Public Document Pack

SCOTTISH BORDERS COUNCIL
THURSDAY, 30 JANUARY, 2020

A MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on THURSDAY, 30TH JANUARY, 2020 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
23 January 2020

BUSINESS		
1.	**Convener's Remarks.**	
2.	**Apologies for Absence.**	
3.	**Order of Business.**	
4.	**Declarations of Interest.**	
5.	**Minute** (Pages 5 - 14) Consider Minute of Scottish Borders Council held on 19 December 2019 for approval and signing by the Convener. (Copy attached.)	2 mins
6.	**Common Good Fund Sub Committees - Ratification by Full Council** (Pages 15 - 20) Consider report by Executive Director (Finance and Regulatory). (Copy attached.)	15 mins
7.	**Committee Minutes** Consider Minutes of the following Committees:- (a) Kelso Common Good Fund — 19 November 2019 (b) Chambers Institution Trust — 20 November 2019 (c) Peebles Common Good Fund — 20 November 2019 (d) Hawick Common Good Fund — 26 November 2019 (e) Planning & Building Standards — 9 December 2019 (f) Local Review Body — 16 December 2019 (g) Pension Fund Board — 17 December 2019 (h) Pension Fund Committee — 17 December 2019 (i) Selkirk Common Good Fund — 18 December 2019 (j) Planning & Building Standards — 13 January 2020 (k) Standards — 16 January 2020	5 mins

	(Please see separate Supplement containing the public Committee Minutes.)	
8.	**Committee Minute Recommendation** (Pages 21 - 22) Consider the recommendation made by Hawick Common Good Fund Sub-Committee at their meeting on 26 November 2019. (Copy attached.)	5 mins
9.	**Response to the Consultation by on the Scottish Government on the Replacement of the European Structural Funds in Scotland Post EU-Exit** (Pages 23 - 42) Consider report by Chief Executive. (Copy attached.)	15 mins
10.	**Draft Supplementary Planning Guidance: Tweedbank - Vision for Growth Sustainability** (Pages 43 - 134) Consider report by Executive Director. (Copy attached.)	30 mins
11.	**Core Banking Services** (Pages 135 - 138) Consider report by Executive Director (Finance and Regulatory). (Copy attached.)	10 mins
12.	**CCTV Provision in the Scottish Borders** (Pages 139 - 154) Consider report by Service Director Assets and Infrastructure. (Copy attached.)	15 mins
13.	**Motion by Councillor Weatherston** Consider Motion by Councillor Weatherston in the following terms:- "Following many complaints over several years from Sports groups and parents of children, Scottish Borders Council agrees to write to the Scottish Government requesting an addition to the Dog Fouling (Scotland Act) 2003 to create a new offence. It is requested that it be made an offence for a person in charge of a dog to allow it to defecate at any time on a sports pitch or children's play area."	5 mins
14.	**Motion by Councillor Greenwell** Consider Motion by Councillor Greenwell in the following terms:- "That the Council call on COSLA to set up a policy forum specifically related to developing policies and policy adjustments aimed at supporting serving and former members of the Armed forces and their families in accordance with the commitments made by all local Authorities in support of the Armed forces Covenant."	5 mins
15.	**Open Questions**	15 mins
16.	**Committee Membership** (a) Consider replacement of Councillor Aitchison on the Planning & Building Standards Committee and the Local Review Body; and (b) Appointment of the Leader as the Interim Portfolio Holder for Transformation.	5 mins
17.	**Any Other Items Previously Circulated**	

18.	**Any Other Items Which the Convener Decides Are Urgent**	
19.	**Private Business** Before proceeding with the private business, the following motion should be approved:- "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."	
20.	**Minute** (Pages 155 - 156) Consider private Section of Minute of Scottish Borders Council held on 19 December 2019. (Copy attached.)	1 mins
21.	**Committee Minutes** Consider private Sections of the Minutes of the following Committees:- (a) Chambers Institution Trust — 20 November 2019 (b) Hawick Common Good Fund — 26 November 2019 (c) Pension Fund Board — 17 December 2019 (Please see separate Supplement containing private Committee Minutes.)	1 mins
22.	**Committee Minute Recommendation** (Pages 157 - 158) Consider recommendation by the Hawick Common Good Fund Sub-Committee at their meeting on 26 November 2019. (Copy attached.)	5 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.**

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

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on Thursday, 19 December 2019 at 9.30 a.m.

Present:- Councillors D. Parker (Convener), S. Aitchison, H. Anderson, J. Brown, S. Bell, K. Chapman, K. Drum. G. Edgar, J. A. Fullarton, J. Greenwell, S. Hamilton, S. Haslam, E. Jardine, H. Laing, S. Marshall, W. McAteer, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Penman, C. Ramage, N. Richards, E. Robson, M. Rowley (from para 9), H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston

Apologies:- Councillors A. Anderson, C. Hamilton .

In Attendance:- Chief Executive, Executive Director (R. Dickson), Service Director Assets and Infrastructure, Service Director Customer and Communities, Service Director HR & Communications, Service Director Regulatory Services, Chief Social Work & Public Protection Officer, Joint Director of Public Health, Chief Financial Officer, Chief Legal Officer, Clerk to the Council.

