flood protection scheme documents and plans. Hyperlinks D, E, F, G and H link to the appropriate documentation</p>	Uploaded to website on 26 <sup>th</sup> April 2017
Reg 6, para (2)	<p>An environmental statement must identify, describe and assess the direct and indirect effects of the proposed scheme on the following factors-</p> <p>(a) Human beings, flora and fauna</p> <p>(b) Soil, water, air climate and the landscape</p> <p>(c) Material assets including architectural and archaeological heritage; and</p> <p>(d) The interaction between the factors mentioned in sub-paragraph (a) to (c)</p>	<p>The relevant chapters which identify, describe and assess the impacts (and identify mitigation measures) within the environmental statement are:</p> <p>Stakeholder engagement; population, recreation and amenity; Biodiversity and nature conservation; noise and vibration; townscape / landscape and visual impacts; water and resilience to climate change; geomorphology; soils, geology and land contamination; archaeology and cultural heritage; traffic and transportation; cumulative impacts</p>	Uploaded to website on 26 <sup>th</sup> April 2017
Reg 6, para (3)	<p>An environmental statement must include –</p> <p>(a) The information referred to in Part 1 of Schedule 2; and</p> <p>(b) Such of the information referred to in Part II of Schedule 2 as reasonably required to assess the environmental effects of the proposed scheme and which, having regard in particular to current knowledge and methods of assessment, the local authority can reasonably be required to compile.</p>	<p>The environmental statement fully complies with the requirements of Part 1 of Schedule 2 which are:</p> <ol style="list-style-type: none"> <li>1. Description of the scheme comprising information on the site, design and size of the scheme (Chapter 4 of ES)</li> <li>2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects (Chapter 16 summary)</li> <li>3. The data required to identify and assess the main effects which the scheme is likely to have on</li> </ol>	Uploaded to website on 26 <sup>th</sup> April 2017

		<p>the environment (all chapters of the ES contain desk study and survey data)</p> <p>4. The main alternatives studied by the local authority and main reasons for its choice, taking into account the environmental effects (Chapter 4.7 of the ES)</p> <p>5. A Non-technical summary (Volume 3 of the ES, see hyperlink H below)</p> <p>The environmental statement fully complies with the requirements of Part II of Schedule 2:</p>	
Reg 6, para (4)	Only required if the Scheme requires to be confirmed with modification	Currently not applicable	

Table 2-6: Regulation 6 compliance

Hyperlink D- [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/Hawick%20FPS%20ES\\_Volume%201\\_FINAL.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf)

Hyperlink E – [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/ES\\_Appendix\\_A.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_A.pdf)

Hyperlink F – [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/ES\\_Appendix\\_B.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_B.pdf)

Hyperlink G – [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/ES\\_Appendix\\_C.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/ES_Appendix_C.pdf)

Hyperlink H – [http://www.hawickfloodscheme.com/finalscheme/5\\_ES/Hawick%20FPS%20ES\\_Volume%201\\_FINAL.pdf](http://www.hawickfloodscheme.com/finalscheme/5_ES/Hawick%20FPS%20ES_Volume%201_FINAL.pdf)

### 1.3.4 Regulation 7 – notification of scheme with environmental statement

Regulation 7 applies to the Hawick FPS because SBC has prepared an environmental statement. Table 2-7 highlights the additional notification requirements for schemes with an environmental statement and the compliance measures undertaken by SBC.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 7, para (2)(b)	<p>The local authority must make a copy of the environmental statement available for public inspection alongside the scheme documents that are made available in accordance with paragraph 2 of schedule 2 to the Act</p> <p>NB: Para (2)(a) covered elsewhere</p>	ES was part of the overall package information made available for public inspection at Council HQ and SBC contact centre in Hawick. Also published on the website as per hyperlinks E to H above.	Uploaded to website on 26 <sup>th</sup> April 2017, available for public inspection from 28 <sup>th</sup> April 2017
Reg 7, para (3)	<p>A notice under paragraph (2)(a) must, in addition to the information required by paragraph 1(3) of schedule 2 to the Act include a statement-</p> <p>(a) that the scheme is likely to have a significant effect on the environment;</p> <p>(b) that the scheme documents are accompanied by an environmental statement which is available for public inspection;</p> <p>(c) describing the circumstances under the Act in which the Scottish Ministers may cause a public inquiry into the application;</p> <p>(d) setting out the nature of possible decisions that may be taken in relation to the scheme</p>	The notice which was issued / displayed at the commencement of the notification process (refer to Hyperlink C) contains all of the required information	



Reg 7, para (4)	The local authority must supply a copy of the scheme documents and the environmental statement to the consultative bodies no later than the date that the notice referred to in paragraph (2)(a) is given	<p>The following bodies were made aware of the publication of the ES on the Scheme website and follow up phone calls made to ensure the information was able to be downloaded:</p> <ul style="list-style-type: none"> <li>• Scottish Environment Protection Agency, Mossilee Road, Galashiels;</li> <li>• Scottish Natural Heritage, Galashiels</li> <li>• River Tweed Commission, Drygrange, Melrose</li> </ul> <p>and electronically transferred to all Scottish Borders Council officers involved in the screening and scoping opinion</p>	26 <sup>th</sup> April 2017
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Table 2-7: Regulation 7 compliance

### 1.3.5 Regulation 11 – maps, plans and specifications

Regulation 11 relates to the specific requirements associated with the plans accompanying the scheme operations. Table 2-8 highlights the requirements and compliance measures undertaken by Scottish Borders Council


Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 11, para (1)	<p>A proposed flood protection scheme must include a description, by reference to maps, plans and specifications of:</p> <p>(a) The extent and scale of the scheme operations</p> <p>(b) The land which the local authority considers may be affected by those operations, and;</p> <p>(c) Any land on which the local authority would require to enter (whether temporarily or otherwise) for the purposes of carrying out the operations</p>	<p>The plans referred to in Hyperlink B of this document are:</p> <p>Drawn to a scale of 1 in 250 at A3</p> <p>Clearly identify the limit of land affected by means of a red dashed line, and;</p> <p>Describe that red dashed line as:</p> <p>Limit of the land which the local authority considers may be affected by those operations; and any land on which the local authority would require to enter (whether temporarily or otherwise) for the purposes of carrying out the operations</p> 	
Reg 11, para (2)	The maps and plans referred to in paragraph (1) must be at an appropriate scale to enable interested persons to identify whether their land will be affected by the scheme operations	The plans are drawn to a scale of 1 in 250, with full OS background mapping, which is more than adequate to interpret land ownership extents and boundary features	26 <sup>th</sup> April 2017
Reg 11, para (3)	A proposed flood protection scheme must include an estimate of the cost of the scheme operations proposed to be carried out	The Schedule of Scheme Operations (hyperlink A of this document) contains the scheme cost estimate	26 <sup>th</sup> April 2017

Table 2-8: regulation 11 compliance

### 1.3.6 Regulation 15 – serving of notices

Regulation 15 relates to the specific requirements which apply to the serving of notices. Table 2-9 highlights the requirement and compliance measures undertaken by Scottish Borders Council

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Reg 15, para (1)	Any notice or other document to be sent, served or given under the Regulations or Schedule 2 to the Act may be sent served or given either:		
	(a) By delivering it to the person on whom it is to be served or to whom it is to be given;	N/A	
	(b) By leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address;	25 No. of notices were hand delivered	25th April 2017
	(c) By sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at their usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address	3725 No. of notices were sent in a prepaid registered letter	27th April 2017
	(d) In the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at its registered or principal office, or by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the clerk of the company or body at that office; or	178 No. of notices were sent by recorded delivery	26th April 2017
	(e) In a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in Paragraph (2), to that person at that address.	N/A	

Table 2-9 – Regulation 15 compliance

# Procedure 2 – Objections

## 2.1 Overview

Schedule 2 (Paragraphs 3 and 5) of the FRMA and Regulations 12 and 13 of the FRMR make provisions for how the Local Authority should manage objections associated with the flood protection scheme before making its preliminary decision. This method is required for the Hawick FPS, because the option to confirm the scheme under paragraph 4 is not available due to the presence of at least one valid objection.

The following sections take each part of the legislation in turn associated with the publication processes and demonstrate how the project team have complied with it. Copies of the relevant compliance documentation is contained in Appendix B2, or where relevant, hyperlinks to the electronic copies which are available on the Scheme website, [hawickfloodscheme.com](http://hawickfloodscheme.com).

## 2.2 Compliance with FRMA

### 2.2.1 Schedule 2, paragraph 3

It is noted that Schedule 2, paragraph 3 of the FRMA does not place any specific duty on the local authority in terms of legislation compliance – it sets out the criteria by which an objection to the scheme must be assessed once received.

For the Hawick FPS:

- There were 48 valid objections, which were received in a time period which started on the 28<sup>th</sup> April 2017 and concluded on the 29<sup>th</sup> May 2017, a duration of 31 calendar days (in excess of the minimum 28 day period to account for the local elections and bank holiday Monday);
- All were considered to be valid and, because SBC consider all objections, they became relevant under Schedule 2, paragraph 5, sub-para (4).
- None were late objections

### 2.2.2 Schedule 2, paragraph 5

Paragraph 5 of Schedule 2 identifies the need for the local authority to make a preliminary decision in the event it has received valid objections. The specific requirements placed on the local authority in relation to managing the objections are detailed in table 3-1 along with the compliance measures taken by Scottish Borders Council.

It is noted that under sub-paragraphs 5(5) and 5(6) that 8 of the 48 objections were received from persons with either an interest in the land affected by the operations, or by persons whose interest in the land has been affected by an alteration in the flow of water caused by the operations. These objections could require Scottish Ministerial review unless withdrawn.

Clause	Local Authority Duty under FRMR	Compliance Measure	Date completed
Sched 2, para 5, sub-para (1)	Where, in relation to a proposed flood protection scheme, the local authority receives a valid objection, it must make a preliminary decision to-  a) Confirm the proposed scheme without modification;	SBC made the preliminary decision to confirm the scheme without modification at the full Council meeting on Th 2 <sup>nd</sup> November 2017. Following careful consideration of the objections and requirements of the scheme objectives, SBC determined that any changes made to the scheme during the objection process and prior to	2 <sup>nd</sup> November 2017

	<p>b) Confirm the proposed scheme with modification, or</p> <p>c) Reject the proposed scheme</p>	<p>making the preliminary decision would not be of a magnitude which would necessitate a formal modification to the scheme. Such changes include provision of additional detail for the wall appearance (including cladding, coping and distribution of glass panels) and some local reduction in wall height due to the provision of steps in the wall to accommodate drop in level with distance downstream.</p>	
<p>Sched 2, para 5, sub-para (2)</p>	<p>Before making its preliminary decision, the local authority-</p> <p>(a) Must consider-</p> <p>(i) And valid objections (unless withdrawn), and</p> <p>(ii) Any late objection if the authority is satisfied that it was reasonable for the objector to make the objection after the deadline for doing so.</p> <p>(b) May also consider any other matters it considers appropriate</p>	<p>SBC have carried out the following exercises to fully consider the objections:</p> <ol style="list-style-type: none"> <li>1) Written a specific letter to each of the 48 objectors which fulfils the following duties: <ul style="list-style-type: none"> <li>• acknowledge that they have made a valid objection;</li> <li>• identify that the local authority is considering their objection;</li> <li>• provide a response to each of the points raised in the objection</li> <li>• offers contact names, numbers and email addresses for further discussion</li> </ul> </li> <li>2) Carried out face to face discussions with 23 of the 48 objectors</li> <li>3) Written to all 48 objectors to invite them to the public meetings on 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> August 2017</li> <li>4) Undertaken site walks on 29<sup>th</sup> and 30<sup>th</sup> August and full public meeting on 31<sup>st</sup> August to provide public with opportunity to discuss their concerns</li> </ol>	<p>Letters issued by 21<sup>st</sup> June</p> <p>Face to face discussions took place between 10<sup>th</sup> July and 24<sup>th</sup> August</p> <p>Public meetings took place between 29<sup>th</sup> and 31<sup>st</sup> August</p> <p>Preliminary decision anticipated to be made at full Council on 28<sup>th</sup> September 2017</p>
<p>Sched 2, para 5, sub-para (3)</p>	<p>The local authority must give notice of its decision under sub-paragraph (1) to every person who made an objection which it considered</p>	<p>At the time of making the preliminary decision to confirm the scheme without modification on 2<sup>nd</sup> November 2017, 13 of the 48 objections had been either been withdrawn in writing (10 of 13), or no contact with the objector could be made to discuss the nature of their concerns. Evidence of the attempts to contact the objectors are included in Appendix C1. This means that 35 objections remain “live” at the point when the preliminary decision was made.</p> <p>Whilst SBC considered all 48 objections, notification of the preliminary decision is only required for the 35 remaining objections due the way Para 5 (2) (a) (i) is worded: withdrawal of an objection means the local authority is no longer required to consider it, therefore sub-para (3) no longer applies.</p>	<p>Letters sent out to the 35 remaining objections on 7<sup>th</sup> November 2017</p>
<p>Sched 2, para 5, sub-para (5)</p>	<p>Where any relevant objector is a person to whom sub-paragraph (6) applies, the local authority must also give to the Scottish Ministers notice of its decision.....</p>	<p>8 of the 48 objections fell into the category to which sub-paragraph (6) applies. All 8 objections were withdrawn prior to the preliminary decision being made, therefore the requirement to notify the Scottish Ministers does not apply.</p>	<p>Final withdrawal in writing was received on 1<sup>st</sup> November 2017</p>

Table 3-1: Schedule 2, paragraph 5 compliance

## 2.3 Compliance with FRMR

### 2.3.1 Regulation 12 – Objections

Regulation 12 of the FRMR makes further provision for assessing the validity and categorization of objections received. There are no legislative duties placed on the local authority within this regulation.

All 48 objections received set out the reasons for the objection (thus complying with paragraph (1)), and those that had an interest in the land or had an interest in land affected by alteration in the flow of water caused by the operations set out (a) details of the land in which the objector has an interest, (b) disclosure of the nature of the objector's interest in the land, and (c) details of which aspects of the proposed operations affect the objector

### 2.3.2 Regulation 13 – Withdrawal of objections

Regulation 13 of the FRMR discusses the procedures associated with objection withdrawal after the local authority has made a preliminary decision to confirm the proposed scheme. As the preliminary decision made by SBC on 2<sup>nd</sup> November 2017 was to confirm the scheme without modification, Regulation 13 (1) AND 13 (2) no longer apply.

Regulation 13 (3) identifies that withdrawal of an objection by electronic means is to be treated as being in writing if it is received in a form which is legible and capable of being used for subsequent reference. All objection withdrawals were received by e-mail and thus comply with this Regulation.

# **APPENDIX E**

## **STATUTORY REPRESENTATIONS**



Dear [REDACTED]

### **Background**

The scheme involves the construction of new and replacement flood walls and embankments on the banks of the River Teviot and at the bottom of Slitrig Water through Hawick Town Centre. The River Tweed Commission (RTC) has engaged in detailed pre application discussions with Scottish Borders Council (SBC), SEPA and SNH, which has included attending SBC's Environmental Consent Working Group.

### **RTC Appraisal**

The River Tweed Commission (RTC) is charged under The Scotland Act 1998 (River Tweed) Order 2006 with the general preservation and increase of Salmon, Sea Trout, trout and other fresh water fish in the River Tweed and its Tributaries. This consultation process on the River Teviot at Hawick has proved to be constructive and extremely positive, and I take this opportunity to thank you for your consultation on the above proposal. In looking at issues concerning Migration of Fish and potential issues re spawning beds, the RTC has consulted with River Tweed Foundation Biologists.

Migration of salmon and Sea Trout through this part of the Teviot at Hawick can usually be expected between the start of October and the end of January, however, this can alter due to weather, climate and flood events. Where unpredictability exists must also be a willingness to work closely on the ground with Contractors and other Agencies, allowing flexibility to adapt and if necessary change. The RTC is fully committed to this flexible approach working closely with other Agencies involved in this project.

In summary, I can cover the following points thus :-

### **Migration of Salmon and Trout**

For Salmonid migration, we do not know whether piling vibration will deter fish from moving upstream. With the construction of the access channels for machinery, it would be expected that a lot of vibration would be damped out by the time it reaches the river. This, combined with the higher flows when fish migrate suggests that vibration in the water column will be minimal and therefore the probability of Adult Salmonids being affected is minimal.

### **Disturbance to Spawning Beds**

It is important to note that most spawning (but not all) happens at night when there would presumably be no works being carried out, although adults can hold in spawning areas during the day and could be disturbed. Narrowing the river to allow vehicle access will also affect flows and this may then affect spawning site selection. If work is to be restricted in the proposed areas, then it would ideally be from early November to the end of January. It could be reasonable to suggest that vibratory piling could be used near spawning areas in the spawning period, but not hammer driving.

### **Access**

The RTC will require to have access to the River at all times, for law enforcement issues (eg Poaching), obstacle clearance, and monitoring of fish numbers and spawning beds etc. This will necessitate access onto work sites, and as such RTC Staff and Tweed Foundation Biologists must undergo Induction Procedures as soon as contractors begin this process. Finally, further to my discussion with Steven Vint, it is essential that some form of access and exit points/slip ways are included so that a boat may be launched if required ( eg in Emergency).

If I can be of any further assistance please do not hesitate to contact me.

Yours sincerely



[Redacted]

Superintendent  
The River Tweed Commission

Mob: [Redacted]

Tel: [Redacted]

[Redacted]

Website: [www.rtc.org.uk](http://www.rtc.org.uk)



**Scottish Natural Heritage**

All of nature for all of Scotland

[REDACTED]  
Chief Legal Officer  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

26 May 2017

Our ref: CDM145838  
Your ref: TS11/3G/JW/IM

Dear [REDACTED]

**Hawick Flood Protection Scheme 2017  
Flood Risk Management (Scotland) Act 2009  
River Tweed Special Area of Conservation (SAC)  
River Tweed Site of Special Scientific Interest (SSSI)**

Thank you for your consultation on the above proposal dated 21 April 2017.

**Summary**

There are natural heritage interests of national and international importance on the site, but in our view, these will not be adversely affected by the proposal.