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1. **CONVENER'S REMARKS**

The Convener congratulated:-

(a) The Jim Clark Museum which had won the RAC "Collection" Award, beating both the British Commercial Vehicle Museum and the Bugatti Trust in the final round;

(b) Clair Hepburn, Iain Davidson and Kathryn Dickson for achieving Living Wage Employer accreditation for Scottish Borders Council;

(c) Councillor Jardine for being highly commended at the 2019 Councillor Awards in the Rural Community Champion;

(d) Councillor Haslam for winning the Innovation and Digital award at the 2019 LGiU Scotland and CCLA Councillor awards for Councillors who had been particularly innovative or inclusive in helping to roll out digital solutions;

(e) Doddie Weir who had received the Helen Rollason Award at the Sports Personality of the Year, presented by the Princess Royal;

(f) the Corporate Management Team and other staff for their work organising the recent election and dealing with the Peebles High School fire. With regard to the Peebles High School fire, he also paid tribute to the Fire & Rescue Service, the Peebles community, the teaching staff and wider school community; and

(g) Brian Frater, Service Director Regulatory Services, who was due to retire from the Council after 39 years of service.

DECISION
AGREED that congratulations be passed to those concerned.

2. **MINUTE**

The Minute of the Meeting held on 31 October 2019 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:-

Local Review Body	21 October 2019
Audit & Scrutiny	24 October 2019
Duns Common Good	31 October 2019
Lauder Common Good Fund	31 October 2019
Planning & Building Standards	4 November 2019
Major Contracts Governance Group	5 November 2019
Tweeddale Area Partnership	5 November 2019
Police, Fire & Rescue and Safer Communities Board	8 November 2019
Eildon Area Partnership	14 November 2019
Local Review Body	18 November 2019
Executive	19 November 2019
Teviot & Liddesdale Area Partnership	19 November 2019
Audit & Scrutiny	25 November 2019

DECISION
APPROVED the Minutes listed above.

4. **FIT FOR 2024 UPDATE**

With reference to paragraph 1 of the Minute of 28 February 2019, there had been circulated copies of a report by the Chief Executive providing an updated overview of the approach being taken to the Council's Fit for 2024 (FF24) strategic transformation programme. It detailed progress made on delivery during 2019, an outline of the current programme plan, the required financial objectives and summarised the inherent risks. During this time the programme's structure, scope, governance arrangements, plan and financial quantum had been, or continued to be, developed. The report included the rationale, drivers for and approach to the undertaking of the FF24 programme, which to be successful must deliver over £19m of cashable efficiency benefits as outlined in the Council's 2019/20 five-year revenue financial plan. The report detailed the FF24 approaches, including process improvement, digital technology and service redesign methodology through which the ambitions of the programme would be delivered. Members agreed that this was the approach required to meet the future budget challenges and that innovative solutions to service provision were required.

DECISION
AGREED to:-

a) note the early development work undertaken on the FF24 Transformation Programme, and proposals for future service areas of focussed activity;

b) note the progress towards the 2019/20 savings target of £0.850 m, and details of future programme savings plans; and

c) receive further updates as part of the budget development process 2020/21 and at regular intervals thereafter as part of the Council's quarterly financial and performance monitoring arrangements.

5. **BORDERLANDS INCLUSIVE GROWTH DEAL – GOVERNANCE ARRANGEMENTS**

With reference to paragraph 15 of the Private Appendix to the Minute of 26 June 2019, there had been circulated copies of a report by the Executive Director setting out the Collaboration Agreement that would establish the formal governance of the Borderlands Inclusive Growth Deal (the Deal) and seeking the approval of Members for the Council to enter into the Agreement. The report also set out the operational requirements of the Borderlands Inclusive Growth Deal and the need to establish a programme management office (PMO) to

support the delivery of the Deal and to contribute to the shared costs for the PMO. Alongside its four partner Councils, Scottish Borders Council had been progressing work on the development of a Borderlands Inclusive Growth Deal. This work had involved close liaison with both UK and Scottish Governments in order to develop a small number of strategic programmes and projects. It would be essential that these programmes and projects complemented the South of Scotland Enterprise Agency proposals and supported the inclusive growth agenda. UK and Scottish Governments had committed to fund £345m over 10-15 years for the Borderlands Inclusive Growth Deal, with £150m available for Scotland. The Borderlands Partnership now needed to move onto a formal footing, based on the Collaboration Agreement set out in Appendix 1 to the report. The partners were also progressing the establishment of a Programme Management Office to ensure the effective operation of the Deal and the Borderlands Partnership in future. Mr Dickson advised that Dumfries and Galloway Council had already approved a similar report. Members welcomed the report and looked forward to the projects being taken forward.

DECISION
AGREED:-

(a) to enter into a formal agreement with its Borderlands partners as set out in the Collaboration Agreement in Appendix 1 to the report;

(b) to note that the Agreement contained in Appendix 1 to the report was the final draft, but that there may be a requirement for minor amendments to the Agreement as it was prepared for signature;

(c) that approval of any further amendments to the Agreement be delegated to the Chief Executive in consultation with the Leader and Executive Member for Business and Economic Development;

(d) that the Council supported the formation of the Programme Management Office (PMO) and contributed a pro-rata share of the budget, as set out in Appendix 2 to the report, at an initial cost of £98, 766, to be funded in the current year from existing Economic Development budget, and subject to future budget planning process;

(e) to note that the budget for the PMO set out in the report was for the initial requirements and that further capacity may be required as the Deal entered its full delivery phase, and this would be the subject of future reports and budget planning;

(f) to note that there was considerable further work to support the long term cross-border programme and that consideration would be required through the budget process to the allocation of future revenue and capital to support both the development and delivery of the Borderlands Inclusive Growth Deal, subject to further reporting to Members;

(g) to appoint the Leader as the Council's representative on the Partnership Board and that the Executive Member for Business and Economic Development be the substitute as required by the Collaboration Agreement; and

(h) to note that further reports would be presented to Council to consider the progress from Heads of Terms to Final Deal Agreement.