**Background**

The scheme predominantly consists of the construction of new and replacement flood walls and embankments on the banks of the River Teviot and Slitrig Water through Hawick. We have engaged in detailed pre-application discussions with Scottish Borders Council (SBC), SEPA and the River Tweed Commission (RTC) over a number of years, including attending SBC's Environmental Consent Working Group. This has enabled us to provide advice in relation to natural heritage interests as the scheme has developed, in particular the potential impacts of the scheme on the SAC. We have also had the opportunity to comment on a draft Environmental Statement (ES) and Appropriate Assessment (AA) as part of this process.

We are aware that some details of the scheme design, relating to construction practices, will only be finalised once a contractor has been appointed. However, we note that this has been taken into account in the AA, and that the contractor will operate within pre-defined thresholds, as set out in the current scheme design.

Much of the engineering work for the scheme also requires authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As amended) (CAR).

### **SNH Appraisal of the Proposal**

The River Teviot and the Slitrig Water are part of the River Tweed SAC, which is designated for its Atlantic salmon, river lamprey, brook lamprey, sea lamprey, European otter and as a watercourse characterised by water crowfoot species. The River Teviot is also part of the River Tweed SSSI, which is designated for its Atlantic salmon, sea, river and brook lamprey, flies, beetles, vascular plants and trophic range river/stream.

The site's SAC status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, SBC is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal (HRA)). Our website has a summary of the legislative requirements (<http://www.snh.gov.uk/docs/A423286.pdf>).

In our view, this proposal is likely to have a significant effect on the qualifying interests of the SAC. Consequently, SBC, as competent authority, is required to carry out an AA in view of the site's conservation objectives for its qualifying interests.

We note that SBC have already produced a draft AA, which has been updated following initial comments from ourselves, SEPA and RTC. We are also aware that SEPA are conducting their own AA as part of their HRA under CAR, and that there has been ongoing liaison between SBC and SEPA during this period. We note that SEPA's initial advice is that the scheme is potentially consentable under CAR.

With the above in mind, in our view, the content of SBC's AA adequately addresses the potential impacts of the scheme on the SAC and we agree with the conclusion that the proposal will not adversely affect the integrity of the site.

We are also satisfied that the potential impacts of the scheme on the designated interests of the River Tweed SSSI have been adequately covered and addressed in both the ES and AA.

Please do not hesitate to contact me at our Galashiels office if you have any queries on the above advice.

Yours sincerely

*By email*



Operations Officer (Southern Scotland)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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## **COMMERCIAL & COMMISSIONED SERVICES STRATEGY**

**Report by Chief Financial Officer**  
**SCOTTISH BORDERS COUNCIL**

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**21 DECEMBER 2017**

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### **1 PURPOSE AND SUMMARY**

- 1.1 This report seeks approval of the Commercial & Commissioned Services Strategy 2018 -2023 in order that it may be published to meet the legal deadline of 31<sup>st</sup> December 2017.**
- 1.2 The Procurement Reform (Scotland) Act 2014 sets out specific duties for contracting bodies (including Local Authorities). These duties include the publishing of a procurement strategy and, in due course during 2018, an annual report on delivery of the strategy.
- 1.3 The introduction of this legislation, the challenging financial climate, and the opportunities presented by the Corporate Plan and Transformation Programme, all combine to create a set of circumstances to positively refresh the Councils approach to procurement, commissioned and payment services through this new strategy.

### **2 RECOMMENDATIONS**

- 2.1 It is recommended that Council approves the Commercial & Commissioned Service Strategy as set out in Appendix 1.**

### **3 BACKGROUND**

- 3.1 During 2016/17 the Council spent in the region of £180million with third party suppliers and providers on goods, services and works. This figure comprises revenue and capital spend and is equivalent to more than 50% of the Council's net annual revenue budget.
- 3.2 The Commercial & Commissioned Services Team provides both a strategic and operational service to the organisation covering Procurement, Social Care & Health Commissioned Services and Payment Services to the organisation. Live Borders and SB Cares have access to strategic procurement services through service level agreements.
- 3.3 Nationally, the Scottish Government is leading procurement reform through The Procurement Reform Act (2014) which puts sustainability at the heart of good public sector procurement.
- 3.4 This Act creates new regulations across a number of matters, one of which is the requirement to prepare a new procurement strategy. The strategy must set out how the Council intends to ensure that its procurement activity delivers value for money and contributes to its broader aims and objectives. The new strategy must comply with the associated statutory guidance which lays out the required form, content, monitoring and reporting.
- 3.5 The BusinessWorld ERP system offers a significant opportunity to the organisation through the provision of rich data. The end to end system will be fundamental in allowing access to, and the analysis of information which in turn should support the enhanced leverage of the substantial expenditure of the organisation referred to in 3.1.
- 3.6 The existing procurement strategy expires at the end of 2017. This new strategy should commence from 1<sup>st</sup> January 2018 and is proposed to run for 5 years. The strategy requires to be reviewed and appropriate revisions made at least annually.

### **4 CURRENT SITUATION**

- 4.1 The Commercial & Commissioned Services team has a crucial role to play in supporting the delivery of the strategic aims of the Corporate Plan and Transformation Programme. It is therefore essential that a challenging and ambitious procurement strategy meeting the aims of these plans is put in place.
- 4.2 Good progress has been made through the existing procurement strategy and improvement plan, which is evidenced by the results of the national Procurement & Commercial Improvement Programme. This new assessment regime considers four key areas across Leadership & Governance, Development & Tender, Contract and Purchase Processes.
- 4.3 The first assessment during 2016 resulted in an overall score of 72%, placing it in the F1 Band (the top band) and above the local authority average of 64%. The highest performing areas included continuous improvement, spend analysis, internal controls and fraud awareness. Area for identified for future improvement included process automation

and contract management. The next assessment is due in 2018.

- 4.3 It is widely recognised that with the financial challenges the public sector faces, the role that strategic procurement has to play has never been more important. Further, these challenges require an imaginative and commercially focussed approach to be brought to the way the Council considers its supply chain and engages and manages its suppliers.
- 4.5 It is crucial that the new strategy includes the views of all stakeholders. The online CitizenSpace Consultation tool has been used to deliver feedback from internal and external stakeholders. This feedback has been used to update the draft strategy published as part of the consultation exercise.
- 4.6 The new strategy therefore recognises the positive progress already made and maximises the opportunities for further improvements to be delivered in support of the Council's overall strategic ambitions and priorities, fully accounting for the views of all stakeholders.

## **5 NEXT STEPS**

- 5.1 Following approval and the commencement of the actions relating to the new strategy, work will start on the first annual Procurement Report of the Council. This report, to be prepared and published as soon as practical following the financial year end, must record the performance and achievements in delivering the procurement strategy (2015-2017) for the previous 12 months.
- 5.2 The Procurement Reform (Scotland) 2014 Act then requires the Scottish Government to prepare a further consolidated report, based on the information contained in the annual reports published by contracting authorities, covering all procurement activity in Scotland.

## **6 IMPLICATIONS**

### **6.1 Financial**

There are no financial implications contained in the report however the new strategy will support delivery of value for money, financial plan savings and other efficiencies.

### **6.2 Risk and Mitigations**

If no new strategy and supporting annual report is developed then the Council will not be compliant with statutory legislation with no benefit accessed from the opportunities the new strategy should offer.

### **6.3 Equalities**

There are no adverse equality issues arising from the report.

### **6.4 Acting Sustainably**

Effective procurement supports a prosperous, fair and sustainable area, delivering best value as well as local economic, social and environmental benefits.

6.5 **Carbon Management**

There are no effects on carbon emissions associated with this report.

6.6 **Rural Proofing**

This Strategy makes provision for the local dimension and rural proofing

6.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to the Schemes of Administration or Delegation as a result of this report.

**7 CONSULTATION**

7.1 The Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the report.

**Approved by**

**David Robertson**  
**Chief Financial Officer**

**Signature.....**

**Author(s)**

Kathryn Dickson	Commercial & Commissioned Services Manager 01835 826646
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**Background Papers:**

**Previous Minute Reference:**

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. The Procurement & Payment Team can also give information on other language translations as well as providing additional copies.



# commercial & commissioned services strategy

2018 - 2023

Sustainable procurement - making a real difference



# CONTENTS

Foreword	3
Introduction	4
Vision and Ambition	5
Strategy Context	6
Corporate Priorities	6
Digital Transformation	7
New Legislative Landscape	7
2015-2017 Review	8
Strategic Themes and Objectives	9
2018-2023 Strategic Themes and Objectives	9
Social Care & Health Commissioned Services	10
Meeting Statutory Duties	11
General	11
Sustainable Procurement Duty	11
Adding Value to Communities through Procurement	12
Stakeholder Consultation/ Engagement	13
Contract & Supplier Management	13
Procurement Legislation	14
Council Governance	14
Value of Procurement	15
Commercial Ambition	16
Continuous Improvement	17
Team Development and Individual Skills Framework	18
Monitoring/Reviewing and Reporting on the Strategy	19
Policies/Tools and Procedures	20
Glossary	22
Appendix 1 - Delivering the Strategy - Action Plan	23
Appendix 2 – Sustainable Procurement Charter	24

# FOREWORD

The introduction of new procurement legislation, the challenging financial climate, along with the opportunities presented by Scottish Borders Council's Corporate Plan and associated Transformation Programme, all combine to create a set of circumstances that allow us to refresh the Council's approach to Commercial and Commissioned Services through a new strategy.

It is widely recognised that, with the challenges facing the public sector, the role of strategic procurement in supporting the need to 'do more with less' has never been more important. Further, these challenges require an imaginative and commercially-focused approach to the way in which the Council considers its supply chain and engages and manages its suppliers.

The Council is committed to an ambitious Corporate Transformation Programme to deliver service improvements and savings that will make it, and its services, sustainable within the reducing resource environment of the public sector. This strategy has, therefore, been developed to make sure that the £180 million, which the Council spends annually with external suppliers, is used in the most effective way possible. Our aim is to achieve the agreed priorities for the community of the Scottish Borders, while ensuring that we make it as easy as possible for suppliers to do business with the Council.

I, therefore, look forward to the delivery of this ambitious strategy and the help it will provide towards creating a sustainable future for our services.

**Simon Mountford**  
Deputy Leader

# INTRODUCTION

This new strategy for 2018 through to 2023 aims to make certain that the goods, services and works the Council purchases, and the arrangements we put in place to buy them, fully support the Council's priorities.

During 2016/2017, the Council spent approximately £180million with external suppliers across revenue and capital expenditure and so has responsibility to use this money in the most effective way to achieve its objectives. A sustainable approach can make a real difference and positively contribute to delivering added value and innovative solutions through the procurement of excellent and cost effective requirements, particularly in light of reducing budgets and increasing demands. At the same time, this strategy will be delivered in an increasing complex commercial environment with a clear focus on contract and supplier management.

The strategy is aligned with our Single Outcome Agreement (soon to be replaced by the Local Outcomes Improvement Plan) and Corporate Plan priorities to ensure the objectives support the Council's strategic ambitions.

Delivery of the strategy will be by the team, covering both longer term strategic and day to day operational activities, focussing on rapidly turning around and supporting the transactional needs of the organisation to purchase and pay for goods, services and works.

This new strategy reflects a much wider focus with input from a range of stakeholders including senior officers, colleagues, and suppliers and, most importantly, users of our services. Our thanks are extended to all those who responded during the consultation exercise.

To support understanding of the terminology used across this document, a glossary is provided of commonly used terms at page 21. This aims to provide brief user friendly definitions of words, acronyms and phrases used in relation to public sector procurement.

## Scottish Procurement

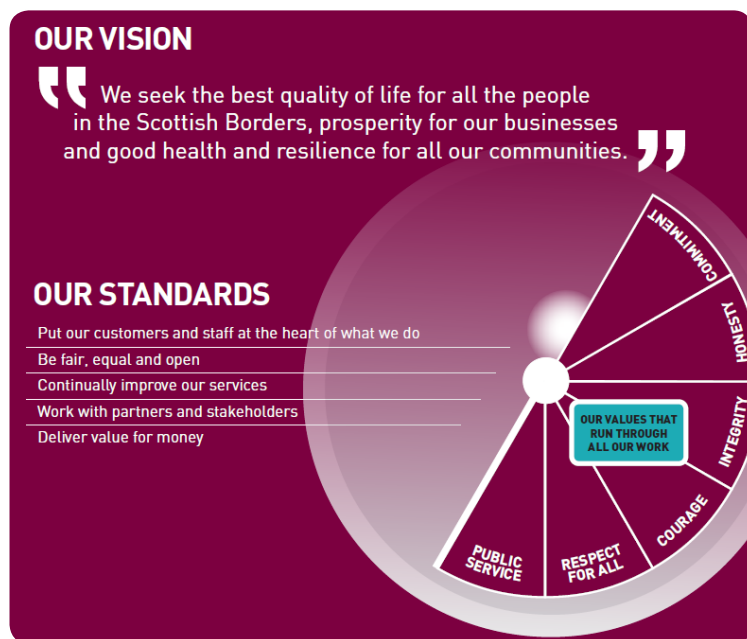


Scottish Model of Procurement



# VISION AND AMBITION

The vision of the organisation is contained in the 2013-2018 Corporate Plan and it guides the way we work. It informs everything from our strategies and policies, through to the business plans of each service of the organisation.



The ambition of the team is to make a real difference by contributing directly to this vision and the related standards and values.

In support of this ambition, the following themes will underpin all strategic commercial and commissioned services activity during the period of the new strategy.

**Support our local supply market and the economy**

**Deliver sustainable, flexible and innovative procurement**

**Identify effective and efficient procurement policy and process improvements**

**Deliver added value through savings and benefits**

**Develop commercial awareness across the organisation**

# STRATEGY CONTEXT

The Value for Money triangle (shown on page 4) sums up the Scottish Model of Procurement; it is not just about cost and quality, but about the best balance of cost, quality and sustainability. This model has been the cornerstone of our procurement activity for a number of years and will continue to be used to make certain our strategic activity is responsible, sustainable and delivers value for money.

## Corporate Priorities

The Corporate Plan lays out eight priorities for the organisation. These priorities relate to both externally and internally facing services. A number of the identified priorities can only be addressed if we change the way we work and, in many cases work more closely with our partners. The Corporate Plan was reviewed in October 2015, with the Council re-stating its commitment to the 8 priorities. The plan will be reviewed during 2017/2018.

There are three main ways through which the Council is working to address these priorities. These are through transformation, through partnership and through continually improving high quality service delivery.

This new strategy has been developed to fully support this challenging agenda for change and aims to create a platform to ensure our strategic activity maximises its potential contribution to these corporate plan ambitions.



## Digital Transformation

The Business World Enterprise Resource Planning (ERP) system will change how we can manage our core Financial, Human Resources, Payroll and Procurement activities. This creates a real opportunity to transform our approach by using the benefits of the ERP system to support our work.

Within the overall ERP system and specifically the elements relating to the process from the decision to buy through to payment for that purchase, our strategy is to establish simple and standard processes across the organisation to support the management of expenditure. The key objectives relating to that work are;

- Maximising the automation of transactional processes
- Adopting master data across suppliers, contracts and products
- Using spend analysis data to support procurement decisions
- Creating efficiencies in support of front line service delivery
- Meeting the obligations contained in the EU Directive on electronic invoicing in public procurement

## New Legislative Landscape

The legislative landscape for procurement in Scotland has changed significantly during the last two years.

The new EU Procurement Directives have been brought into Scottish law as the Public Contracts (Scotland) Regulations 2015, with the Procurement Reform (Scotland) Act 2014 providing a national legislative framework for sustainable public procurement - supporting Scotland's economic growth through improved procurement practice. (See page 13 for further details of current legislation)

These regulations provide the foundation for the Scottish Model of Procurement. The model puts procurement at the heart of Scotland's economic recovery. It's a simple concept - business friendly and socially responsible. Looking at outcomes not outputs, it uses the power of public spend to deliver genuine public value beyond simply cost and /or quality of procured services.

With the European Directives brought into national legislation, the negotiation of an exit from the EU is unlikely to result in any significant change to the underlying principles of public procurement, those being accountability in the spending of public money and transparency of decision making. Changing the current legislation would be complex and time consuming and so until the future relationship with the rest of Europe is clear, it is most likely that public procurement will continue on a business as usual basis.

# 2015-2017 REVIEW

During the period of the most recent strategy the Service has made further progress with its improvement programme and business plan. Highlights include;

- Supporting the local economy and helping to increase the proportion of local spend during 2015/16 to approximately £67.8million equating to 42.2% of the overall third party expenditure
- Contributing £791,000 in financial savings during the period
- Achieving winner status at the MJ Awards 2015 in the Innovation in Procurement category – with a unique approach to delivering a Learning Disability Service
- Being the winner of the Scottish GO Award for Sustainable Procurement 2015 for support provided to the Burnfoot Community Hub building project
- The team was delighted to achieve a the top level grading in the new Scottish Government led Procurement Commercial Improvement Programme (PCIP) bi-annual assessment (F1)
- Delivering over 50 employment and skills opportunities and over 1300 educational activities through the Adding Value to Communities through Procurement Policy
- Putting in place a new Sustainable Procurement Charter for the Council and all suppliers
- Working with our Community Planning Partners to deliver a collaborative approach to procurement and shared events for our local suppliers
- Developing a new approach to support SB Cares and Live Borders
- Building new supplier focused procurement section in our corporate website
- The introduction of a new Purchase to Payments Policy – enabling fast payments to our suppliers
- Our Modern Apprentice had successfully completed his apprenticeship achieving an SVQ in Procurement and has now progressed to the role of Trainee Procurement Assistant
- Supporting the enablement of the Transformation Programme through input to projects such as Street Lighting Programme, the introduction of pool cars through a Social Enterprise and the new approach to Employee Benefits.



# STRATEGIC THEMES AND OBJECTIVES

## 2018-2023 Strategic Themes and Objectives

Our new strategic aims and objectives are noted below. These priority areas are fully detailed in the *Delivering the Strategy - action plan* provided as Appendix 1.

	Theme	Objective
1	Support our local market and the economy	to grow the Council's local supply base to increase the proportion of Council spend within the area
2	Deliver sustainable, flexible and innovative procurement	to capture opportunities while balancing priorities
3	Identify effective and efficient procurement policy improvements	to maximise the benefit from the investment in technology through the new ERP system
4	Deliver added value through savings and benefits	to make a positive and measurable impact through procurement opportunities
5	Develop commercial awareness across the organisation	to benefit from a commercial approach to key supplier and partner relationships

# SOCIAL CARE & HEALTH COMMISSIONED SERVICES

The [Strategic Commissioning Plan](#) of the Scottish Borders Health and Social Care Partnership (SBHSCP) describes how changes and improvements to health and social services for adults will be developed. It explains what the priorities are, why and how these were decided and how the partnership intends to make a difference by working closely with partners in and beyond the Borders.