6. **BEST VALUE AUDIT REPORT**

There had been circulated copies of a report by the Chief Executive presenting the findings of the 2019 Best Value Assurance audit of Scottish Borders Council for consideration. The report explained that the Local Government in Scotland Act 2003 introduced the statutory duty of Best Value. The Best Value Assurance audit of Scottish Borders Council in 2019 had

been undertaken by Audit Scotland, with the Controller of Audit presenting the report to the Accounts Commission as part of the requirement to do so at least once during the five-year audit appointment. The 2019 Scottish Borders Council Best Value Assurance Report, contained in Appendix 1, provided a range of findings following an intensive process of scrutiny of the Council's Vision & Strategic Direction, Performance, Use of Resources, Partnership Working and Continuous Improvement. Scottish Borders Council had welcomed the scrutiny of the 2019 Best Value Assurance audit, providing an opportunity to showcase the Council's achievements and further strengthen the ongoing ambitious improvement programme with valuable external perspectives. In response to the audit findings, senior officers had developed an Action Plan and this was detailed in Appendix 2 to the report. Members expressed some concern regarding the Best Value audit process and the Chief Executive advised that the changing climate was not properly reflected. In response to a question on the performance of the Integrated Joint Board the Chief Financial Officer advised that this reflected the issues experienced by these Boards across the country. The challenge facing Boards going forward should not be underestimated given the growing elderly population and the level of resources required. The Chief Executive commented that the changing climate in which the Council operated was not reflected in the Best Value Audit Report and it was difficult to meet expectations with the budget available to the Council.

DECISION
AGREED:-

(a) to note the findings contained within the Scottish Borders Council Best Value Assurance Report dated October 2019 contained in Appendix 1 to the report;

(b) to accept the recommendations contained within the Best Value Assurance Report detailed in Appendix 1 to the report;

(c) to approve the Best Value Audit Action Plan, contained in Appendix 2, and that implementation progress was reported as part of Fit for 2024 updates to Council; and

(d) that the Audit & Scrutiny Committee undertook regular monitoring of the implementation of the Action Plan.

7. **PUBLIC PLAY FACILITIES STRATEGY UPDATE**

There had been circulated copies of a report by the Service Director Assets and Infrastructure as requested by the Members' Sounding Board. Following the Audit & Scrutiny Committee meeting on 24 October 2019, the outcome of which was subsequently considered at a Members' Sounding Board meeting on 5 November 2019, the report set out a proposed process for further engagement on proposals for the decommissioning of some play equipment in some play parks within the Scottish Borders. This was integral to the planned future investment in Public Play facilities and proposals, agreed as part of the 2018/19 Capital Investment Plan and updated within the Capital Investment Plan 2019-20. The report explained that the 2019/20 Capital Investment Plan currently included funding of £5.036m into Outdoor Community Spaces over a 10-year period. This investment aimed to unlock community aspirations in this area and would create high quality destination play parks, as well as facilities for skating and small wheels, youth shelters and opportunities for people of all ages to take part in physical activity. Investment in these destination play parks had already completed in Galashiels, Harestanes, Selkirk, Hawick, Coldstream and Kelso with Peebles currently being procured. The new investment created a financial burden and, in order to ensure a cost neutral impact of the investment to the Parks & Environment service, a programme of decommissioning of aged and underutilised play equipment was also to be implemented. Council had agreed in May 2018 to review the distribution of play equipment provision across play parks in the Borders, which could inform decision making around future investment in communities and guide the rationalisation of play facilities which were deemed no longer fit for purpose, ensuring a cost neutral impact on established budgets with the service. This review resulted in proposals to decommission equipment in 74 play parks,

based on assessment criteria that included location and context, play value (quality) and usage – thereby ensuring cost neutrality and the continuity of maintenance and investment across the remaining play parks. Scottish Borders Council had received 2 petitions opposing these proposals in Kelso and Hawick respectively, which were both heard at the Audit & Scrutiny Committee on 24 October 2019. The Committee decided to recommend to Council the following;

"*that Scottish Borders Council re-assesses its original decision made on 31 May 2018 in relation to the capital programme 18/19 and investment in play areas and outdoor community spaces to 'delegate authority to the Service Director Assets and Infrastructure, after consultation with local Members, the Chief Financial Officer and the Chief Legal Officer, to declare play parks obsolete or those surplus to requirements and arrange for the removal of equipment and disposal, if appropriate.' The Service Director should be requested to prepare a fully costed report on options for future and existing play park provision for consideration at the next meeting of Council*."

A Members' Sounding Board meeting, comprising representatives from each of the political groups, was convened on 5 November 2019 to consider a way forward and the report set out their considerations. Members welcomed the report and that the recommendations addressed the concerns expressed by communities.

DECISION
AGREED:-

(a) to note the findings of the Audit & Scrutiny Committee and the Members' Sounding Board;

(b) that officers undertake a series of meetings, on a ward by ward basis, with all Members of that Ward, with detailed proposals indicating which play equipment was intended to be removed and which would be retained as part of a future programme of planned investment and upgrades; and

(c) that, following these meetings, the Service Director Assets & Infrastructure would bring a further report initially to the Members' Sounding Board on the way forward for play parks.

8. **FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 – BORDERS FLOOD STUDIES**
With reference to paragraph 7 of the Minute of 19 May 2016, there had been circulated copies of a report by the Service Director Assets and Infrastructure seeking approval of the findings and recommendations of the Borders Flood Studies for the purpose of submitting the appropriate information for future flood schemes in the Scottish Borders at Newcastleton, Peebles, Broughton, Crowbyres (Hawick) & Lindean (Selkirk) to the Scottish Environment Protection Agency (SEPA) for inclusion in the National Prioritisation Process 2022–2028. The report explained that the inception of the Flood Risk Management (Scotland) Act 2009 (FRM Act) required the production of Local Flood Risk Management Plans covering each Local Plan District (LPD) in Scotland on a cyclic 6 yearly basis, namely 2016–2022, 2022–2028 & 2028–2034. Scottish Borders Council's area fell within 3 of the 14 Local Plan Districts in Scotland. These were Forth Estuary LPD, Tweed LPD and Solway LPD. There were two sets of complementary plans; Flood Risk Management Strategies which were developed by SEPA and approved by Scottish Ministers and Local Flood Risk Management Plans produced by Lead Authorities. Scottish Borders Council was the Lead Authority for the Tweed Local Plan District. The Flood Risk Management Strategies and Local Flood Risk Management Plans were developed through collaborative partnerships between Local Authorities, SEPA and Scottish Water. The Flood Risk Management Strategies and Local Flood Risk Management Plans provided a framework for co-ordinating actions across catchments to deal with all sources of flooding. These plans ensured long term planning around flooding and under Section 41(2) of the FRM Act, Scottish Ministers must take them into account when allocating funding. This approach helped target investment to areas where there was the greatest risk of flooding and where communities could receive the

greatest benefit. The Local Flood Risk Management Plans took the objectives and actions identified in the Flood Risk Management Strategies and set out who would be responsible for delivering the action, how the action would be funded, a timetable for when the action would be delivered and how it would be co-ordinated within the Flood Risk Management Cycle. The National Prioritisation Process formed part of the development of the Flood Risk Management Strategies and Local Flood Risk Management Plans. The prioritisation process assessed all flood risk management actions (i.e. flood studies, flood schemes etc.) against a set of criteria to provide a rank at a national level. Approval was required to allow Council officers to submit the appropriate information to SEPA in December 2019 for the National Prioritisation Exercise of future flood protections schemes to be delivered in the next Flood Risk Management Planning (FRM) Cycle 2022–2028. Once a national ranking had been given this would inform the Council what flood protection schemes could be delivered in the Flood Risk Management Cycle 2022 – 2028. Dependant on the budget allocation at a national level, the top ranked schemes would get first priority on the funding pot. Councillor Bell commented on the situation in Innerleithen and moved the following amendment to add an additional recommendation:-

"continuing engagement of the Flood & Coastal Management team with community bodies in Innerleithen as they elaborate new multi-year maintenance and catchment plans (consistent with objectives and actions of the Tweed Flood Risk Management [FRM]Strategy and the Tweed Local FRM Plan) in order to encourage awareness and resilience."

Councillor Tatler seconded the Motion and Members unanimously agreed to accept this amendment. Members also thanked officers for their engagement with Community Councils in the relevant areas.

DECISION
AGREED:-

(a) to approve the submission of information to SEPA for the National Prioritisation Exercise 2022–2028 for consideration of a flood protection scheme in:-

(i) Peebles;
(ii) Newcastleton;
(iii) Broughton;
(iv) Crowbyres (Hawick)
(v) Lindean (Selkirk); and

(b) continuing engagement of the Flood & Coastal Management team with community bodies in Innerleithen as they elaborate new multi-year maintenance and catchment plans (consistent with objectives and actions of the Tweed Flood Risk Management [FRM]Strategy and the Tweed Local FRM Plan) in order to encourage awareness and resilience.

MEMBER
Councillor Rowley joined the meeting.

9. **PEEBLES HIGH SCHOOL OPTIONS APPRAISAL**

There had been circulated copies of a report by the Service Director Assets and Infrastructure providing an update on the Emergency Incident that took place at Peebles High School on 28 November 2019 and seeking authority to allocate £100,000 from the Emergency and Unplanned Capital budget to undertake an Options Appraisal to assist in determining future plans for the site. A serious fire within Peebles High School on 28 November 2019 caused significant damage to certain parts of the overall school buildings, immediately affecting 26 classrooms comprising Art, Complex Needs, Maths, Modern Languages as well as toilets, changing facilities and other accommodation. A recovery plan had been activated to ensure that the provision of education could be resumed as soon as possible to those parts of the building where it was safe and practical to do so. Detailed

planning work and an options appraisal would be required to evaluate what future provision could look like on the site. This would require external advisors, designers and cost managers to be appointed to take forward this work. The report related to the long term use of the site and not any short-medium term plans to resume educational delivery as a direct consequence of the fire. Members commended officers and the Peebles Community for their work and support, as well as the support from those communities and venues where pupils from Peebles were currently being educated. In response to a question on the availability of counselling for parents, the Chief Executive advised that this was available for pupils and staff but difficult to extend to parents who should consult their own GP. It was proposed that pupils would return to Peebles to sit their prelim exams.