Health, wellbeing and social care are really important to communities and individuals so the Plan is underpinned by a number of national and local policies, strategies and action plans. It will provide the strategic direction for how health and social care services will be shaped over the coming years and describes the transformation that will be required to achieve this vision.

Our support is provided to other services such as Children and Families, Mental Health, Learning Disabilities, Criminal Justice and Homelessness services.

Strategic commissioning is the term used for all the activities involved in assessing and forecasting needs, links investment to all agreed desired outcomes, considering options, planning the nature, range and quality of future services and working in partnership to put these in place. The Commercial and Commissioned Services team will work closely with commissioners to provide enabling, managing and monitoring services relating to these discrete client groups, with all activities developed through a multi-agency, co-produced basis with client and carer representation.

The national commissioning model shown below will be the key tool used to deliver effective commissioned services through working with users, carers and providers. This approach will be complemented, as required, with the best practice guidance on the Procurement of Care and Support Services.



# MEETING STATUTORY DUTIES

## General

The aims and objectives of the Procurement and Commissioned Services team lay out clearly how we intend to make sure our procurement activity supports carrying out the Council's function and purpose.

All our procurement activity, regardless of value, will be carried out in a manner to ensure that:

- All suppliers are treated equally and without discrimination
- All activity is transparent and proportionate
- All regulated activity complies with the sustainable procurement duty

We will work closely with the Supplier Development Programme and our colleagues in Economic Development and Business Gateway to access support for the supply chain.

## Sustainable Procurement Duty

Before the Council buys anything, it should think about how it can improve the social, economic and environmental wellbeing of our area, with a particular focus on reducing inequalities. Another important area is how the Council facilitates the involvement of SME's, Third Sector bodies and Supported businesses and how it will use procurement to promote innovation. Of equal importance is the consideration of any environmental opportunities by considering the impact of the purchase on, for instance, climate change, waste production or scarce materials.

The Council's 'Sustainable Procurement Charter', covering all of these key factors is included at Appendix 2. The charter brings together different areas of policy, each of which contribute to our commitment to working in an ethical, responsible and sustainable way.

The Charter builds upon the clear benefits of such an approach and has been developed to play a key role in the promotion of social, economic and environmental best practice. It is an integral part of our procurement activity and delivers compliance with our new sustainable procurement duty from the Procurement Reform (Scotland) Act 2014.

The Charter clearly defines our commitment to suppliers in terms of our practices across important areas such as the importance of equalities, the encouragement of the Scottish Living Wage and consideration of our local market; while including the principles and standards being sought from suppliers covering our zero tolerance approach to Modern Slavery and human trafficking, compliance with Health & Safety requirements and Data Protection considerations.

## Adding Value to Communities through Procurement

Adding Value to Communities through Community Benefits or 'social' requirements in public sector procurement ensures that wider local economic and social issues are considered when delivering construction works, service or supplies contracts. This delivery of additional benefit beyond the core purpose of a contract opportunity can help to maximise the impact of public sector spending on local communities. This is achieved through the inclusion of specific clauses within contracts known as community benefit clauses (CBCs). It is intended that this policy provides a corporate approach on how to meet this aim and promote the wider use of CBCs across all areas of Scottish Borders Council.



Maximising the added value to communities that procurement and other contracting opportunities offer can create a lever to address specific Council priorities and by doing so extend the value from public sector spend. There are many potential areas of opportunity, such as:

- Targeted Training and Recruitment – promote skills and labour/offer apprenticeships;
- Business Supply Chain Initiatives – supplier engagement/supply chain opportunities;
- Working and supporting the Third/Voluntary Sector;
- Community Engagement – volunteering days/supporting community groups;
- Education – work/school placements/career path support;
- Support for Community Initiatives – environmental improvements/grant schemes.

The statutory community benefit requirement introduced by the Procurement Reform (Scotland) Act 2014, applies to contracts, including framework agreements and call-off contracts, which are estimated to be valued at £4 million or over. Our local policy does not aim to prescribe any specific value based threshold however requires the budget holder/contract owner to consider the inclusion of a CBC where the total estimated value of the contract exceeds £50,000.

The community benefit requirement for each contract should be considered on a case by case basis and in every case where added value is considered; it must be proportionate and avoid creating an unnecessary burden on the supply chain.

There is significant opportunity for the Council to champion and extend the application of CBCs beyond direct Council contracts. The Council enters into partnership arrangements, funding agreements, and other shared interest relationships with external organisations.

This policy may therefore be extended to apply (as appropriate) on a voluntary basis and in a proportionate manner where those type of agreements or relationships exist. It should also be possible to consider the adoption of the appropriate elements of this policy across our partners SB Cares, Live Borders and the wider Community Planning Partnership.

## Stakeholder Consultation/ Engagement

At the beginning of and during procurement activity we will identify, engage and consult with stakeholder groups, as appropriate, which may include:

- The community
- The users of the service to be procured/commissioned
- The market
- Other Council Services/colleagues



This engagement will be proportionate to the project scale and may take a number of forms, such as online, face to face, or the creation of a focus group with appropriate representation of those involved or affected by the particular activity.

## Contract & Supplier Management

Contract and supplier relationship management is the on-going monitoring and management of contracts entered into with suppliers or partners for the provision of goods, services and works. It includes the pursuit of increased benefits and value from those contracts by maximising leverage, driving improvements and accessing innovation.

A new approach will be developed and implemented to put in place a corporate framework to support contract management. Contracts will be grouped according to a number of criteria such as contract value, risk, market and commodity type. Each new regulated contract will require to include clearly defined key performance indicators to measure clear outcomes.

The Business World Enterprise Resource System (ERP) will deliver a centrally managed contract register which will facilitate the monitoring and reporting of contracts. The responsibility for undertaking contract and supplier management will remain with Services with the team supporting through the use of the ERP and the associated procurement tools of Public Contracts Scotland – Tender/Vendor/Performance Management.

## Procurement Legislation

The Scottish Government is responsible for the development of national procurement policy and supporting guidance in Scotland. There are now several key pieces of procurement legislation which have changed the regulatory framework for public procurement across Scotland.

- The Procurement Reform (Scotland) Act 2014
- The Public Contracts (Scotland) Regulations 2015
- The Procurement (Scotland) Regulations 2016
- EU Procurement Directive 2014/24/EU - Public Contracts
- EU Procurement Directive 2014/23/EU - The award of Concession Contracts
- EU Procurement Directive 2014/55/EU - Electronic invoicing in Public Procurement (delivery due 2019 for local government)

Statutory guidance accompanies the Scottish Government legislation and Scottish Procurement Policy Notes (SPPNs) are published on an ad-hoc basis to provide advice on current policy issues. These SPPNs are adopted in line with requirements and local policy.

Further details relating to public procurement legislation can be found through the web links provided on page 20, Policies, Tools and procedures.

## Council Governance

The Chief Financial Officer has responsibility for the production and management of the procurement strategy.

Council governance of procurement is contained across Standing Orders and Financial Regulations. Standing Orders are the rules which govern how contracts for goods, services and works must be made with Financial Regulations containing the procedures for dealing with financial matters. This governance applies to every member and employee of the Council.

The internal governance framework has recently been revised in line with the new legal requirements and the opportunities of the new ERP system. Adjustments have been made to the previous procurement thresholds with the aim of streamlining processes. Adherence to standing orders is crucial to ensure procurement is carried out in full compliance within the complex legal framework noted above. All the relevant rules are covered in the Council's Purchasing Guidelines.

# VALUE OF PROCUREMENT

During 2016/2017, the Council spent approximately £180million with external suppliers across revenue and capital expenditure. The table below lays out how that money is spent across standard procurement classification groups.

ProClass Group*	Total Spend (£)	ProClass Group*	Total Spend (£)
Arts & Leisure	8,752,300	Horticultural	2,037,700
Catering	1,833,600	Housing Management	4,798,500
Cemetery & Crematorium	17,600	Human Resources	2,875,900
Cleaning & Janitorial	398,400	ICT	14,760,800
Clothing	168,600	Legal Services	440,300
Construction	40,122,300	Mail Services	426,600
Construction Materials	2,503,900	Public Bodies	1,409,300
Consultancy	215,200	Public Transport	7,352,200
Domestic Goods	16,600	Social Care	279,900
Education	3,099,700	Social Care – Adult	46,882,800
Environmental Services	2,162,900	Social Care – Children	6,106,400
Facilities & Management Services	9,994,300	Sports & Playground Equipment	196,200
Financial Services	1,442,000	Stationery	213,200
Furniture & Soft Furnishings	677,000	Street & Traffic Management	278,800
Health & Safety	55,600	Utilities	6,735,400
Healthcare	2,298,000	Vehicle Management	5,611,750
Highway Equipment & Materials	5,759,000		

\* ProClass is a procurement classification not a finance classification. It is for classifying products and services that are purchased and not for classifying people, projects or budgets.

## Commercial Ambition

Each Procurement project will consider where opportunities may exist to reduce cost, access efficiencies or to access additional value. These areas of opportunity might include;

Opportunity	Ambition
Savings	<ul style="list-style-type: none"> <li>Meeting the target value set in the project budget</li> </ul>
Market Knowledge	<ul style="list-style-type: none"> <li>Use of category awareness to support approach to the market</li> </ul>
Price	<ul style="list-style-type: none"> <li>Using data to better understand costs across specific areas of spend</li> </ul>
Cost reductions	<ul style="list-style-type: none"> <li>Use of contract management to consider price or risk reductions</li> <li>Use of technology to simplify and reduce the cost of tendering, purchasing and payment transactions</li> </ul>
Demand Management	<ul style="list-style-type: none"> <li>Seeking ways to reduce or change how demand is fulfilled</li> <li>Identify opportunities to change to lower cost, innovative or alternative solutions</li> </ul>
Collaboration	<ul style="list-style-type: none"> <li>Aggregating Spend with other bodies to produce economies of scale</li> <li>Efficient use of resources</li> </ul>



# CONTINUOUS IMPROVEMENT

The Council will continue its participation in the bi-annual Procurement and Commercial Improvement Programme (PCIP) assessment regime. The output from this assessment will be part of a continuous improvement approach with any specific areas of improvement built into the refresh of the strategy action plan. The benchmark for this assessment shall be the result of the 2016 assessment;

- 72% (banding F1 – the top banding for those public sector bodies undertaking the full assessment).
- The next assessment is likely to be during financial year 2018/19.

It is also intended to create a procurement user group from across the organisation representing those officers who are directly involved in procurement activity. This reference group will provide a platform for cascading best practice throughout the organisation and will be asked to input to the development of change and to consider recommendations to further improve the Commercial & Commissioned Services Team.



# TEAM DEVELOPMENT AND INDIVIDUAL SKILLS FRAMEWORK

The Scottish Procurement Competency Framework (detailed below) identifies the skills and competencies required by people involved in the procurement process. It helps with the development of individuals' through a skills assessment and subsequent identification of training and development needs. This framework complements the Councils existing staff appraisal process. This will be used as a tool to underpin team development.

## Procurement Competency Framework (aligned to Government Purpose & CIPS Global Standards)

Infrastructure Foundations (Why)	Process (How)			Performance (What)	People (Who)
	Planning	Implementation	Delivery		
	Pre-market engagement	Tender	Post contract		
Corporate Strategy				Performance Management & Measurement <small>(including Benefits Tracking &amp; KPI's)</small>	Self-development
Procurement Strategy and Policy					Managing High Performing Teams
Legislation	<ul style="list-style-type: none"> <li>Commodity, Supplier &amp; SC Profiling</li> <li>Spend Analysis</li> <li>Market &amp; SC Analysis</li> <li>Specification development</li> <li>Building tender documents</li> </ul>	<ul style="list-style-type: none"> <li>Contract Law &amp; T's &amp; C's</li> <li>EU and Regulated Tender Process</li> <li>Tender Evaluation</li> <li>Award &amp; Debrief</li> <li>Negotiation</li> <li>Alternative routes to market</li> </ul>	<ul style="list-style-type: none"> <li>Contract management</li> <li>Supplier management</li> <li>Supply chain management</li> <li>Inventory Management</li> <li>Distribution fleet and logistics</li> </ul>		Leading & Influencing
Governance and Compliance				Continuous improvement <small>(including change Methodologies)</small>	Stakeholder Relationships
Technology					Communications
Standards & Conduct					
Early Engagement & role of intelligent client <small>(drives better outcomes)</small>	<b>Commercial and Financial Awareness</b> Commercial competence and business acumen; Commercial models; Business case development; Financial Management; Budgeting				
	<b>Planning and Risk Management</b> Project and Programme Management (PPM); Risk Management				
	<b>Sustainability and Innovation</b> Sustainable Procurement				

# MONITORING/REVIEWING AND REPORTING ON THE STRATEGY

The strategy objectives will be delivered through an action plan, detailed at Appendix 1. Performance against the action plan will be monitored by the Chief Financial Officer and reported through the relevant Scottish Borders Council Executive Committee on a regular basis.

Key performance indicators (KPI) will continue to be developed and linked to the Delivering the Strategy – Action Plan. A number of KPIs are currently reported to the Executive Committee through the wider corporate performance monitoring processes. We will also engage with stakeholders to ensure meaningful information is delivered as part of regular reporting of procurement performance.

As required by legislation, an annual report comprising all required elements of the Procurement Reform (Scotland) Act 2014 will be submitted to the Executive Committee and following approval, the report will be issued to Scottish Ministers and published on the Councils website. As part of the annual report production process, the strategy will be reviewed and refreshed to take account of any updates to Council priorities and objectives.

Services will receive regular reports from their Procurement Business Partners to ensure the strategy is being delivered effectively within departments. Procurement delivery plans will continue to be developed in collaboration with Services encompassing all significant procurement due in the following 1-3 years. This allows for resource planning and scheduling and improves visibility and risk management of our activities. These planned contract opportunities require to be published as part of the new legislation, along with the Councils full contract register.

Strategy Ownership	Further Information
Approval process	Scottish Borders Council Full Council meeting – December 2017
Led by	Mr David Robertson Chief Financial Officer david.robertson@scotborders.gov.uk
Delivered by	Ms Kathryn Dickson Commercial & Commissioned Services Manager kathryn.dickson@scotborders.gov.uk

# POLICIES/TOOLS AND PROCEDURES

Item	Description
<a href="#"><u>Community Plan</u></a>	This document, currently under consultation, contains the priorities and outcomes the Scottish Borders Community Planning Partnership want to achieve for the Scottish Borders
<a href="#"><u>Corporate Plan</u></a>	The Council's corporate plan details what will be prioritised within the area over the five year period 2012/13 to 2017/18
<a href="#"><u>Council Standing Orders</u></a>	The procedural governance of the organisation through which procurement activities are undertaken
<a href="#"><u>Financial Regulations</u></a>	These set out the financial policies in place
<a href="#"><u>Control of Contractors Policy</u></a>	A policy defining the Council's Health and Safety requirements
<a href="#"><u>Suppliers' Charter</u></a>	Working with suppliers to improve public sector procurement processes and dialogue
<a href="#"><u>Selling to the Council</u></a>	Our website aims to make it as easy as possible for suppliers to do business with us
<a href="#"><u>Sustainable Procurement Charter</u></a>	Our charter has been developed to promote social, economic and environmental best practice across all our procurement activities
<a href="#"><u>Scottish Model of Procurement</u></a>	Balancing cost, quality and sustainability
<a href="#"><u>Public Procurement Legislation</u></a>	Delivering procurement across EU and national legislation provides the foundations of the Scottish model of Procurement

Item	Description
<a href="#"><u>Public Procurement</u></a>	The structure of public procurement in Scotland
<a href="#"><u>Scottish Procurement Journey</u></a>	A series of procurement routes for all levels of procurement activity to facilitate best practice and consistency across the Scottish Public Sector
<a href="#"><u>Public Contracts Scotland</u></a>	The national advertising portal for the Scottish public sector to post OJEU and sub threshold contract opportunity notices
<a href="#"><u>Public Contracts Scotland Tender</u></a>	The national e-tendering system. A secure and efficient means for the Council and suppliers to use to manage tenders online
<a href="#"><u>PCIP</u></a>	Full details of the Procurement and Commercial Improvement Programme
<a href="#"><u>EU Procurement Thresholds</u></a>	A series of value based thresholds subject to legislative regulation
<a href="#"><u>Scottish Government Sustainability tools</u></a>	This series of tools has been produced to assist the sustainable procurement process to comply with the duties of the Procurement Reform (Scotland) Act 2014
<a href="#"><u>Supported Business</u></a>	A supported business' primary aim is the social and professional integration of disabled or disadvantaged

# GLOSSARY

<b>Collaboration</b>	Working with other partners to undertake joint or shared procurement activities with the intention of obtaining better value through the economies of scale and reduced procurement costs
<b>Commissioning</b>	This is the process used to assess the needs of people in the area, then to design and specify the appropriate services to deliver those needs in a cost effective and value for money way
<b>Community Benefits</b>	These are contract requirements that deliver wider benefits in addition to the core purpose of the contact. These will create added value and will be social, economic or environmental benefits
<b>Contract Management</b>	This is the management of contracts with suppliers or partners. It includes the tasks and activities to ensure the contract is delivered as per the terms. Activity can include the mobilisation of the contract, delivery throughout the term of the contract to expiry and decommissioning. It will also include supplier relationship and performance management
<b>Demand Management</b>	This is a way to reduce costs by managing requirements through many different methods such as forecasting, reducing options, increasing flexibility or considering distribution methods and frequency
<b>Flexible Framework Self-Assessment Tool (FFSAT)</b>	A tool used to assess and measure our level of performance of sustainable procurement and to build an action plan to build on that performance
<b>Goods</b>	Items that we buy include things such as catering provisions, office stationery and supplies, or the materials needed to build roads
<b>KPI</b>	Key Performance Indicators are measures out in place as part of the contract arrangements. These will be used to help manage delivery of the contract to a pre-agreed set of quality and quantity indicators
<b>P2P</b>	Procurement to Payment - electronic IT systems and processes used to manage the raising of purchase orders through to the payment of supplier invoices
<b>PCIP</b>	The Scottish Government led Procurement and Commercial Improvement Programme and its associated assessment programme
<b>Procurement</b>	This is process of acquiring goods, services and works
<b>Purchasing</b>	The transactional stages of placing orders for goods, services or works, using P2P systems to receipt goods, services or works received and then to pay for them
<b>Regulations</b>	Public Contracts (Scotland) Regulations 2015; Procurement (Scotland) Regulations 2016; The Procurement Reform (Scotland) Act 2014
<b>Services</b>	Services we buy might include care services, professional services to design works projects or repair and maintenance services
<b>Small and Medium Enterprises (SME's)</b>	Firms that employ less than 9 employees are classified as micro businesses, firms that employ less than 50 are classed as small and those employing less than 250 medium
<b>Sustainable Procurement</b>	A process where organisations meet their needs for goods, services and works in a way that achieves value for money on a whole life costs basis and generates benefits, not only for the organisation but for society, the economy and the environment
<b>Third Sector</b>	The group name for a range of organisations such as community groups, charities, voluntary organisations, social enterprises or community interest companies. They can be everything between small and local or large multinational companies or charities
<b>Value for Money</b>	Value for money is the optimum combination of whole life costs quality and sustainability to meet our requirements
<b>Whole Life Costing</b>	Whole life costing takes into account the total cost of a product or service over its lifetime, from concept to disposal and including purchase, hire or lease, maintenance, operation, utilities, training and end of life disposal. It is important to take all of these costs into consideration when making decisions as in some cases the purchase cost is only a small proportion of the cost of operating it
<b>Works</b>	Construction works that we buy, including the construction and/or refurbishment of new and existing buildings, roads, bridges, parks or other open spaces

# APPENDIX 1 - DELIVERING THE STRATEGY - ACTION PLAN

Aim	Objective	Principal Actions
1 <b>Support our local supply market and the economy</b>	to grow the Councils local supply base to increase the proportion of Council spend within the area	<ul style="list-style-type: none"> <li>• Hold regular supplier engagement events</li> <li>• Encourage a diverse range of suppliers to work with the Council</li> <li>• Support and improve access to contract opportunities by local SME's and the Third Sector</li> <li>• Introduce online tools to make best use of digital technology</li> </ul>
2 <b>Deliver sustainable, flexible and innovative procurement</b>	to capture opportunities while balancing priorities	<ul style="list-style-type: none"> <li>• Full adoption of sustainable procurement through the suite of tools developed by the Scottish Government</li> <li>• Use whole life costing to balance cost, quality and sustainability</li> <li>• Secure the commitment of stakeholders of the new approach</li> <li>• Maximise added value through community benefits</li> <li>• Support the Scottish Borders Health &amp; Social Care partnership with an outcome based commissioning and procurement cycle</li> </ul>
3 <b>Identify effective and efficient procurement and P2P policy improvements</b>	to maximise the benefit from the investment in technology through the new ERP system	<ul style="list-style-type: none"> <li>• Following the implementation of ERP system, review the delivery mechanism of procurement/commissioning/contract management activities</li> <li>• Use data from the new ERP system to undertake spend/benchmarking activity/support decision making</li> <li>• Streamline (where possible) processes and procedures</li> <li>• Review and rationalise supply base</li> <li>• Reduce non-contracted spend</li> <li>• Improve reporting of strategic procurement and associated purchasing transactions</li> <li>• Ensure use of online tools maximised</li> </ul>
4 <b>Deliver added value through savings and benefits</b>	to make a positive and measurable impact through procurement opportunities	<ul style="list-style-type: none"> <li>• To create financial and efficiency savings through the approach to new contract opportunities</li> <li>• The early identification of collaborative opportunities</li> <li>• Challenge contract specifications</li> <li>• The development of key performance indicators to support measuring delivery of the strategy</li> <li>• Refresh existing category strategies</li> </ul>
5 <b>Develop commercial awareness across the organisation</b>	to benefit from a commercial approach to key supplier and partner relationships	<ul style="list-style-type: none"> <li>• Embed a common standard of contract management principles across the organisation to access value and innovation</li> <li>• Support active contract and supplier management with a toolkit and guidance</li> <li>• Enhance the early engagement and inclusion of strategic procurement with services/projects</li> <li>• Introduce commercial targets to procurement activities</li> </ul>

# APPENDIX 2 – SUSTAINABLE PROCUREMENT

## Sustainable Procurement Charter

Scottish Borders Council aims to be a responsible purchaser of goods, services and works. We set standards to make sure we undertake our activities in an ethical, responsible and sustainable way. This charter lays out a number of important principles and policy requirements of the Council to which we expect our suppliers to comply.



### Achieving our Sustainable Procurement duty

<p><b>Equalities</b></p> <p>We view the Scottish Borders as a place where everyone matters, where everyone should have equal opportunities and where everyone should be treated with dignity and respect. As a responsible employer the Council is committed to promoting equal opportunities to all of the Scottish Borders community, employees and suppliers alike. Consideration of equal opportunities is fully integrated into our procurement practices and is fully committed to the values and ethos of the Equality Act 2010.</p>	<p><b>Disability Confident Scheme</b></p> <p>The Council is an accredited Disability Confident employer. We are committed to the aims of Disability Confident and would encourage our partners, suppliers and providers to demonstrate their commitment to the scheme and also become accredited Disability Confident employers. As appropriate, contracts or framework agreements may include clear performance indicators relating to the positive benefits of such a scheme.</p>	<p><b>Facilitating SME's, third sector and supported businesses in the procurement process</b></p> <p>Our procurement strategy aims to achieve a mixed economy of suppliers to support and develop our local rural market, particularly micro, small and medium sized enterprises, Third Sector organisations and supported businesses. This approach includes simplified and standardised public sector procurement practices, consideration of lotting and a range of hands-on assistance to the local supply chain to help reduce any barriers to involvement in procurement opportunities.</p>	<p><b>Promoting Innovation</b></p> <p>Influencing the market towards innovative solutions can focus public spending on sustainable goods, services and works and create an important catalyst for local job creation, sustainable innovation and market development. Our procurement strategy notes the importance of innovation through procurement and we encourage all our suppliers to consider an innovative approach to the way goods and services are delivered.</p>
<p><b>Fair Work Practices</b></p> <p>As a Living Wage employer, the Council is committed to encouraging the wider adoption of the Scottish Living Wage by suppliers and to support this has adopted the Scottish Government guidance on the Selection of Tenderers and Award of Contracts which addresses Fair Work Practices as part of the procurement for relevant contracts. The Living Wage is an hourly rate set by the Living Wage Foundation and is revised in November every year. The current rate is £8.75 (November 2017)</p>	<p><b>Consultation with Stakeholders</b></p> <p>Service User and, where appropriate, wider community consultation is an integral part of commissioning considerations. The strategic importance and complexity of required outcomes will mainly govern the level of consultation undertaken and the choice of the procurement route followed. The final decision on these matters will always be considered in light of what is likely to provide best value for the local community.</p>	<p><b>Health &amp; Safety Compliance</b></p> <p>The Council is committed to achieving a culture that ensures it complies with all current Health and Safety legislation and in so doing endeavours to provide safe places and safe systems of work. This principal extends to those employed to do contracted works for and on behalf of the Council. The Council will only employ contractors who are fully accredited SSIP members of Constructionline or equivalent.</p>	
<p><b>Fairly &amp; ethically traded goods</b></p> <p>The Council supports the Fair Trade initiative because it reflects our commitment to sustainable development and offers the prospect that marginalised producers across the world will receive fairer deals for their produce. The Council will promote the use of fair trade products across all its services and raise awareness of fair trade amongst its staff and customers. The Council will (to the extent permitted by EU procurement legislation) embed Fair Trade into contracts with suppliers where it has a direct bearing on the required goods, services and works.</p>	<p><b>Provision of Food</b></p> <p>The procurement of food considers the wider community focus of improving the health and wellbeing of young people and communities in the Borders. Promoting a sustainable food supply chain by (where possible) the use of Scottish produce through collaborative contracts supports the delivery of healthy choices to support healthy eating. Food security and ethics are of equal importance and the Council follows Scottish Government guidance to ensure highest levels of animal welfare.</p>	<p><b>Prompt payment within 30 days</b></p> <p>The effect of late payment on SME's can be significant, impacting cash flow and the ability to trade. As direct support the Council has a prompt payment policy and related performance indicator which aims to make payment of invoices within 30 days of receipt of a valid invoice. To make sure this policy flows through all stages of the supply chain, our terms and conditions of contract obliges our contracted suppliers to make payment of valid invoices within a similar 30 day period.</p>	<p><b>Information/Data Management/Protection</b></p> <p>The Council regards information as a valuable corporate asset which must be obtained, processed and protected diligently, lawfully and ethically. The approach to information governance focuses on safeguarding customers, providing business transparency and ensuring legislative compliance. Relationships with 3rd parties who handle data on behalf of the Council, or with whom we share data are carefully managed. Contracts include information governance compliance conditions with these arrangements being documented and monitored. We will expect all suppliers to take the same robust approach to information management as we do, even after their contract has expired.</p>
<p><b>Environmental Impact and Climate Change</b></p> <p>The Council is committed to reducing its environmental impact, including carbon emissions, wherever possible. The Climate Change (Scotland) Act 2009 places duties on public bodies to deliver their services in a way which supports this, including both internal activities, such as energy saving within buildings, and its work with partners. The way that the Council procures goods and services can have a huge environmental impact, and by purchasing items which can demonstrate a reduced negative effect on wildlife, natural resources and carbon emissions, we can reduce our carbon footprint and support suppliers to do the same.</p>	<p><b>Improving the economic, social and environmental wellbeing of the area</b></p> <p>Adding Value to Communities through Community Benefits or 'social' requirements in public sector procurement is intended to ensure that wider local economic and social issues are considered when delivering construction works, service or supplies contracts. This is achieved through the inclusion of specific clauses within contracts known as community benefit clauses (CBCs).</p>	<p><b>Conflict of Interest</b></p> <p>Council Officers and Members conducting business on behalf of the organisation have a responsibility to do so in a manner that is objective and ethical. As such we require any individual whether employee or supplier to declare such an interest before any procurement activity commences as the best way to handle conflicts of interest is to avoid them entirely.</p>	<p><b>Modern Slavery Act 2015</b></p> <p>The Council adopts a zero tolerance approach to modern slavery and human trafficking. We expect all those who work for and with us to adhere to this approach. As appropriate we will address areas of concern in the tendering process through requiring minimum standards and contract management.</p>



You can get this document on audio CD, in large print, and various other formats by contacting us at the address below. In addition, contact the address below for information on language translations, additional copies, or to arrange for an officer to meet with you to explain any areas of the publication that you would like clarified.

#### PROCUREMENT SERVICES

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## CHARITY REORGANISATION UPDATE

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### Report by Chief Financial Officer

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## SCOTTISH BORDERS COUNCIL

**21 December 2017**

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### 1 PURPOSE AND SUMMARY

- 1.1 **This report provides an update on the progress of the charity reorganisation of the Council's registered and unregistered Trust Fund Charities and proposes the amalgamation of some trusts.**
- 1.2 Scottish Borders Council currently administers a number of Trust Funds and Bequests for a range of purposes, which it inherited from previous Scottish Borders Town, County, District and Regional Councils. These were a mixture of Charities registered with HMRC, and subsequently OSCAR (Office of the Scottish Charity Regulator) and some unregistered. Through the passage of time, the purpose or low value of the funds, have resulted in many no longer being able to be disbursed.
- 1.3 Following a report to Council on 30 January 2014 work commenced on the establishment of 3 OSCAR registered new Trusts and the reorganisation of Trusts into the new Trusts. A further report was presented to Council on 21 May 2015 to reorganise some of the registered Trusts into the 3 new Trusts.
- 1.4 The report on 21 May 2015 also amended the Scheme of Administration to establish Charitable Sub Committees and approve amendments to the Scheme of Delegation for grants to be disbursed from the SBC Education Trust and SBC Welfare Trust.
- 1.5 The Council approved a further report on 30 March 2017 which agreed the dispersal of ten trusts to other organisations and agreed a process and timetable for the review of the remaining trusts. The aim of the review was to where possible reorganise the trusts into the 3 new OSCAR registered Trusts, whilst preserving the ethos and locality of the original trusts.
- 1.6 Two consultation meetings have been held in each locality area with invitations to all Members and Community Councils. Additional meetings have also been held with interested groups and members of the public. OSCAR have also been consulted on the process and recommendations contained within the report.
- 1.7 **Appendix 2** details the proposed criteria to be used in the disbursement of grants from the SBC Community Enhancement Trust.

- 1.8 **Appendix 3** details the proposed criteria to be used in the disbursement of grants from the SBC Welfare Trust.
- 1.9 **Appendix 4** details the 70 individual Trusts recommended for amalgamation into the SBC Welfare Trust.
- 1.10 **Appendix 5** details the 99 individual Trusts recommended for amalgamation into the SBC Community Enhancement Trust.
- 1.11 **Appendix 6** details the Trusts which have been fully disbursed during the consultation and also Trusts where work is currently ongoing with the Community to finalise either one-off projects or further recommended amalgamations.
- 1.12 **Appendix 7** details the remaining 50 Trusts where there is currently no recommended outcome.

## **2 RECOMMENDATIONS**

### **2.1 It is recommended that Scottish Borders Council:-**

- (a) Notes the consultation undertaken on the re-organisation of the Council's Charitable Trust Funds;**
- (b) Approves the criteria detailed in Appendix 2 for the SBC Community Enhancement Trust;**
- (c) Approves the criteria detailed in Appendix 3 for the SBC Welfare Trust;**
- (d) Agrees to the amalgamation of the 70 individual Trusts detailed in Appendix 4 into the SBC Welfare Trust, subject to approval from OSCR for those registered;**
- (e) Agrees to the amalgamation of the 99 individual Trusts detailed in Appendix 5 into the SBC Community Enhancement Trust, subject to approval from OSCR for those registered;**
- (f) Notes the ongoing work for the individual Trusts detailed in Appendix 6;**
- (g) Notes a further report will be presented by the Service Director for Children and Young People for the Education Trusts detailed in Appendix 7;**
- (h) Agrees to disband the Charitable Trusts Sub-Committees and remove these from the Scheme of Administration;**
- (i) Agrees to amend the Scheme of Delegation to replace the delegated authority for the Service Director Customer and Communities "to make payments to individuals or families from SBC Welfare Trust according to set criteria" with the following:**

- (i) Approve applications for funding up to the value of £500 from the SBC Community Enhancement Trust and SBC Welfare Trust;**
  - (ii) Approve applications for grants from £501 to £2,500 to the SBC Welfare Trust, subject to the agreement of at least 50% of the Members in the relevant Wards; and**
  - (iii) Approve applications for grants from £501 to £5,000 to the SBC Community Enhancement Trust, subject to the agreement of at least 50% of the Members in the relevant Wards.**
- (j) Agrees that the Executive Committee should approve grants from the SBC Welfare Trust and SBC Community Enhancement Trust, in situations where grant applications exceed the limits specified in the Scheme of Delegation or less than 50% of the Members in the relevant Wards are in agreement.**

### 3 BACKGROUND

- 3.1 On Local Government re-organisation in 1996 Scottish Borders Council inherited a total of 289 individual Trusts and Bequests from previous Scottish Borders Town, County, District and Regional Councils. The Trusts cover a range of purposes and geographical locations. Many of these through the passage of time have become moribund and unable to disburse funding due to their original purpose being out of date or due to the low value of the funds.
- 3.2 With the establishment of the Office of Scottish Charity Regulator (OSCR) in 2006, 112 of the Trusts previously registered by Scottish Borders Councils predecessors as Charities with HMRC were all adopted by OSCR. This registration led to the requirement to produce fully audited accounts from 31 March 2014 for each individual registered Trust. This would have placed a significant additional administrative burden on the Council for little if any benefit. The Council therefore agreed with OSCR and Audit Scotland that there would be no requirement to produce accounts for these bodies nor would there be any audit requirement if an application was made to wind up a charity prior to 31 March 2014.
- 3.3 The Council on 30 January 2014 approved the establishment of 3 new Trusts relating to the relief of poverty, educational and community enhancement; with the current Trusts to be reorganised into these new Trusts. OSCR approval was received in March 2014 for the establishment of the 3 new Trusts. The 3 Trusts established are as follows:
- SBC Community Enhancement Trust – SCO044764
  - SBC Welfare Trust – SCO004765 and
  - SBC Educational Trust – SC044762
- 3.4 A further report was presented to Council on 21 May 2015 to agree the initial phase of reorganisation of the Trusts. The outcome of this and the agreed purpose of the new Trust are detailed in Appendix 1. Each of the 3 new Trusts contain restricted funds covering specific geographical areas and charitable purpose, which reflect the ethos of the original fund given.
- 3.5 The Council on 21 May 2015 also approved the following delegated authority to:
- Service Director of Children and Young People –To make payments to individuals from various Education trusts and the SBC Education Trust according to a set criteria
  - Service Director – Neighbourhood Services (now Customer & Communities)- To make payments to individuals or families from the SBC Welfare Trust according to set criteria.
- 3.6 The Council report on 21 May 2015 also established within the Scheme of Administration Charitable Trusts Sub Committees for each locality which were able to approve grants of up to £500 from the 3 new Trusts and the Ormiston Trust. No grant applications have been made to the new Trusts since the establishment of these Sub Committees.
- 3.7 The report also established a further SBC Charitable Trust to act as a holding Trust for a variety of trusts until the full reorganisation could be

completed. Two further remaining OSCR registered trusts remained, these being the Ormiston Institute, and the Thomas Howden Wildlife Award Trust. Each of these 3 trusts is required to provide fully audited accounts. The SBC Charitable Trust contains 76 individual Trusts, which OSCR allowed as a temporary position subject to these being moved into the 3 new Trusts in the future. Approval was subsequently gained from OSCR on 12<sup>th</sup> July 2017 to amalgamate the Thomas Howden Wildlife Award into the SBC Education Trust as from 1<sup>st</sup> April 2017.

- 3.8 There are also currently a further historical 177 charitable trusts/bequests managed by the Council which are not registered with OSCR and for which no constitutive deeds or documentation are held. These cover a range of geographical areas and purposes. The total value of these trusts as at 31 March 2017 was £2.886m with an income of £0.082m for 2016/17.
- 3.9 Council on 30 March 2017 approved the timetable shown below for the next phase of the reorganisation.