DECISION
AGREED:-

(a) to note the contents of the report and that further reports would be brought back to Council in due course; and

(b) to allocate £100,000 from the 2019/20 Emergency & Unplanned Capital Budget to be used for an options appraisal at Peebles High School.

10. **OPEN QUESTIONS**
The questions submitted by Councillors Robson and Bell were answered.

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

11. **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

12. **Minute**
The private section of the Council Minute of 31 October 2019 was approved.

13. **Committee Minutes**
The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.

14. **Shared Service Model with Midlothian Council**
Members approved a report by the Chief Executive.

The meeting concluded at 12.10 p.m.

SCOTTISH BORDERS COUNCIL
19 DECEMBER 2019
APPENDIX I

OPEN QUESTIONS

Question from Councillor Robson

To Executive Member for Adult Social Care
Who took the decision to terminate the funding for Borderline Helpline and for what reasons, and is any replacement service being set up?

Reply from Councillor Weatherston
The decision to end the funding to Borderline was jointly taken by NHS Borders and SBC at the Executive Management Team Meeting.

The Health and Social Care partnership, with its significant financial challenges in mind, reviewed its funding to this organisation. Consideration was given to the Equalities Impact Assessment (EIA) completed and the external review of commissioned services including Borderline. Although Borderline provides a good quality service valued by its users, as there are now alternative national help lines (Breathing Space and The Samaritans) as well as the local mental health crisis team, we have reached the difficult decision to end this contract with 6 months notice. We would also like to highlight the other early intervention and preventions services that we have recently invested in such as the Local Area Coordination Team, The Wellbeing College and the Well Being Service. In addition we have also been working with Primary Care Services to develop a comprehensive primary care mental health service which will be available directly to patients from GP practices across the Scottish Borders.

We will be working hard to support Borderline to seek alternative sources of funding and will be working with them to develop a transition plan to ensure that callers are aware of all the other support services available including those delivered out of hours.

Supplementary
Councillor Robson suggested that it was a disgrace that this funding had been withdrawn without consultation and that these services were not available elsewhere. Councillor Weatherston did not dispute the value of the service but given the huge budget challenges we could not afford to fund this service. The Council were working with them to identify other sources of funding but alternative services which were available offered a 24hr service whereas Borderline was only available 3 hours per evening.

Question from Councillor Bell

To Executive Member for Business and Economic Development
Will Scottish Borders Council be making a formal response to the consultation - which close on 31st January - on the Proposed Remote Rural Communities (Scotland) Bill?

Reply from Councillor Rowley
It is not proposed to make a formal response to this consultation on a private members' bill.

In responding to the challenges of rural areas, we believe that the Council's energies and capacity are best focused on critical developments such as the South of Scotland Enterprise Agency, Borderlands and the Edinburgh and the South-East of Scotland City Deal. These promise to have a truly transformational impact for our area, and all are built on principles of sustainable development which promote an equalities based approach responsive to needs across the board, including in rural settings.

Our focus should be on deprivation, isolation, depopulation, increasing dependency ratio, low growth, low skills and low wages and these are as pertinent in rural as in remote rural contexts.

Ensuring that sustainable development and therefore rural proofing is hard-wired into how the Growth Deals, the Agency and the Council go about their business is likely to be the best way of ensuring that we deliver for our most rural areas.

Officers would try to be available to assist should members wish to submit a response to the consultation.

Supplementary
Councillor Bell ask if the Executive Member would alert rural Community Councils and other Portfolio holders. Councillor Rowley advised he had submitted his own response and encouraged other Councillors to respond.

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COMMON GOOD FUND SUB-COMMITTEES – RATIFICATION BY FULL COUNCIL

Report by the Executive Director Finance & Regulatory

SCOTTISH BORDERS COUNCIL

30 January 2020

1 PURPOSE AND SUMMARY

1.1 This report seeks approval to amend the Scheme of Administration to add an additional referred function to the Common Good Fund Sub – Committees.

1.2 There may be circumstances when all of the Members of a Common Good Fund Sub – Committee have an interest in a funding application and as a result the Sub Committee is unable to determine the application. While such matters can be determined instead by Full Council, this approach does result in applications of a particularly local nature being decided with no input from those elected to represent that local community.

1.3 It is therefore proposed to add a new referred function (a starred item) to the Scheme of Administration which would allow the Sub Committee to make recommendations to Council on such application. The application would then be finally determined by Council. In this particular and exceptional circumstance, those Members who have an interest would declare that interest but would be able to participate in the discussion on that recommendation.

1.4 It is therefore proposed to add the following text to the Scheme of Administration under Common Good Fund Sub-Committees:

1.4.1 "* Make recommendations to Council on any grant application for local expenditure where the Sub – Committee would otherwise be inquorate for any reason, including the composition of the applicant body"

2 RECOMMENDATIONS

2.1 **I recommend that Council amends the Scheme of Administration to add the following referred function to each Common Good Fund Sub-Committee:**

"* **Make recommendations to Council on any grant application for local expenditure where the Sub – Committee would**

otherwise be inquorate for any reason, including the composition of the applicant body"

3 BACKGROUND

3.1 In administering the Common Good Fund, Common Good Fund Sub Committee Members are acting as Trustees. They are therefore subject to strict legal obligations to ensure that they are particularly conscious of potential conflicts of interests. As Members are aware when a conflict of interest exists a Member who is subject to that conflict should play no part in the decision making process.

3.2 There may be circumstances where a Common Good Fund Sub Committee finds more than half, or even all, of its Members have a conflict of interest because they have links to an applicant body. Where that occurs the Sub Committee would be unable to make a determination on the application as there would be insufficient Members able to lawfully participate in the decision making process to be quorate.

3.3 The 34 Members of Council, acting together, are of course the Trustees of all Common Good Funds, and the Sub Committees derive their authority to make decisions via the Scheme of Administration. However, it remains the position that any decision which has been delegated to a Sub Committee can be taken by Council itself.

3.4 Where the circumstances described in paragraph 3.2 occur therefore any such application can and should be determined by Council itself.

3.5 However, where these circumstances arise, it is likely to be the case that the application for grant is of a particularly local nature. It would therefore be unfortunate if such a decision were to be made by Full Council having had no input from those elected to represent the Burgh affected by the spend.

3.6 It is therefore considered appropriate that such applications are placed before the Sub – Committee, in order that the Sub Committee can express a view on the application. The Members who have a conflict would in these exceptional circumstances be able to participate in the discussion to reach a recommendation for Council

3.7 However as the decision on the grant should be taken by Council, it is proposed that such items appear on the Sub–Committee agenda as referred matters and are thereafter placed before Council as a starred item for approval.

4 IMPLICATIONS

4.1 **Financial**

There are no financial implications arising from this report.

4.2 **Risk and Mitigations**

There is a risk that if this recommendation is not approved a future decision of Council could be criticised for having insufficient local input.

There is a further risk that if the recommendation is not approved and the decision of the Sub Committee is allowed to be a final decision, that decision could be criticised or even challenged.

4.3 **Equalities**

It is not considered that an Equalities Impact Assessment is required for this report.

4.4 **Acting Sustainably**

There are no known significant impacts on the economy, community or environment arising from the proposals contained in this report.

4.5 **Carbon Management**

It is not anticipated that the Council's carbon emissions will be effected by the Council's decision in regard to this report.

4.6 **Rural Proofing**

It is anticipated there will be no adverse impact on rural areas from the proposals contained in this report.

4.7 **Changes to Scheme of Administration or Scheme of Delegation**

This report proposes a change to the Scheme of Administration. There are no changes required to the Scheme of Delegation.

5 CONSULTATION

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

Approved by

David Robertson
Executive Director Finance & Regulatory Signature .....

Author(s)

Name	Designation and Contact Number
Nuala McKinlay	Chief Legal Officer 01835 825220

Background Papers: None
Previous Minute Reference: None

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SCOTTISH BORDERS COUNCIL – 30 JANUARY 2020

STARRED ITEM FROM COMMITTEE MINUTES

HAWICK COMMON GOOD FUND – 26 NOVEMBER 2019

APPLICATION FOR FUNDING

6.4 **Hawick Reivers Association**

There had been circulated copies of an application for financial assistance from Hawick Reivers Association requesting £3,000.00 towards the overall running costs of the festival including insurance, marketing, venues etc. This would allow Hawick Reivers Association to continue to provide many of the events free of charge to the local population and visitors alike. The Sub-Committee discussed the application and unanimously agreed that as the Hawick Reivers Festival was of economic benefit to the town, it should receive annual funding from the Council's Community Fund.

DECISION

(a) AGREED to award a grant of £3,000.00 towards the overall running costs of the festival including insurance, marketing, venues etc.

*** (b) AGREED TO RECOMMEND TO COUNCIL that Hawick Reivers Association receive annual funding from the Council's Festival budget.**

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ITEM [insert Item No.]

RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATION ON THE REPLACEMENT OF THE EUROPEAN STRUCTURAL FUNDS IN SCOTLAND POST EU-EXIT

Report by the Chief Executive

SCOTTISH BORDERS COUNCIL

30 January 2020

1 PURPOSE AND SUMMARY

1.1 **The report seeks approval from Members for the Scottish Government's consultation on the Replacement of the European Structural Funds in Scotland Post EU-Exit.**

1.2 On 5 November 2019 the Scottish Government released a consultation paper (https://www.gov.scot/publications/replacement-european-structural-funds-scotland-post-eu-exit/) aimed at providing input into its policy dialogue with UK Government on the development of a new funding instrument. This will be the UK Shared Prosperity Fund, which has been previously announced by the UK Government as its replacement for European Union Structural Funds (i.e. European Regional Development Fund and European Social Fund). European Structural Funds are an important source of funding to support economic development and training. The deadline for responses to the consultation is 12 February 2020. The Scottish Government has indicated that its consultation excludes European funding such as LEADER, Fisheries etc. which will be handled separately.