<b>Steps</b>	<b>Time Period</b>
Meetings to discuss initial suggested amalgamations	June – July 2017
Consultation with OSCR and Communities	Aug – Sept 2017
Meetings to agree final recommended amalgamations	Oct – Nov 2017
Report to Council to approve amalgamations	21 Dec 2017
Submissions to OSCR for amalgamations	Jan – Feb 2018
Amalgamations completed	31 Mar 2018

## **4 CONSULTATION**

- 4.1 Two meetings have been held in each locality area. The first round of meetings took place during late June, early July 2017. The second round took place during October and November 2017. Invitations were sent to all Councillors and Community Council contacts. The meetings in the main were well attended with some Community Councils who were unable to attend contacting the Officers directly. The consultation meetings reviewed the draft criteria for the SBC Welfare Trust and SBC Community Enhancement trust as well as the lists of Trusts. The questions and feedback have been considered and form the basis of the recommendations contained within this report.
- 4.2 A number of individual meetings were also held with individual groups and individuals who were able to provide further detail on individual trusts or who had an interest in specific trusts. The information gathered has been utilised in the formation of the recommendations contained within this report.
- 4.3 The report approved by Council in March 2017 and a draft of this report have been shared with OSCR on a confidential basis. A meeting has also been held with OSCR to discuss the recommendations for those Trusts which are registered with OSCR. OSCR is supportive of the work

undertaken to date and has agreed to work with Officers to streamline the documentation required to complete the necessary reorganisation work.

- 4.4 Due to the workload within the Education Team at the current time, consultation with Head Teachers and parents has not commenced for the Education trusts. This work will be undertaken as soon as resources allow.

## **5 OUTCOME OF CONSULTATION**

- 5.1 The criteria for the SBC Community Enhancement Trust and the SBC Welfare Trust shown in **Appendices 2** and **3** reflect the discussions from the consultation meetings. The criteria for the SBC Education Trust is being developed by the Service Director of Children and Young People and will be reported separately at a later date.
- 5.2 **Appendix 4** details the recommended amalgamation 70 individual Trust into the SBC Welfare Trusts.
- 5.3 **Appendix 5** details the recommended amalgamation of 99 individual Trusts into the SBC Community Enhancement Trust.
- 5.4 **Appendix 6** details the Trusts where work is ongoing with Community parties for one-off projects which will see the funds held fully utilised and funds which have been drawn down by Communities during the consultation period following approval from Elected Members.
- 5.5 Work is also ongoing with Kalewater Community Council and the Australian Trustees to establish a revised process for the Sir Walter Leitch and James Henderson Bequests respectively. This will ensure the Community Council leads the identification and recommendations of applicants for the two funds which have specific requirements and which require the income derived from these funds each year to be fully disbursed.
- 5.6 **Appendix 7** details the 50 remaining Trusts which currently have no recommended outcome. 43 of the remaining Trusts are Education Trusts and these will be reported in a separate report. The George Knox Bequest and the Chambers Institute will remain as individual Trusts.

## **6 GOVERNANCE ARRANGEMENTS FOR DISBURSAL OF FUNDS**

- 6.1 During the consultation process a number of concerns were expressed around the lack of Members involvement in the decision making process for some grant applications, the bureaucratic nature of the process and the ability to approve grant applications in a timely way. Although Charitable Trust Sub-Committees are detailed in the Scheme of Administration, they have never met. It was also highlighted that a number of the applications for the Welfare fund will be from individuals, will contain personal sensitive information and may be of relatively low value.
- 6.2 To allow this sensitive information to be kept confidential and the applications to be dealt with in a timely and non-bureaucratic way it is proposed in future that a similar grant approval process to that of the Community Grant Scheme is utilised. The process and delegation limits for



officers approving grant applications for the SBC Welfare Trust and SBC Community Enhancement Trust would be as follows:

- Application for grants up to the value of £500 from the SBC Community Enhancement Trust and SBC Welfare Trust
- Applications for grants from £501 to £2,500 to the SBC Welfare Trust, subject to the agreement of at least 50% of the Members in the relevant Wards. £2500 would be the maximum grant awarded under delegation. Exceptions awards recommended above this amount would be submitted to Executive Committee.
- Applications for grants from £501 to £5,000 to the SBC Community Enhancement Trust, subject to the agreement of at least 50% of the Members in the relevant Wards. £5,000 would be the maximum grant awarded under delegation. Exceptions awards recommended above this amount would be submitted to Executive Committee.

6.3 All grant applications will be submitted to Customer and Communities Services staff to ensure the application meets the agreed criteria for the specific fund to which the application pertains and the appropriate approvals are gained.

6.4 Should the above processes be approved, then delegated authority will be added to the Scheme of Delegation for the Service Director Customer and Communities, and the Charitable Trust Fund Sub-Committees will be removed from the Scheme of Administration.

## **7 IMPLICATIONS**

### **7.1 Financial**

There are no financial implications resulting from the recommendations contained in this report.

### **7.2 Risk and Mitigations**

No significant risk to the financial position of the charity funds is identified; in fact these proposals enable the funds to be used for appropriate purposes to support the community and the revised governance and approval process will mitigate the administration and information governance risks.

### **7.3 Equalities**

The reorganisation of the trusts will allow the disbursement of funds which, in some cases, have currently been prohibited due to the historic restrictions of the purpose. This will improve the equality implications.

### **7.4 Acting Sustainably**

Whilst there are no economic, social or environmental effects arising from the proposals contained in this report, there should be easier access to funds by beneficiaries, which will impact upon the economic, social and environment of the Borders. The fund amalgamations should produce more sustainable funds.

### **7.5 Carbon Management**

There are no significant effects on carbon emissions arising from the proposals contained in this report.

## 7.6 Rural Proofing

There are no significant effects on carbon emissions arising from the proposals contained in this report.

## 7.7 Changes to Scheme of Administration or Scheme of Delegation

- (a) The Scheme of Administration is proposed to be amended to remove the Charitable Trusts Sub-Committees.
- (b) The Scheme of Delegation is proposed to be amended to include under the Service Director Customer and Communities:
- Approve projects for funding and authorise grants up to the value of £500 from the SBC Community Enhancement Trust and SBC Welfare Trust.
  - Approve applications for grants from £501 to £2,500 to the SBC Welfare Trust, subject to the agreement of at least 50% of the Members in the relevant Wards.
  - Approve applications for grants from £501 to £5,000 to the SBC Community Enhancement Trust, subject to the agreement of at least 50% of the Members in the relevant Wards.
- (c) The proposed revised arrangement will also require the Scheme of Delegation to be amended to remove from the Director of Neighbourhood Services delegated authority to "make payments to individuals or families from SBC Welfare Trust according to set criteria."

## 8 CONSULTATION

- 8.1 The Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

### Approved by

**David Robertson**  
Chief Financial Officer

**Signature .....**

### Author(s)

Name	Designation and Contact Number
Kirsty Robb	Pensions and Investments Manager (01835 825249)

**Background Papers: Nil**

**Previous Minute Reference:** Scottish Borders Council, 30 March 2017

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Kirsty Robb can also give information on other language translations as well as providing additional copies.

Contact us at Kirsty Robb, Financial Services, Scottish Borders Council, Newtown St Boswells, TD6 0SA. Tel: 01835 825249.

**SBC Welfare Trust - Charity Number: SC044765****Charitable Purposes of the Trust:**

- a Prevention or relief of poverty
- b Relief of those in need by reason of age, ill-health, Disability, financial hardship or other disadvantage
- c Advancement of Health, including the advancement of education in health

Area Restriction	Charitable Trust purpose Restriction	Total Reserves 31/03/17 £
Mid & East Berwickshire	a & b	61,294
Galashiels & District	a & b	4,170
Leaderdale & Melrose	a & b	9,070
Jedburgh & District	a & b	20,274
Hawick & Denholm/ Hawick & Hermitage	a & b	8,281
Tweeddale East & West	None	731
Tweeddale East & West	a & b	7,148
		<b>110,968.00</b>

**SBC Community Enhancement Trust - Charity Number: SC044764****Charitable Purposes of the Trust:**

- a Advancement of community development
- b Advancement of the arts, heritage, culture or science, including the upkeep of heritage assets.
- c Advancement of recreational facilities, or the organisation of recreational activities, with the object of improving condition of life for the persons for whom the facilities or activities are primarily intended
- d Advancement of environmental protection or improvement.

Area Restriction	Charitable Trust purpose Restriction	Total Reserves 31/03/17 £
Borders Wide	a	1,524
Berwickshire	None	13,220
Berwickshire	b	28,506
Berwickshire - Henderson Park and War Memorial, Gordon	Specific to location	529

Cheviot -Allerley Well Park, Jedburgh	Specific to location	1,632
Selkirkshire	None	1,118
Hawick & Denholm/ Hawick & Hermitage	b	20,060
Hawick & Denholm/ Hawick & Hermitage	a&b	671
		<b>67,260</b>

## SBC Education Trust - Charity Number: SC044762

### Charitable Purposes of the Trust:

To advance and/or promote cultural exchange by, among other things, the payment of grants and/or loans, the award of bursaries, the award of prizes, payment towards cultural exchanges that further an educational purpose both within Scottish Borders area and further afield (including abroad), to such educational institution, charities or other organisation or to such individuals deserving of benefit as the Trustees shall, in their sole and unfettered discretion, select as suitable recipients of such benefit, to be applied by such recipients for the charitable purpose of the advancement of education and/or promotion of cultural exchange

Area Restriction	Total Reserves 31/03/17 £
Borders Wide	1811
<b>Total SBC Education Trust</b>	<b>1811</b>

## **The Scottish Borders Council Community Enhancement Fund**

The Community Enhancement Fund is a registered charity and was established to promote advancement of community development, advancement of the arts, heritage, culture or science, including the upkeep of heritage assets, advancement of recreational facilities, or the organisation of recreational activities, with the object of improving condition of life for the persons for whom the facilities or activities are primarily intended and advancement of environmental protection or improvement.

### **How to access Trust funds:**

The Community Enhancement Fund awards grants of up to a maximum of **£1,000** to **non-constituted groups/individuals** and up to a maximum of **£5,000** to **fully constituted groups**.

To be successful a group/individual **MUST**:

- Carry out positive work in the community and be of charitable nature and be 'Not for Profit' status.
- Be community, socially or environmentally focused
- Deliver the activity or project within the specified locality/area
- Provide an outcome that will benefit all members of the community regardless of race, gender or religion

### **The project or activity you are undertaking should offer two or more of the following:**

- To improve, enhance, protect and conserve the natural and built environment; or offer heritage conservation;
- To provide better appreciation of the natural and urban environment;
- To demonstrate lasting benefit to the community.
- To contribute to the development of the arts, culture/science including the upkeep and preservation of heritage assets
- To the improvement of recreational facilities or reorganisation of activities within the facility to improve the quality of life for its users
- To promote environmental protection and/or improvement within the specified area
- To provide maintenance and/or improvement of public parks, public open space and other public amenities and other environmental/regeneration projects

### **Who to contact:**

You can download an application form **here** or we can send you a hard copy for you to complete.

Please send the completed application form and any supporting documents via email to [communitygrants@scotborders.gov.uk](mailto:communitygrants@scotborders.gov.uk) or the hard copy to SBCs Grants Co-ordinator, Scottish Borders Council, Council Headquarters, Newtown St Boswells, TD6 0SA. Telephone 01835 826502

## **The Scottish Borders Council Welfare Trust**

The Scottish Borders Council Welfare Trust is a registered charity and was established to assist in the prevention of the relief of poverty.

To promote relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.

To aid the advancement of health, including the advancement of education in health.

### **How to access Trust funds:**

The Community Enhancement Fund awards grants of up to a maximum of **£1,000** to **non-constituted groups/individuals** and up to a maximum of **£2,500** to **fully constituted groups** dependent on funds available.

To be successful, a group/individual **MUST**:

- Demonstrate need **or**
- Carry out positive work in the community and be of charitable nature and be 'Not for Profit' status **or**
- Be community or socially focussed
- Deliver the activity/project within the specified locality/area

### **As a group/individual, your project or activity should offer one or more of the following:**

- To promote health and wellbeing specifically amongst the residents of the area specified in your application
- To provide activities which address social isolation, dementia and barriers to accessing services
- To address welfare, sickness, disability, inequality and those in need
- To promote physical, mental and spiritual wellbeing, healthy living and improve opportunities for local people to live a full and active life.
- To address need and suffering caused by poverty, financial hardship, debt and unemployment or other areas which address the impact of welfare reform

### **Who to contact:**

You can download an application **here** form or we can send you a hard copy for you to complete.



Please send the completed application form and any supporting documents via email to [communitygrants@scotborders.gov.uk](mailto:communitygrants@scotborders.gov.uk) or hard copy to SBCs Grants Co-ordinator, Scottish Borders Council, Council Headquarters, Newtown St Boswells, TD6 0SA. Telephone 01835 826502



## SBC Welfare Trust - Charity Number SC044765

## Charitable Purposed of the Trust

- a) The prevention or relief of poverty;  
 b) The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage; or  
 c) The advancement of health, including the advancement of education in health.

Fund Name	Area Restriction	Charitable Purpose Restriction	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Current purpose
Marion Law Bequest	Hawick Denholm/Hawick & Hermitage	a&b	9,616	N	Hawick	Aged & Poor in Hawick
Mrs Hobkirks Fund	Hawick Denholm/Hawick & Hermitage	a&b	2,834	Y	Hawick	Poor Women of Hawick
Mrs Adams Bequest	Hawick Denholm/Hawick & Hermitage	a&b	424	Y	Hawick	Poor of Hawick
Joseph Goodfellows Bequest	Hawick Denholm/Hawick & Hermitage	a&b	351	Y	Hawick	Poor of Hawick
R B Normans bequest	Hawick & Hermitage	c	25,652	Y	Teviothead	Nurses-Roberton/Teviothead
McKinlay Trust	Hawick & Hermitage	a&b	556	Y	Castleton	Castleton Poor
Elliot Mortification	Hawick Denholm	a&b	3,173	Y	Minto	Poor- Parish of Minto
Ewan Trust	Hawick Denholm	a&b	3,226	Y	Hobkirk	Sick/Poor Hobkirk
William Laidlaw Memorial Fund	Hawick Denholm	a&b	463	Y	Hobkirk	Residents of Hobkirk
J J Barr Bequest	Jedburgh & District	a&b	518	N	Jedburgh	Poor of Jedburgh
Miss A T Waldie TRUST (Trainee Nurses)	Jedburgh & District	c	20,274	Y	Jedburgh	Trainee Nurses
Jedburgh Coal Fund	Jedburgh & District	a&b	11,367	Y	Jedburgh	Poor of Jedburgh
Miss A T Waldie BEQUEST (Poor)	Jedburgh & District	a&b	2,124	Y	Jedburgh	Poor of Jedburgh
Henry Laidlaw Trust	Jedburgh & District	a&b	1,878	Y	Jedburgh	Poor of Jedburgh
John Herbetson Bequest	Jedburgh & District	a&b	1,532	Y	Jedburgh	Poor of Jedburgh
Robert Meggits Bequest	Jedburgh & District	a&b	1,248	Y	Jedburgh	Poor of Jedburgh
John Hunters Bequest	Jedburgh & District	a&b	239	Y	Jedburgh	Poor of Jedburgh

Fund Name	Area Restriction	Charitable Purpose Restriction	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Current purpose
Ex Provost Laidlaws Benefaction	Jedburgh & District	a&b	209	Y	Jedburgh	Poor of Jedburgh
Mrs M Cheetham Bequest	Jedburgh & District	a&b	175	Y	Jedburgh	Poor of Jedburgh
John Murrays Bequest	Jedburgh & District	a&b	95	Y	Jedburgh	Poor of Jedburgh
James West Brown Bequest	Jedburgh & District	a&b	84	Y	Jedburgh	Poor of Jedburgh
Holidays at Home Week (1943)	Jedburgh & District	a&b	96	N	Jedburgh	Hols.at Home Wk.Entertainment
John L Smith Bequest	Kelso & District	a&b	3,530	N	Kelso	Holidays in Country- Kelso
Kelso Coal Fund	Kelso & District	a&b	1,521	N	Kelso	Poor of Kelso
Miss Agnes P Johnstons Bequest	Kelso & District	a&b	357	N	Kelso	Poor of Kelso
Miss Catherine JM Walkers Beq.	Kelso & District	a&b	507	N	Kelso	Poor of Kelso
Miss Jane Broomfields Bequest	Kelso & District	a&b	31	N	Kelso	Poor of Kelso
Miss Janet Woods Bequest	Kelso & District	a&b	404	N	Kelso	Poor of Kelso
Mrs Jane Hubners Bequest	Kelso & District	a&b	542	N	Kelso	Poor of Kelso
Edgar Bequest	Kelso & District	a&b	1,827	Y	Maxton	Poor- Parish of Maxton
Miss A Y Redpath Trust	Berwickshire	a&b	10	N	Coldingham	Benefit Parish of Coldingham
W M Swan Bequest	Berwickshire	a&b	101,394	N	Duns	Housing-Poor of Duns
Dunlop Bequest	Berwickshire	a&b	105,342	Y	Duns	Widows & Spinsters of Duns
Majoriebanks Bequest	Berwickshire	a&b	3,981	Y	Duns	Poor of Duns
Bogend & Cairnsmill	Berwickshire	a&b	5	N	Fogo	Poor in the parish of Fogo
Lands At Harcarse	Berwickshire	a&b	3	N	Fogo	Poor in the parish of Fogo
Lands at Calfward	Berwickshire	a&b	27	Y	Fogo	Poor in the parish of Fogo
			<b>210,762</b>			
Askirk Parish Welfare Fund	Selkirkshire	a&b	1,277	N	Ashkirk	Sick & aged-Ashkirk Parish
David Grieves Bequest	Bowden	a&b	311	N	Bowden	Poor - bowdenat xmas, poor & industrious pretestant widows
Christopher Boyd's Bequest	Galashiels & District	a&b	34,796	N	Galashiels	Poor of Galashiels