1.3 The proposed response (see Appendix 1) indicates that the UK Shared Prosperity Fund should focus on tacking regional economic inequalities with the aim of improving economic cohesion across Scotland and the UK. NUTS 2 regions should be used to identify regions of intervention as they provide a geography with consistent regional economic data and are strategic enough to address the different economic challenges which are experienced across Scotland and the UK. This regional geography includes the new Southern Scotland NUTS 2 statistical area which was officially recognised in 2017. The Southern Scotland NUTS 2 area comprises the local authority areas of Dumfries and Galloway, Scottish Borders, South Ayrshire, East Ayrshire, North Ayrshire (excluding Arran and the Cumbraes) and South Lanarkshire. To recognise relative prosperity the measure of Gross Value Added (GVA) per head should be used as this provides a measure of productivity and income produced in regions.

1.4 The Southern Scotland NUTS 2 area has the lowest GVA per head of all the NUTS 2 regions in Scotland and the UK. Recently released economic statistics show that this has been case for the past 20 years, but has been masked because of the inclusion of its geography in wider city based NUTS 2 areas. The lack of recognition of Southern Scotland as a NUTS 2 region has meant that the area has been unable to access significant amounts of monies from the EU Structural Funds.

2 RECOMMENDATIONS

2.1 **I recommend that the Council agrees to the response to the Scottish Government's consultation on Replacement of the European Structural Funds in Scotland Post EU-Exit, as set out in Appendix 1.**

3 BACKGROUND

3.1 European Structural Funds have been an important tool in addressing regional differences in economic performance across Europe for a number of decades. As a result of the United Kingdom's withdrawal from the European Union, ongoing access to these funds will cease. The UK Government announced its intention to replace the European Structural Funds with a UK Shared Prosperity Fund. A Consultation by the UK Government has been delayed because of the UK General Election. On 5 November 2020 the Scottish Government released a consultation paper (https://www.gov.scot/publications/replacement-european-structural-funds-scotland-post-eu-exit/) aimed at providing input to its policy dialogue with UK Government on the development of this new funding instrument. The deadline for responses is 12 February 2020. The Scottish Government has indicated that its consultation excludes European funding such as LEADER (Rural development), Fisheries etc. which will be handled separately.

3.2 In the past, the Scottish Borders and the South of Scotland benefited from the European Structural Funds. This funding was allocated by programmes including the Scottish Borders Objective 5b programmes 1994-99; South of Scotland European Regional Development (ERDF) Objective 2 programme 2000-2006; Scottish Objective 3 (European Social Fund) Programme 2000-2006; and the Lowlands and Uplands Scotland (ERDF) programme 2007-2013.

3.3 These programmes achieved strong economic outcomes and outputs and provided around £60 million of support to a range of initiatives including the provision of business sites and premises; regeneration projects; tourism initiatives; business advice; training programmes; financial support to businesses; and business marketing assistance. Examples of projects included Ettrick Riverside in Selkirk, Borders Union Showground, Heart of Hawick, 7Stanes Mountain Biking Centres, the Scottish Borders Campus and business infrastructure in Eyemouth.

3.4 It has proved difficult to attract ERDF and ESF assistance for projects from the EU Structural Funds in the South of Scotland since 2010 because:

- The area was not part of a NUTS 2 region benefiting from higher levels of EU support and increased intervention levels, unlike the Highlands and Islands, despite its very low level of Gross Value Added (GVA) per head.
- An increasingly national approach has been taken by the Scottish Government to the allocation of EU Structural Funds with a focus on distributing funds directly through Agencies.
- Of the high levels of match funding needed to fund projects within the national programmes and the onerous and shifting audit requirements.

3.5 The low levels of Gross Value Added (GVA) per head in the South of Scotland would have led to Southern Scotland being designated by the European Union as a less developed region. This would have placed the South of Scotland in the same category as West Wales and Valleys and Cornwall and the Scilly Isles which have received large amounts of investment from the European Structural Funds. The reason this did not happen was that the South of Scotland was grouped together in NUTS2 European statistical areas with more prosperous urban city areas. Dumfries & Galloway was part of South Western Scotland which included

Glasgow, and the Scottish Borders was part of Eastern Scotland along with Edinburgh. A number of efforts were made over the last two decades to change the NUTS 2 boundaries in Scotland to better reflect the economic challenges in the South of Scotland.

3.6 Following feedback from the Scottish and UK Governments that the population of the South of Scotland (i.e. Dumfries and Galloway and Scottish Borders) was too small to be designated as a NUTS 2 statistical region, a wider Southern Scotland area proposal was developed with South Lanarkshire Council and the three Ayrshire local authorities. This was accepted in 2017 by Scottish Government, UK Government, and the European Commission.

3.7 The new NUTS 2 GVA statistics that included the new Southern Scotland NUTS 2 area were published in 2018. Updated GVA figures were published in December 2019. This shows that Southern Scotland is the NUTS2 area with the lowest GVA per head in the UK (LINK). During the entire period from 1998 to 2018, the Southern Scotland GVA per head has been below that of both West Wales and the Valleys and Cornwall & the Isles of Scilly and over these years these areas have benefited from significant levels of investment from the European Structural Funds.

3.8 In November 2019, the European Conference of Peripheral Maritime Regions (an influential group in EU circles) published a report (LINK) which looks at GVA figures for the UK's NUTS 2 statistical regions and calculates, using standard EU methodology, the category of support each region could have been expected to secure from the EU in the period 2021-2027 if the UK remained a Member State. CPMR calculates that Southern Scotland NUTS 2 would be designated as one of the UK's seven *'less developed regions'*.