Fund Name	Area Restriction	Charitable Purpose Restriction	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Current purpose
G.D.Gibson's Bequest	Galashiels & District	a&b	2,429	N	Galashiels	Poor of Gala.(not on Public assistance)
King Edward Memorial Coal Fund	Galashiels & District	a&b	895	N	Galashiels	Fuel-Galashiels
Miss Janet Flint's Bequest	Galashiels & District	a&b	841	N	Galashiels	Use by Burgh of Galashiels
Robert Watson Fund	Galashiels & District	a&b	53,037	Y	Galashiels	Poor of Galashiels
William Forrester's bequest	Galashiels & District	a&b	24,344	Y	Galashiels	Poor & Distressed-Galashiels
G D Gibson's Bequest	Galashiels & District	a&b	2,428	Y	Galashiels	Poor of Gala.(not on Public assistance)
Ex Provost Mercers Bequest 1	Galashiels & District	a&b	1,096	Y	Galashiels	Poor of Galashiels
Colquhoun's Fund (Lauder)	Lauder	a&b	4,653	N	Lauder	Poor in parish of Lauder
Miss Annzilla P. Tillie's Bequest	Lauder	a&b	5,771	N	Lauder	Deserving aged -Lauder
Rait's Mortification	Lauder	a&b	4,779	Y	Lauder	Indigent burghesses of Lauder
Dalrymples Mortification	Lauder	a&b	1,589	Y	Lauder	Indigent burghesses of Lauder, their widows & orphans
Waugh Bequest	Melrose & District	a&b	1,063	Y	Melrose	Poor of Melrose
William Hill Trust No2	Melrose & District	a&b	6,324	N	Melrose, Gattonside, Newstead	Melrose, Gattonside,Newstead-pensioners
Anderson Trust	Selkirkshire	a&b	2,315	N	Selkirk	Poor of Selkirk
James Hart Trust Fund	Selkirkshire	a&b	6,872	N	Selkirk	Poor & Industrious Protestant Widows & Spinters - Selkirk
MacDonald Legacy	Selkirkshire	a&b	3,060	N	Selkirk	Orphans-Selkirk Parish
The Dryden Fund Trust	Selkirkshire	a&b	1,383	N	Selkirk	Poor -County of Selkirk
Robert's Trust	Selkirkshire	a&b	22,340	N	Selkirk	Poor of Selkirk
Clive Graig-Brown Bequest	Selkirkshire	a&b	16,612	Y	Selkirk	Distressed-Selkirk

Fund Name	Area Restriction	Charitable Purpose Restriction	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Current purpose
T J S Roberts Trust	Selkirkshire	a&b	12,315	Y	Selkirk	Poor of Selkirk
George D Gibson Bequest	Selkirkshire	a&b	10,337	Y	Selkirk	Poor of Selkirk
Sir John Roberts Bequest	Selkirkshire	a&b	6,499	Y	Selkirk	Poor of Selkirk
Thomas B Williamson Bequest	Selkirkshire	a&b	2,375	Y	Selkirk	Poor of Selkirk
			<b>229,741</b>			
R. Laidlaw's Gift	Tweeddale	a&b	573	N	Innerleithen	Innerleithen Christmas Fund
Disabled Sailors' & Soldiers fund for Peeblesshire	Tweeddale	a&b	6,681	N	Peebles	For the benefit of ex-servicemen & families
Frank Mathieson's Bequest	Tweeddale	a&b	317	N	Peebles	Peebles Town Old Folk's Treat
Mrs. Muir's Bequest	Tweeddale	a&b	670	N	Peebles	Peebles Town Poor Coal Fund
Brown Bequest	Tweeddale	a&b	423	Y	Drumelzier	For the poor of Drumelzier Parish
			<b>26,093</b>	Y	Peebles	
Dunwhinny - Simpson	Tweeddale	a&b	17,170	Y	Peebles	
Dunwhinny - Ferguson	Tweeddale	a&b	<b>51,927</b>	Y	Peebles	

**SBC Community Enhancement Trust - Charity Number SC044764**

**Charitable Purposes of the Trust**

- a) The advancement of community development;
- b) The advancement of the arts, heritage, culture or science, including the upkeep of heritage assets;
- c) The provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended; or
- d) The advancement of environmental protection or improvement.

Fund Name	Area Restriction	Charitable Purpose Restriction	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Current purpose
Alex Grieves bequest (1)	Hawick Denholm/Hawick & Hermitage	c	423	Y	Hawick	Seats-Hawick/2mile radius
W M Browns Bequest (1)	Hawick Denholm/Hawick & Hermitage	b	301	Y	Hawick	Lighting Fountains & clocks Hawick
Alex Grieves bequest (2)	Hawick Denholm/Hawick & Hermitage	b	289	Y	Hawick	Wilton Pk.Musm.showcases
William Hall's Trust	Hawick Denholm/Hawick & Hermitage	b	246	N	Hawick	For Religious Purposes-General Hawick area
W Rutherford Bequest	Hawick Denholm/Hawick & Hermitage	none	21,213	N	Hawick area	Burial-Wilton/Local Charities.
Hawick War Memor.(Flower Section)	Hawick Denholm/Hawick & Hermitage	b	53	N	Hawick	War Memorial
Alexander Ritchies Bequest	Hawick Denholm	b	26	N	Denholm	Burial Liars- Denholm
Miss Jessie Patersons Bequest	Hawick & Hermitage	b	52	N	roberton	Burial Ground- Roberton
Barton Bequest	Hawick & Hermitage	b	316	N	Teviothead	Lairs- Teviothead
Mrs Mills Bequest	Hawick & Hermitage	b	41	N	Teviothead	Burial- Teviothead
G H L Oliver Bequest	Hawick Denholm	b	195	N	Hobkirk	Family Grave- Hobkirk
Mrs Susan Bells Bequest	Hawick Denholm	b	8	N	Hobkirk	Burial- Hobkirk
			<b>23,163</b>			
Abbey Floodlighting Fund	Jedburgh & District	b	176	N	Jedburgh	Floodlighting-Abbey Rev
Queen Marys House	Jedburgh & District	b	558	N	Jedburgh	For Roof Repair
Robert Jack Bequest	Jedburgh & District	b	129	N	Jedburgh	Plants-Q.Mary's Ground

Fund Name	Area Restriction	Charitable Purpose Restriction	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Current purpose
Miss C J Barries Bequest	Jedburgh & District	b	104	N	Oxnam	Family Burial - Oxnam
Mrs McNair Trust	Jedburgh & District	b	56	N	Oxnam	Burial Liars in Oxnam
Yair Bequest	Kelso & District	b	29	N	Eckford	Burial- Eckford
Huggan Bequest	Jedburgh & District	b	52	N	Jedburgh	Family Burial-Castlewood
War Graves Upkeep	Jedburgh & District	b	26	N	Jedburgh	Castlewood Lairs 468/469
Miss Mary Smiths Bequest	Kelso & District	b	10	N	Kirk Yetholm	Family Grave-Kirk Yetholm
Robert Dodds	Kelso & District	b	210	N	Ednam	Burial Ground- Ednam
Chisholm Bequest	Jedburgh & District	b	199	N	Maxton	Burials - Maxton
W H Thomsons Trust	Kelso & District	b	207	N	Roxburgh	Burial Liars- Roxburgh
Hamilton Bequest	Jedburgh & District	b	74	N	St Boswells	Burial St Boswells
Howe Bequest	Jedburgh & District	b	10	N	St Boswells	Burial- St Boswells
Mrs Isabella D R Doves Bequest	Jedburgh & District	b	33	N	St Boswells	Family Grave-St.Boswells
Ramsay-Fairfax Bequest	Jedburgh & District	b	226	N	St Boswells	Burial- St. Boswells
Morrison Bequest	Kelso & District	b	28	N	Yetholm	John Kerr Burial- Yetholm
Hownam Trust Fund	Kelso & District	b	115	N	Hownam	Upkeep of graves
Roxburgh War Memorial	Kelso & District	b	189	N	Roxburgh	War Memorial
Roxburgh war Memorial	Kelso & District	b	50	N	Roxburgh	Roxburgh war memorial
			<b>2,481</b>			
Ayton War Memorial Fund	Berwickshire	b	3,870	Y	Ayton	Upkeep of war memorial
Longformacus Public Park	Berwickshire	c	262	Y	Longformacus	Upkeep of Public Park
Coldstream War Memorial Fund	Berwickshire	b	62	Y	Coldstream	Upkeep of war memorial
Greenlaw Parish Acc	Berwickshire	c	84	N	Greenlaw	For upkeep of village green
Coldstream Assoc.Trusts Fund	Berwickshire	none	1,504	N	Coldstream	Trust Fund Coldstream Assoc.
Flodden Memorial Fund	Berwickshire	b	2,771	N		Maintenance of Monument
Robt. Elliot B G Trust	Berwickshire	b	15	N	Coldingham	Burial Ground- Coldingham



Fund Name	Area Restriction	Charitable Purpose Restriction	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Current purpose
Mrs A Swan Duns B G Rutherford B G Trust	Berwickshire	b	144	N	Duns	Maint. of burial ground in Duns
Mrs. Agnes Dodds	Berwickshire	b	33	N	Gordon	Burial Ground- Gordon
Mrs M C A Taubman	Berwickshire	b	63	N	Greenlaw	Burial Ground- Greenlaw
	Berwickshire	b	139	N	Polwarth	Burial Ground- Polwarth
			<b>8,947</b>			
Earlston Back Row Repair	Earlston	none	38	N	Earlston	Amenities of Earlston
Miss Isabella Wallace's Fund	Earlston	none	13,930	N	Earlston	Unknown
Earlston Mill Meadow	Earlston	none	2,920	N	Earlston	Burial Ground-Earlston
Woods Bequest	Earlston	b	376	N	Earlston	Burial Ground-Earlston
Wallace Bequest	Earlston	b	621	N	Earlston	Burial Ground-Earlston
Wallace Memorial fund	Galashiels & District	b	6,055	N	Galashiels	Galashiels War Memorial
Eastlands Burying Ground Fund	Galashiels & District	b	1,475	N	Galashiels	Eastlands Burial Grd.Maint.
Fraser Memorial fund	Selkirk & District	b	226	N	Selkirk	Maintenance of Monument
James Hogg Centenary Fund	Selkirk & District	b	187	N	Selkirk	Maintenance of Monument
John Brodie Bequest	Selkirk & District	b	1,135	N	Selkirk	Tablets for Notabilities-Selkirk
Selkirk Std. Bearer Memorial Fund	Selkirk & District	b	2,324	N	Selkirk	Maintenance of Memorial
Sir Walter Scott Monument Fund	Selkirk & District	b	393	N	Selkirk	Upkeep of Monument
Alexander Kirk Bequest	Selkirk & District	b	10	N	Selkirk	Burial Ground - Selkirk
James Barrie's Bequest	Selkirk & District	b	31	N	Selkirk	Burial Ground - Selkirk
Miss Euphemia Ballantyne's Beqst.	Selkirk & District	b	10	N	Selkirk	Burial Ground - Selkirk
Miss Helen A.Lawson Bequest	Selkirk & District	b	26	N	Selkirk	Burial Ground -Selkirk

Fund Name	Area Restriction	Charitable Purpose Restriction	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Current purpose
Miss Thomasina Riddell's Bequest	Selkirk & District	b	181	N	Selkirk	Burial Ground -Selkirk
Mrs Katherine A.Steven Bequest	Selkirk & District	b	26	N	Selkirk	Burial Ground -Selkirk
Mrs Robina H McCracken's Bequest	Selkirk & District	b	41	N	Selkirk	Burial Ground -Selkirk
Mrs.Elizabeth Hogg Bequest	Selkirk & District	b	93	N	Selkirk	Burial Ground -Selkirk
Rodger Bequest	Selkirk & District	b	10	N	Selkirk	Burial Ground - Selkirk
Sornville Bequest	Selkirk & District	b	10	N	Selkirk	Burial Ground - Selkirk
T.D. Hutchinson Bequest	Selkirk & District	b	39	N	Selkirk	Burial Ground - Selkirk
Meikle Trust	Selkirk & District	b	5,009	N	Yarrow	Family grave-Hangingshaw
Mrs E.Chalmer's Bequest	Selkirk & District	b	25	N	Ashkirk	Burial Ground-Ashkirk
Mrs E.Parr Fund	Selkirk & District	b	430	N	Ettrick	Graves of James Hogg, W.Laid- law, PJ Phillips- ettrick
Rev. R. Birkett's fund	Selkirk & District	b	91	N	Ettrick	Tombstone/grave-Kirkhope
Thomas Dickson Bequest	Selkirk & District	b	298	N	Ettrick	Graves of self & wife-Ettrick
Alex Kirk Fund	Selkirk & District	b	68	N	Kirkhope	Thos.Murray's headstone - Kirkhope
Kirkwood bequest	Lauder & District		68	N	Lauder	Tombstone-Lauder Cemetery
William Murray's Fund	Lauder & District		65	N	Lauder	Murray Tombstone-Lauder
Lauder Light railway	Lauder & District	b	395	N	Lauder	
Lauder library trust (marion Turnbull)	Lauder & District	b	33,557	N	Lauder	Books,tapes,videos-Lauder Primary sch/Public Hall
Orminston Trust ( Meikle Clock)	Melrose	b	37	N	Melrose	Community of Melrose
William Hill Trust No1	Melrose	b	207	N	Melrose	Family Grave
Brewster bequest	Melrose	b	356	N	Melrose	Burial Grd.-Wairds Cemetery
Fraser Bequest (2)	Melrose	b	96	N	Melrose	Family Burial Grd.-Melrose

Fund Name	Area Restriction	Charitable Purpose Restriction	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Current purpose
Nash bequest	Melrose	b	41	N	Melrose	Burial Grd.-Wairds Cemetery
Philpott Bequest	Melrose	b	58	N	Melrose	Burial Grd.-Wairds Cemetery
Winder legacy	Melrose	b	518	N	Merose	Burial Grd.-Melrose
Hunter Bequest	Melrose	b	83	N	Melrose	Burial Grd.-Abbey Chrchyard
Phin Bequest	Melrose	b	86	N	Melrose	Burial Grd.-Abbey Churchyd.
Mertoun War Memorial	Selkirkshire	b	46	N	Mertoun	War memorial- Mertoun
King George V Playing Field	Selkirkshire		652	N	Newtown	Upkeep of Field
			<b>72,343</b>		StBoswells	
Sir Walter Scott Statue Fund	Tweeddale	b	832	N	Clovenfords	Paint Scott Statue-Clovenfords
Peebles County War Memorial Fund	Tweeddale	b	1,160	N	Peebles	Peebles War Memorial
Lady Thomson's Endowment Fund	Tweeddale	b	26	N	Walkerburn	Playgrd. Equipt.-Walkerburn
West Linton War Memorial Fund	Tweeddale	b	116	N	West Linton	W.Linton War Memorial
Tweedside Physical & Antiquarian Socy.	Tweeddale	b	2,323	N	Tweeddale	Caretaking-Articles with Council
J. W. Riddell Bequest	Tweeddale	b	614	N	Caddonfoot	Burial Ground-Caddonfoot
Peter Lockie's Bequest	Tweeddale	b	122	N	Caddonfoot	Burial Ground-Caddonfoot
Mrs J O Hogg's bequest	Tweeddale	b	161	N	Peebles	Peebles cemetery
Peebles Cemetery-Lair Enclosure	Tweeddale	b	481	N	Peebles	
Thomas Ross Bequest	Tweeddale	b	29	N	West Linton	Family Burial Grd.-W.Linton
Provost Mathieson Bequest	Tweeddale	b	275	N	Innerleithen	Family Burial Grd.-Innerleithen
Gracie Bequest	Tweeddale	b	141	N	Stobo	Family Burial Grd.-Stobo
			<b>6,280</b>			

Fund Name	Current Purpose	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Position update
Mrs Hopes Bequest for Brewster Memorial	Tablet on House/Tomb	2,570	N	Jedburgh	Project being developed by Community Council
Mini Bus Fund	Purch and Maintenance	3,724	N	Jedburgh	Has been fully disbursed to Pipe Band for purchase of Mini Bus
Burial Ground Bequests (Kelso)	Burial Ground Maintenance	3,233	N	Kelso	Project being developed by Community Council
R Browns Bequest	Burials/Lairs- Sprouston	15	N	Sprouston	Project being developed by Community Council
JAS Henderson Memorial	Outward bound advent, gen chart& attainment	23,144	Y	Morebattle	Working with Community Council to ensure funds as disbursed correctly and in line with requirements of Australian Trustees
Sir Walter Leitch Scholarship		21,998	Y	Morebattle	
Fraser Bequest (1)	To form nucleus of a Melrose	17,984	N	Melrose	Community Council currently being consulted on formal establishment of Melrose Common Good
William Hill Trust No3	Inhabitants of Melrose	174,647	N	Melrose	and possible amalgamations with these Trusts
Gibson Park Trust	Community of Melrose	25,707	N	Melrose	
Heron-Maxwell Trust	Poor- Bowden at Christmas	34	N	Bowden	Project being developed by Community Council
Pringle Bequest	Burial- Bowden Churchyard	21	N	Bowden	
Mrs J.G.Robson's Bequest	Aged and Poor of Lauder	1416	N	Lauder	Full amount disbursed to purchase outdoor furniture
Ex Provost Mercers Bequest No2	To form Gala C.G.Fund	1414	N	Galashiels	Transfer fund to Galashiels Common Good Fund
Gala Mill Lade		1037	N	Galashiels	Discussions held with Gala Mill Lade Committee & Gala Water ways
Elliott Bequest	upkeep of Broughton old Kirk	5,841	N	Broughton	
Murray Trust Bequest	Family Burial Grd.-Broughton	404	N	Broughton	Project being developed by Community Council
P H Cosen Bequest	Family Burial Grd.-Broughton	212	N	Broughton	
Walkerburn War Memorial Fund	Walkerburn War Memorial	1,126	N	Walkerburn	Possible project led by Community Council
C. M Stenhouse's Bequest	Innerleithen War Memorial	545	N	Innerleithen	
William Muir's Bequest	Innerleithen Town Clock	593	N	Innerleithen	Possible project led by Community Council
D F Story Bequest	Innerleithen -Coals for Poor	73	N	Innerleithen	

## Appendix 7

Fund Name	Current Purpose	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Education
Houston Family Prize Jane & Robert Wallace Music	Best pupil in history yr 5, Hawick High Prize for most enhanced musical life	589 2,401 <b>2,990</b>	N N	Hawick Hawick	Y Y
Jedburgh Public Library Fund Kelso Library Book Fund Mrs Cleland Memorial Prizes Andrew, Agnes John Kyle Bequest	Heiton PS Prizes Student in furtherance of Arts	1,535 625 976 874 <b>4,010</b>	Y Y Y Y	Jedburgh Kelso Kelso Jed/Kelso	N N Y Y
Jane Grieves Endowment L/C F W Dobson Special Air Service Reg Fund Coldstream Guards Prize Hans D Langmack Prize Fund J Purves Bequest C W Dunnet Jean Kincaird Grieve Endowment I K Forrest Life Save Trust Isabella Ritchie Collin Bequest	Chirnside Sch Prizes/BKs/Eqt Coldstream Prim Sch Prizes Coldstream Prim Sch Prizes Coldstream Prim Sch Prizes Coldstream Prim Sch Prizes Eyemouth Maths Prize Eyemouth High School Whitsome Sch Prizes/Bks/Eqt Award for life saving at BHS pool Common sense & best sense of	1,382 4,876 1,260 943 578 2,921 320 1,809 2,115 285 <b>16,489</b>	Y Y Y Y Y Y Y Y N N	Chirnside Coldstream Coldstream Coldstream Coldstream Eyemouth Eyemouth Whitsome Duns Eyemouth	Y Y Y Y Y Y Y Y Y Y
Dickson Shield( Municipal Baths) Murray Medal Fund Kenneth Cochrane Library Fund Kennedy Medal Fund Selkirk Library Fund Selkirkshire Educational Trust Prof. K J Dennis Centennial Fund McKinney bequest Mary Dickson Prize Fund	Swimming Medal Galashiels Academy Prize to Dux Geographic Jns.Gala. Libry. Selkirk High School prize to Dux Selkirk High School - personal social Selkirk High School- creative writing Glendinning Prim Sch Prizes	707 2,961 1,680 625 3,599 12,494 28,024 2,984 838	N Y Y Y Y Y N N Y	Galashiels Galashiels Galashiels Selkirk Selkirk Selkirkshire Selkirk Selkirk Glendinning	Y Y Y Y N N Y Y Y

Fund Name	Current Purpose	Balance as at 31 March 2017 £	OSCR Reg	Current Area	Education
Miss A P Pringles Bequest	Stow Pri. School-Prizes	659	N	Stow	Y
Wright Bequest Prize Fund	Heriot School-Prizes	726	N	Heriot	Y
Paterson Fund		61	N		
George Knox Bequest	Support of Elder people in Gala	452,250	N	Galashiels	N
Peebles Library Fund	Library	364	N	Peebles	N
Chambers Institute		288,829	N	Peebles	N
Innerleithen Public Library	upkeep of library	308	N	Innerleithen	N
Innerleithen Fund	Library	601	N	Innerleithen	N
Campbell Calderhead Prize	Caddonfoot Prim Sch Prizes	811	Y	Caddonfoot	Y
Boy's Brigade Silver Plate Fund	Silver Plate for Annl.Competn.	817	N		Y
James Robertson Trust	Eddleston School	1051	Y	Eddleston	Y
Peebles Educational Trust		22665	Y	Peebles	Y
Geoffrey Simpson Bequest	Peebles High School prize Head Boy &	17133	Y	Peebles	Y
Col Jem Richard Prize Fund	Peebles High Sch Prizes	3056	Y	Peebles	Y
Walter Geddes Prize Fund	Peebles High School prize - Latin	1290	Y	Peebles	Y
John Jamieson Prize Fund	Peebles High Sch prize - biology	663	Y	Peebles	Y
Peebles Public Library	For upkeep of Library	261	Y	Peebles	Y
Mr & Mrs W F Johnstone Fund	St Ronans Secondary Prize	838	Y	St'Ronans	Y
Dr Milne Memorial Fund	2/3 Newlands, 1/3 West Linton Prim	1428	Y	West Linton/Newlands	Y
Midlothian Educational Trust	Education	82	N	Unknown	Y
Roxburghshire Educational Fund	Education	102214	Y	Roxburghshire County	Y
Berwickshire Educational Trust	Education	6546	N	Berwickshire County	Y
Sundry Family Burial Grounds	Family Burial Grounds	12033	N	Roxburghshire County	N
Ainslie Bequest	Family Burial Ground	52	N	Roxburghshire County	N
John Kerrs Bequest	Miss J.E.H.Maxwell Burial	10	N	Roxburghshire County	N
Frank D Peebles Junior Fund	Accum.to 2127, then if Peebles not part of UK 0.5 to descendants of FD	517	N	Peebles	N



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## **TREASURY MANAGEMENT MID-YEAR REPORT 2017/18**

**Report by Chief Financial Officer**

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**SCOTTISH BORDERS COUNCIL**

**21 December 2017**

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### **1 PURPOSE AND SUMMARY**

- 1.1 This report presents the mid-year report of treasury management activities for 2017/18, in line with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice, including Prudential and Treasury Management Indicators, and seeks approval for the revised Prudential and Treasury Management indicators.**
- 1.2 The report is required as part of the Council's treasury management control regime. It provides a mid-year report on the Council's treasury activity during the six month period to 30 September 2017 and demonstrates that Treasury activity in the first six months of 2017/18 has been undertaken in full compliance with the approved Treasury Strategy and Policy for the year.
- 1.3 Appendix 1 contains an analysis of the performance against the targets set in relation to Prudential and Treasury Management Indicators, and proposes revised estimates of these indicators in light of the 2016/17 out-turn and experience in 2017/18 to date for Council approval.

### **2 RECOMMENDATIONS**

- 2.1 It is recommended that Scottish Borders Council:**
  - a) Notes that treasury management activity in the six months to 30 September 2017 was carried out in compliance with the approved Treasury Management Strategy and Policy.**
  - b) Notes that the Audit & Scrutiny Committee have scrutinised this report on 25 September.**
  - c) Agrees the revised Prudential and Treasury Management indicators as detailed in Appendix 1.**

### **3 BACKGROUND**

- 3.1 The Council approved the Annual Treasury Management Strategy (the Strategy) for 2017/18 at the Council on 9 February 2017. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 3.2 The Audit and Scrutiny Committee has a role to scrutinise the Mid Year Report before submission to Council for final approval. The Audit & Scrutiny Committee reviewed the mid-year report and accompanying strategy on 25 September 2017. An Informal Briefing Seminar on 'Borrowing and Treasury Management in Councils' was also held on 25 September 2017 and was designed to enhance Members' knowledge and understanding of treasury management strategy and related reports, borrowing and other financing decisions, affordability, sustainability, and performance benchmarking to assist the Committee to effectively fulfil this role.

### **4 TREASURY MANAGEMENT MID-YEAR REPORT 2017/18**

- 4.1 The Treasury Management Mid-Year Report for 2017/18 (the Mid-Year Report) is contained in Appendix 1. All of the 2017/18 target indicators reported upon are based on the indicators agreed as part of the Strategy approved by Council on 9 February 2017.
- 4.2 The Mid-Year Report has been prepared in compliance with CIPFA's Code of Practice, and covers the following:
  - a) An economic update for the first six months of 2017/18
  - b) A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
  - c) The Council's capital expenditure (prudential indicators)
  - d) A review of the Council's investment portfolio for 2017/18
  - e) A review of the Council's borrowing strategy for 2017/18
  - f) A review of compliance with Treasury and Prudential Limits for 2017/18
- 4.3 The Mid-Year Report at Annex A contains revised Prudential and Treasury Management Indicators for Council approval. An additional indicator has been included for PI-3 to show the Ratio of Financing Costs to Net Revenue including the PPP financing and repayment costs.
- 4.4 The Mid-Year Report indicates that the Council's Treasury Management activities are being managed and monitored within the agreed boundaries and indicators approved by the Council.

### **5 IMPLICATIONS**

#### **5.1 Financial**

There are no further financial implications relating to this report. The outcomes from the Council's treasury management activities are explained in detail within Appendix 1.



## 5.2 Risk and Mitigations

This report is an account of the outcomes delivered at the six month stage by the risk controlled work that the Council's Treasury staff have undertaken. The report is an important element of the overall risk management environment but has no specific risk implications of its own.

## 5.3 Equalities

It is anticipated that there are no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals in this report.

## 5.4 Acting Sustainably

There are no direct economic, social or environmental issues with this report which would affect the Council's sustainability policy.

## 5.5 Carbon Management

There are no direct carbon emissions impacts as a result of this report.

## 5.6 Rural Proofing

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

## 5.7 Changes to Scheme of Administration or Scheme of Delegation

No changes to the Scheme of Administration or Scheme of Delegation are required as a result of this report.

## 6 CONSULTATION

- 6.1 The Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council are currently being consulted and any comments received will be incorporated into the final report.

### Approved by

**David Robertson**  
**CHIEF FINANCIAL OFFICER**

**Signature .....**

### Author(s)

Name	Designation and Contact Number
John Yallop	Senior Finance Officer 01835 824000 ext 5933

### Background Papers:

### Previous Minute Reference:

Audit & Scrutiny Committee, 13 November 2017

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. The Treasury & Capital Team can also give information on other language translations as well as providing additional copies.

Contact us at: Treasury & Capital Team, Council Headquarters, Newtown St Boswells,  
Melrose, TD6 0SA Tel: 01835 825016 Fax 01835 825166.  
email: [treasuryteam@scotborders.gov.uk](mailto:treasuryteam@scotborders.gov.uk)

## **SCOTTISH BORDERS COUNCIL**

### **TREASURY MANAGEMENT MID-YEAR REPORT 2017/18**

## 1. BACKGROUND

### a) Treasury management is defined as:

“The management of the local authority’s investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks”.

### b) The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the treasury management operations is to ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing security and adequate liquidity, before considering optimising investment return.

### c) The second main function of the treasury management service is the funding of the Council’s capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses. On occasion, where favourable conditions exist, any debt previously drawn may be restructured to meet Council risk or cost objectives.

### d) **Annex A** contains a summary of the updated Prudential and Treasury Management Indicators for 2017/18 as highlighted throughout this report.

## 2 ECONOMIC POSITION

### 2.1 ECONOMIC UPDATE *(from Capita Asset Services)*

**UK.** After the UK economy surprised on the upside with strong growth in 2016, growth in 2017 has been disappointingly weak; quarter 1 came in at only +0.3% (+1.7% y/y) and quarter 2 was +0.3% (+1.5% y/y) which meant that growth in the first half of 2017 was the slowest for the first half of any year since 2012. The main reason for this has been the sharp increase in inflation, caused by the devaluation of sterling after the referendum, feeding increases in the cost of imports into the economy. This has caused, in turn, a reduction in consumer disposable income and spending power and so the services sector of the economy, accounting for around 75% of GDP, has seen weak growth as consumers cut back on their expenditure. However, more recently there have been encouraging statistics from the manufacturing sector which is seeing strong growth, particularly as a result of increased demand for exports. It has helped that growth in the EU, our main trading partner, has improved significantly over the last year. However, this sector only accounts for around 11% of GDP so expansion in this sector will have a much more muted effect on the average total GDP growth figure for the UK economy as a whole.

The Monetary Policy Committee (MPC) meeting of 14 September 2017 surprised markets and forecasters by suddenly switching to a much more aggressive tone in terms of its words around warning that Bank Rate will need to rise. The Bank of England Inflation Reports during 2017 have clearly flagged up that they expected CPI inflation to peak at just under 3% in 2017, before falling back to near to its target rate of 2% in two years time. Inflation actually came in at 2.9% in August, (this data was released on 12 September), and so the Bank revised its forecast for the peak to over 3% at the 14 September meeting MPC. This marginal revision can hardly justify why the MPC

became so aggressive with its wording; rather, the focus was on an emerging view that with unemployment falling to only 4.3%, the lowest level since 1975, and improvements in productivity being so weak, that the amount of spare capacity in the economy was significantly diminishing towards a point at which they now needed to take action. In addition, the MPC took a more tolerant view of low wage inflation as this now looks like a common factor in nearly all western economies as a result of increasing globalisation. This effectively means that the UK labour faces competition from overseas labour e.g. in outsourcing work to third world countries, and this therefore depresses the negotiating power of UK labour. However, the Bank was also concerned that the withdrawal of the UK from the EU would effectively lead to a decrease in such globalisation pressures in the UK, and so would be inflationary over the next few years.

It therefore looks very likely that the MPC will increase Bank Rate to 0.5% in November or, if not, in February 2018. The big question after that will be whether this will be a one off increase or the start of a slow, but regular, increase in Bank Rate. As at the start of October, short sterling rates are indicating that financial markets do not expect a second increase until May 2018 with a third increase in November 2019. However, some forecasters are flagging up that they expect growth to improve significantly in 2017 and into 2018, as the fall in inflation will bring to an end the negative impact on consumer spending power while a strong export performance will compensate for weak services sector growth. If this scenario were to materialise, then the MPC would have added reason to embark on a series of slow but gradual increases in Bank Rate during 2018. While there is so much uncertainty around the Brexit negotiations, consumer confidence, and business confidence to spend on investing, it is far too early to be confident about how the next two years will pan out.

- b) **EU.** Economic growth in the EU, (the UK's biggest trading partner), has been lack lustre for several years after the financial crisis despite the ECB eventually cutting its main rate to -0.4% and embarking on a massive programme of QE. However, growth picked up in 2016 and now looks to have gathered ongoing substantial strength and momentum thanks to this stimulus. GDP growth was 0.5% in quarter 1 (2.0% y/y) and 0.6% in quarter 2 (2.3% y/y). However, despite providing massive monetary stimulus, the European Central Bank is still struggling to get inflation up to its 2% target and in August inflation was 1.5%. It is therefore unlikely to start on an upswing in rates until possibly 2019.
- c) **USA.** Growth in the American economy has been volatile in 2015 and 2016. 2017 is following that path again with quarter 1 coming in at only 1.2% but quarter 2 rebounding to 3.1%, resulting in an overall annualised figure of 2.1% for the first half year. Unemployment in the US has also fallen to the lowest level for many years, reaching 4.4%, while wage inflation pressures, and inflationary pressures in general, have been building. The Fed has started on a gradual upswing in rates with three increases since December 2016; and there could be one more rate rise in 2017 which would then lift the central rate to 1.25 – 1.50%. There could then be another four more increases in 2018. At its June meeting, the Fed strongly hinted that it would soon begin to unwind its \$4.5 trillion balance sheet holdings of bonds and mortgage backed securities by reducing its reinvestment of maturing holdings.
- d) **Chinese economic growth** has been weakening over successive years, despite repeated rounds of central bank stimulus; medium term risks are increasing. Major progress still needs to be made to eliminate excess industrial capacity and the stock of

unsold property, and to address the level of non-performing loans in the banking and credit systems.

- e) **Japan** is struggling to stimulate consistent significant growth and to get inflation up to its target of 2%, despite huge monetary and fiscal stimulus. It is also making little progress on fundamental reform of the economy.

## 2.2 ECONOMIC OUTLOOK

The overall balance of risks to economic recovery in the UK is currently to the downside but huge variables over the coming few years including the timing of, and what final form Brexit will look like when agreed with the EU..

Downside risks to current forecasts for UK gilt yields and PWLB rates currently include:

- UK economic growth and increases in inflation are weaker than we currently anticipate.
- Weak growth or recession in the UK's main trading partners - the EU and US.
- Geopolitical risks in Europe, the Middle East and Asia, which could lead to increasing safe haven flows.
- A resurgence of the Eurozone sovereign debt crisis.
- Weak capitalisation of some European banks.
- Monetary policy action failing to stimulate sustainable growth and to get inflation up considerably to around monetary policy target levels.

The potential for upside risks to current forecasts for UK gilt yields and PWLB rates, especially for longer term PWLB rates include: -

- The pace and timing of increases in the Fed. Funds Rate causing a fundamental reassessment by investors of the relative risks of holding bonds as opposed to equities and leading to a major flight from bonds to equities.
- UK inflation returning to significantly higher levels causing an increase in the inflation premium inherent to gilt yields.

## 2.3 INTEREST RATE FORECAST

- a) Table 1 summarises the latest interest rate forecast from the Council's treasury adviser, Capita Asset Services.

	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20
<b>Bank rate</b>	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.50%	0.50%	0.75%	0.75%
<b>5yr PWLB rate</b>	1.50%	1.60%	1.70%	1.70%	1.80%	1.80%	1.90%	1.90%	2.00%	2.00%
<b>10yr PWLB rate</b>	2.20%	2.30%	2.30%	2.40%	2.40%	2.50%	2.50%	2.60%	2.60%	2.70%
<b>25yr PWLB rate</b>	2.90%	2.90%	3.00%	3.00%	3.10%	3.10%	3.20%	3.20%	3.30%	3.30%
<b>50yr PWLB rate</b>	2.70%	2.70%	2.80%	2.80%	2.90%	2.90%	3.00%	3.00%	3.10%	3.10%

**Source: Capita Asset Services – October 2017.**

- b) Capita Asset Services undertook its last review of interest rate forecasts on 9 August after the quarterly Bank of England Inflation Report. There was no change in MPC policy at that meeting. However, the MPC meeting of 14 September revealed a sharp change in sentiment whereby a majority of MPC members said they would be voting for an increase in Bank Rate “over the coming months”. It is therefore possible that there will be an increase to 0.5% at the November MPC meeting. If that happens, the question will then be as to whether the MPC will stop at just withdrawing the emergency Bank Rate cut of 0.25% in August 2016, after the result of the EU withdrawal referendum, or whether they will embark on a series of further increases in Bank Rate during 2018.

### 3 TREASURY MANAGEMENT POLICY STATEMENT - UPDATE

- a) The Treasury Management Policy Statement (the Statement) was approved by Council in April 2010. There have been no policy changes to the Statement. The details in this report update the position in light of updated economic position and budgetary changes.
- b) Treasury Management Strategy Statement (TMSS) for 2017/18 was approved by Council on 9 February 2017. There were no policy changes to the Statement. The details in this report update provides an update on Treasury Management activities, including Prudential and Treasury Management Indicators.

### 4 COUNCIL’S CAPITAL EXPENDITURE AND FINANCING 2017/18

#### 4.1 This part of the report is structured to update:

- The Council’s capital expenditure plan.
- How these plans are being financed.
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow, and
- Compliance with the limits in place for borrowing activity.

#### 4.2 CAPITAL EXPENDITURE (Prudential Indicator (PI-1))

- a) The original capital plan for 2017/18 was approved on 09 February 2017. **Table 2** shows the current budgets for capital expenditure compared to the original estimates used in the Treasury Management Strategy report for 2017/18 which included net budget timing movements from prior years.

<b>Table 2</b>	<b>2017/18 Original Budget</b>	<b>2017/18 Current Approved Budget <sup>1</sup></b>	<b>Variance Original to Current Approved</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Assets & Infrastructure	24.7	28.5	3.8
Other Corporate Services	2.7	4.0	1.3
Children & Young People	13.5	16.8	3.3
Culture & Sport	1.8	2.1	0.3
Economic Development	3.1	8.3	5.2
Emergency & Unplanned Schemes	0.3	-	(0.3)
Health & Social Care	0.1	0.4	0.3
Planned Phasing Adjustments	(4.0)	(3.4)	0.6
<b>Total Capital Expenditure (PI-1)</b>	<b>42.2</b>	<b>56.7</b>	<b>14.5</b>

**<sup>1</sup> Executive Committee 21 November 2017**

b) The current approved budget for 2017/18 is higher than the original budget due to adverse timing movements from February 2017 to 31 March 2017 in areas of the capital plan. Detailed explanations of the movements within the planned expenditure have been reported in the ongoing monitoring reports, the last of which was to the Executive Committee on 21 November 2017. The key drivers for the 2016/17 changes in Table 2 are:

- Assets & Infrastructure – Road and Transport Infrastructure. Total additions to budget amount to £1.86m. Also increases to the Land and Property Infrastructure projects total £0.63m
- Other Corporate Services budget has increased by £2.85m, principally from the inclusion of additional £2.64m ICT Transformation budget.
- Children & Young People – School Estate budget increases amount to £3.32m. The key increases in estimated expenditure result from a net timing movement relating to the construction of Broomlands and Duns Primary Schools
- Economic Development – Additional budget as a timing movement between financial year amounting to £3.6m relates to the Hawick Regeneration project.

**4.3 FINANCING OF THE CAPITAL PROGRAMME**

a) **Table 3** on the following page draws together the main funding elements of the capital expenditure plans (see 4.2 above), comparing the original components of the funding strategy to those of the latest approved budget for the 2017/18 capital programme.

<b>Table 3</b>	<b>2017/18 Original Budget</b>	<b>2017/18 Current Approved Budget <sup>1</sup></b>	<b>Variance - Original to Current Approved</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
Capital Expenditure (PI-1)	42.2	56.7	14.5
Other Relevant Expenditure	2.0	0.4	(1.6)
<b>Total Expenditure</b>	<b>44.2</b>	<b>57.1</b>	<b>12.9</b>
<i>Financed by:</i>			
Capital receipts	(1.9)	(1.9)	-
Capital from Revenue (CFCR)	(0.3)	(0.4)	(0.1)
Developer Contributions	(1.4)	(1.7)	(0.3)
Govt. General Capital Grant	(14.5)	(15.4)	(0.9)
Govt. Specific Capital Grant	(3.1)	(9.3)	(6.2)
Other Grants & Contributions	(0.9)	(2.3)	(1.4)
Replacement Funds	(2.0)	(1.3)	0.7
<b>Total Financing</b>	<b>(24.1)</b>	<b>(32.3)</b>	<b>(8.2)</b>
<b>Net Financing Need for the Year</b>	<b>20.1</b>	<b>24.8</b>	<b>4.7</b>

**<sup>1</sup> Executive Committee 21 November 2017**

b) The increase in overall financing need is primarily driven by the additional projected capital expenditure as detailed in table 2, above. Total expenditure is also impacted by a re-profiling of the timing of “Other Relevant Expenditure” which relates to lending to the National Housing Trust project delivered by Bridge Homes LLP amounts to a movement of £1.6m. The impact on net financing need by this increase in expenditure of £13.0m in total, has been negated somewhat by a material increase in Scottish Government



Specific Grants of £6.2m, principally relating to the Hawick Regeneration and Early Learning and Childcare projects. Additional increases in other funding streams as detailed above has also increased total funding, thereby resulting in an increase to the net financing need of £4.7m. .

#### 4.4 CAPITAL FINANCING REQUIREMENT AND EXTERNAL DEBT INDICATORS

##### CAPITAL FINANCING REQUIREMENT (CFR) (PI-2)

- i) **Table 4** below shows the CFR, which is the underlying need to incur external borrowing for a capital purpose.
- ii) The CFR has been re-calculated in light of the changes to the capital plan and the fixed asset and reserve valuations in the Council's accounts for the year ending 31 March 2017. Accounting transactions relating to the Waverley Railway repayment omitted from original estimate assumptions account for the variance in the CFR as detailed below.

<b>Table 4</b>	<b>2017/18 Original estimate £m</b>	<b>2017/18 Revised estimate £m</b>	<b>Variance £m</b>
<b>CFR * (PI-2)</b>	<b>293.1</b>	<b>301.2</b>	<b>8.1</b>

*The CFR for this calculation includes current capital expenditure assumptions to 30 September 2017*

##### ACTUAL EXTERNAL DEBT (PI-5)

- iii) Projected external debt for 2017/18 is shown in **Table 5** below and is estimated to remain within the operational boundary.
- iv) **Table 5** also compares the current projected external borrowing estimate with the estimate in the Annual Strategy. In cash terms, the borrowing figure is higher than originally projected in line with the increased net financing need as detailed above. A variance in cash levels held at the year-end compared to those projected also impact on the variance below.
- v) Additional borrowing amounting to £10.0m has been undertaken in April 2017. Further borrowing of £5.2m is anticipated during the remainder of the year.

<b>Table 5</b>	<b>2017/18 Original estimate £m</b>	<b>2017/18 Current Approved Budget £m</b>	<b>Variance £m</b>
Borrowing	192.4	198.3	5.8
Other long-term liabilities	72.9	72.9	-
<b>Total External Debt (PI-5)</b>	<b>265.4</b>	<b>271.2</b>	<b>5.8</b>

##### (UNDER)/OVER BORROWING AGAINST CFR (PI-6)

- vi) A key control over treasury activity is a prudential indicator to ensure that, over the medium term, borrowing will only be for a capital purpose. Net external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2017/18 and next two financial years. This allows some flexibility for limited early borrowing for future years.

- vii) **Table 6** compares the prudential indicator for (under)/over borrowing against CFR versus the updated estimate for the year end and shows that the Council's actual debt levels are well within its capital financing requirement. This is primarily driven by the tactical measures which use the Council's surplus cash-flows to finance capital expenditure minimising the need enter into additional debt financing arrangements.

<b>Table 6</b>	<b>2017/18 Original estimate  £m</b>	<b>2017/18 Current Approved Budget  £m</b>	<b>Variance  £m</b>
<b>Gross External Debt</b>	<b>265.4</b>	<b>271.2</b>	<b>5.8</b>
CFR *	291.2	296.3	5.1
<b>(Under)/Over Borrowing against CFR (PI-6)</b>	<b>(25.8)</b>	<b>(25.1)</b>	<b>0.7</b>

\* The CFR for this calculation includes the current and two future years projected capital expenditure.

- viii) No difficulties are envisaged for the current or future years in complying with this prudential indicator.

#### **AUTHORISED LIMIT AND OPERATIONAL BOUNDARY (PI-7 and PI-8)**

- ix) Two further prudential indicators control the overall level of borrowing. These are:
- (i) The **Authorised Limit** which represents the limit beyond which borrowing is prohibited and the expected maximum borrowing need for the Council. It needs to be set and revised by Members. The Authorised Limit is the statutory limit determined under the Local Government in Scotland Act 2003.
  - (ii) The **Operational Boundary** which shows the expected operational debt position for the period.
- x) **Table 7** below shows revised estimates for the debt indicators for the 2017/18 financial year and compares them with the original estimates shown in the 2017/18 Treasury Management Strategy Report.

<b>Table 7</b>	<b>2017/18 Original estimate  £m</b>	<b>2017/18 Revised estimate  £m</b>	<b>Variance  £m</b>
<b>Gross External Debt (PI-5)</b>	<b>265.4</b>	<b>271.2</b>	<b>5.8</b>
<b>Authorised Limit</b> inc. Long Term Liabilities(PI-8a)	<b>343.6</b>	<b>348.0</b>	<b>4.4</b>
<i>Variance to External Debt Estimate</i>	<i>78.2</i>	<i>76.9</i>	<i>(1.4)</i>
<b>Operational Boundary</b> inc. Long Term Liabilities (PI-7a)	<b>285.0</b>	<b>289.5</b>	<b>4.5</b>
<i>Variance to External Debt Estimate</i>	<i>19.6</i>	<i>18.3</i>	<i>(1.3)</i>

#### **4.5 DEBT RESCHEDULING**

Debt rescheduling opportunities continue to have been limited in the current economic climate. No debt rescheduling was undertaken during the first six months of 2017/18. The position will continue to be monitored on an ongoing basis, but current interest rate

forecasts coupled with the corresponding restructuring penalty costs indicate it is unlikely that any debt rescheduling will be undertaken during the remainder of the year.

## INVESTMENT ACTIVITY

### 5.1 INVESTMENTS

- a) In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. As set out in Section 3, it is a very difficult investment market in terms of earning the level of interest rates commonly seen in previous decades as rates are very low and in line with the 0.25% Bank Rate. The continuing potential for a re-emergence of a Eurozone sovereign debt crisis and its impact on banks, prompts a low risk strategy. Given this risk environment and the fact that increases in Bank Rate are likely to be gradual and unlikely to return to the levels seen in previous decades, investment returns are likely to remain low.
- b) The Council held £11.5m of balances in interest bearing accounts as at 30 September 2017 (£6.1m at 31 March 2017). As a result of current market uncertainties, the Council has been prioritising the security of deposits by investing surplus balances with money market funds and the UK Government's Debt Management Office (DMO).
- c) The increase in the level of balances invested from March to September, highlighted above are due to timing differences between additional borrowing undertaken and corresponding capital expenditure, detailed in section 4.4 above.
- d) The Council, due to the cashflow position and the requirement to manage the Pension Fund cash as well as the Council's, continues to explore opportunities to invest surplus balances in the short term.

### 5.2 INVESTMENT COUNTERPARTY CRITERIA

- a) The current investment counterparty criterion, approved in the Treasury Management Strategy, represents a prudent approach to risk and the Council's concerns about security of investments. These prudent limits mean there are limited investment options when operating the cash-flow on a short term management basis.
- b) Considering security, liquidity and yield of investment, priority is given to security. Daily updates and reports are received from Capita Asset Services that allow officers to assess the continued credit worthiness of investment counter parties. At the end of September, the Council's bank, The Bank of Scotland had its credit rating upgraded one step by Moody's (one of the three main credit ratings agencies). This is a positive step, given the banks short and long term outlook downgrades by all three agencies in July 2016.
- c) All investments undertaken are on a short term, highly liquid basis, allowing access to invested funds at 1 days notice.
- d) Interest rates are also monitored on a daily basis to ensure the best return is obtained. Target for internal return on cash investment is to be above the 7 Day LIBID rate. The return for six months to 30 September 2017 has averaged 0.16%, compared against an average seven day LIBID rate of 0.11%.

## LOAN CHARGES

- a) The **Loan Charges** Revenue Budget estimate contained in the Council's Financial Plans approved on 09 February 2017 was £20.185m. It is expected that charges for 2017/18 will be lower than the budgeted figure, in line with the actual and projected borrowing requirements for the year.

**ANNEX A**

Indicator Reference	Indicator	Page Ref.	2017/18 Original estimate	2017/18 Revised estimate
<b>PRUDENTIAL INDICATORS</b>				
<b>Capital Expenditure Indicator</b>				
PI-1	Capital Expenditure Limits (£m)	5	42.2	56.7
PI-2	Capital Financing Requirement (£m) (CFR)	7	293.1	301.2
<b>Affordability Indicator</b>				
PI-3	Ratio of Financing Costs to Net Revenue (inc PPP repayment costs)	N/A	9.0%	8.9%
PI-4	Incremental (Saving)/ Cost Impact of Capital Investment Decisions on Council Tax	N/A	(0.02)	(0.04)
<b>External Debt Indicators</b>				
PI-5	External Debt (£m)	8	265.4	271.2
PI-7a	Operational Boundary (inc. Other Long Term Liabilities) (£m)	9	285.0	289.5
PI-7b	Operational Boundary (exc. Other Long Term Liabilities) (£m)	N/A	212.1	216.5
PI-8a	Authorised Limit (inc. Other Long Term Liabilities) (£m)	9	343.6	348.0
PI-8b	Authorised Limit (exc. Other Long Term Liabilities) (£m)	N/A	270.6	275.0
<b>Indicators of Prudence</b>				
PI-6	(Under)/Over Net Borrowing against the CFR (£m)	8	(25.8)	(25.1)
<b>TREASURY INDICATORS</b>				
TI-1	Upper Limit to Fixed Interest Rates based on Net Debt (£m)		285.0	289.5
TI-2	Upper Limit to Variable Interest Rates based on Net Debt (£m)		99.8	101.3
TI-3	Maturity Structure of Fixed Interest Rate Borrowing		<b>Lower</b>	
	Under 12 months		0%	
	12 months to 2 years		0%	
	2 years to 5 years		0%	
	5 years to 10 years		0%	
	10 years and above		20%	
TI-4	Maximum Principal Sum invested greater than 364 days	12	20%	20%

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## **ARRANGEMENTS FOR BY-ELECTION FOR SELKIRKSHIRE WARD**

### **Report by Chief Executive**

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## **SCOTTISH BORDERS COUNCIL**

**21 December 2017**

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### **1 PURPOSE AND SUMMARY**

- 1.1 This report provides information on the arrangements for the by-election to be held in the Selkirkshire Ward, following the resignation of Councillor Ballantyne.**
- 1.2 Councillor Ballantyne resigned from the Council with effect from 30 November 2017. The Chief Executive, as Returning Officer, has fixed the date of the by-election for the subsequent vacancy in the Selkirkshire Ward as Thursday 22 February 2018, with the count taking place – by electronic means – on Friday 23 February 2018, starting at 10.00 a.m. There will be 13 polling stations located at St Mary’s Hall, Cappercleuch; Boston Hall, Ettrick; Yarrow Village Hall; Kirkhope Village Hall; Philiphaugh Community Centre; Selkirk Parish Church Hall; Victoria Hall, Selkirk x 2; Ashkirk Village Hall; Lilliesleaf Village Hall; Midlem Village Hall; Bowden Village Hall; and Newtown Community Wing.
- 1.3 Early indications are that the cost for the by-election is likely to be between £25k and £28k.

### **2 RECOMMENDATIONS**

- 3.1 I recommend that the Council notes the following arrangements for the by-election for the Selkirkshire Ward:-**
  - (a) Polling Day is fixed as Thursday, 22 February 2018; and**
  - (b) the costs associated with the staffing, printing, supplies, venue hire, electronic equipment hire, and other expenses incurred by the Returning Officer, will be met from existing budget.**

### 3 BACKGROUND

- 3.1 Councillor Michelle Ballantyne, member for the Selkirkshire Ward, submitted a letter of resignation to the Chief Executive on 28 November 2017, with her resignation taking effect from 30 November 2017. In terms of Section 37 of the Local Government (Scotland) Act 1973, an election to fill the vacancy has to be held within three months from the date of resignation and the day on which the poll is held is fixed by the Returning Officer.

### 4 BY-ELECTION ARRANGEMENTS

- 4.1 The Chief Executive is the designated Returning Officer for the Scottish Borders Council area and has fixed the date of poll for the by-election for the vacancy in the Selkirkshire Ward as Thursday 22 February 2018. There will be 13 polling stations in the Ward: St Mary's Hall, Cappercleuch; Boston Hall, Ettrick; Yarrow Village Hall; Kirkhope Village Hall; Philiphaugh Community Centre; Selkirk Parish Church Hall; Victoria Hall, Selkirk x 2; Ashkirk Village Hall; Lilliesleaf Village Hall; Midlem Village Hall; Bowden Village Hall; and Newtown Community Wing.
- 4.2 The Count – which will be an electronic count - will take place in the Chamber at Council Headquarters on Friday 23 February 2018, starting at 10.00 a.m. This will allow time on the Thursday night at Council Headquarters to receive the ballot boxes from the polling stations, check the ballot paper accounts, and verify those postal votes which have been handed in to polling stations during the day. Candidates and agents will be invited to be present on the Thursday evening.
- 4.3 The main dates within the by-election timetable in 2018 are:
- Publication of notice of election – not earlier than Thursday 4 January and not later than Monday 15 January
  - Deadline for the delivery of nomination papers – not later than 4.00 p.m. on Monday 22 January
  - Deadline for withdrawals of nomination – not later than 4.00 p.m. on Monday 22 January
  - Publication of notice of poll – as soon as practicable after 4.00 p.m. on Monday 22 January
  - Deadline for notification of appointment or polling and counting agents – Thursday 15 February
  - **Polling day – Thursday 22 February (7.00 a.m. to 10.00 p.m.)**
  - Count – Friday 23 February, starting at 10.00 a.m.
  - Last day to submit election spending returns – Friday 30 March

### 5 IMPLICATIONS

#### 5.1 Financial

Early indications are that the cost for the by-election is likely to be between £25k and £28k. These costs include staffing; printing of poll cards, ballot papers and postal packs; venue hire and transport of equipment; electronic equipment hire for postal vote verification and the count; and other ancillary expenses. There was provision in the current year's Revenue budget for the local government election in May this year, and it is likely that the by-election costs can also be met from this heading, although it



may be necessary - depending on final costs - to cover some of these through virement from funds identified as part of the budget monitoring process.

## 5.2 Risk and Mitigations

Under legislation, the Council must make arrangements to hold a by-election to fill the post vacated by Councillor Ballantyne. A risk assessment has been carried out as part of the normal election planning process.

## 5.3 Equalities

No adverse equality implications are anticipated as a result of the by-election.

## 5.4 Acting Sustainably

There are no economic, social or environmental effects of preparing for and holding the by-election.

## 5.5 Carbon Management

There should be little impact on the Council's carbon emissions from holding the by-election.

## 5.6 Rural Proofing

A rural proofing check is not required for the by-election.

## 5.7 Changes to Scheme of Administration or Scheme of Delegation

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

# 6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, and the Service Director HR have been consulted and any comments received have been incorporated into the final report.

### Approved by

**Tracey Logan**  
Chief Executive

**Signature .....**

### Author(s)

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

**Background Papers:** Nil.

**Previous Minute Reference:** N/A

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

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