3.9 The CPMR indicates that this designation would have led to transformative-level financial investment in the UK's seven *'less developed'* regions including Southern Scotland in 2021-27: at least £3.8 billion from the EU, with the expectation of further support from UK and Scottish Governments on top of this.

4. RESPONDING TO THE CONSULTATION

4.1 The Scottish Government consultation paper on 'The Replacement of European Structural Funds in Scotland Post EU-Exit' lists five 'non-negotiable points' which Scottish Government has considered should influence any replacement funding. These are:

- Scotland should not lose out financially compared to the current level of funding it receives from the EU.
- The devolution settlement must be respected.
- The Scottish Government role in the development of the Shared Prosperity Fund should be as partners, not merely consultees.
- The current level of flexibility of allocation of funds should not be reduced under post EU exit funding arrangements.
- The replacement should be operational from 1 January 2021 in order to be implemented in early 2021 so that our stakeholders do not suffer any difficulties due to funding gaps.

4.2 The consultation questions cover the Strategic Aims i.e. the Objectives, Alignment with Scottish Policy and Other Funding Streams; Alignment with UK and EU Policy; Monitoring and Evaluation; and Governance Structures covering Allocation and Programme Duration.

4.3 It is considered that the UK Shared Prosperity Fund should focus on tacking regional economic inequalities with the aim of improving economic cohesion across Scotland and the UK. There are a number of different geographies that could provide the basis for allocation of the Post-EU Structural Funds regional support. Based on experience, there are four potential geographies that could be chosen by Government:

a) City Region areas: There are now a number of obvious city-region areas active, particularly through City/Growth Deals. These areas are likely to be attractive to the Governments as a focus for investment and provide a suitably strategic level. However, this scale of area masks the economic challenges facing South of Scotland and other rural areas.

b) NUTS 2 Regions: These areas are EU statistical regions that have been used by the EU to assess and prioritise funding in the past. There is a strength in using this scale as it has recently been amended to recognise the economic challenges of Southern Scotland. In the past, Scotland missed out on significant allocations of EU funding because of the problems masked by the Eastern Scotland/South Western Scotland NUTS 2 demarcation which included city and urban areas.

c) Local Authority Areas: It is considered this scale is neither strategic enough to tackle strategic economic challenges, nor local enough to address economic 'need' in a detailed way. Allocating funds on this basis alongside normal Local Authority budget allocations may cause confusion and lose the potential for additionality.

d) Local areas based on Scottish Index of Multiple Deprivation: SIMD geographies are very local, 'output area' scale areas. This would be an effective way of targeting need, but limits the potential to take a strategic approach, and to properly take advantage of local opportunities. This approach would disadvantage rural areas like the South of Scotland as there are relatively fewer 'most-disadvantaged' SIMD areas.

4.4 Based on this appraisal of potential geographies there is need for a new National Regional policy which builds on the strengths of European Cohesion with its focus on tackling regional economic problems at NUTS 2 level. This approach would provide for the Southern Scotland NUTS 2 area to be recognised as a less developed region for funding purposes from the UK Shared Prosperity Fund. It is also in the interests of the Scottish Government to support NUTS 2 statistical areas as a basis for regional economic intervention as it is considered that this would maximise the resources from the UK Shared Prosperity Fund to be allocated to Scotland.

4.5 This view is in line with the significant lobbying efforts being made by those Councils in England led by Cornwall County Council who are using their status as less developed NUTS 2 statistical regions with a very low GVA per head to enhance their position for allocations from the future UK Shared Prosperity Fund.

4.6 The monies from the UK Shared Prosperity Fund to Southern Scotland NUTS 2 could be used to:

- Underpin and complement the regional economic development programme that will be developed by the South of Scotland Regional Economic Partnership and the South of Scotland Enterprise Agency together with the investments to be made by the Borderlands Inclusive Growth Deal and the Edinburgh and South East Scotland City Region Deal.
- Focus on supporting projects and programmes within the Scottish Borders and South of Scotland which promote cohesion and convergence and sustainable economic growth.
- Support sustainable and low carbon economic growth transformation approaches to economic development, the development of place, and innovation approaches to economic development in its widest sense.

4.7 Discussions have been held with officials from Dumfries and Galloway Council, South Ayrshire, East Ayrshire and North Ayrshire Councils and South Lanarkshire Council and the there is an agreement that there is a need to make a strong case for the Southern Scotland NUTS 2 statistical area to be a priority for funding from the UK Shared Prosperity Fund because of its his very low level of GVA per head. This provides the basis of the proposed response.

4.8 There is also a need to link this approach to changes in the UK Government's Regional Aid map which is due to be revised by the end of 2020 to ensure less developed regions including the Southern Scotland NUTS 2 area can access the highest levels of state aid to support businesses and social enterprises.

4.9 Learning from the European Structural Funds supported programmes, it is considered that programmes supported by the UK Shared Prosperity Fund should:

- Have regional and locally determined priorities
- Provide additional resources to economic development and training programmes and projects
- Show flexibility and provide for challenge funding aimed at attracting more external funding to regions
- Be simply administered.

5 IMPLICATIONS

5.1 Financial

There are no direct financial implications for the Council arising from this report. The outcome of this consultation could result in significant additional monies to support the economic development of the Scottish Borders which would also be of benefit to the Council.

5.2 Risk and Mitigations

The response seeks to mitigate the risks to the Scottish Borders of the replacement of the European Structural Funds. The risks are that the replacement will not meet the economic development needs of the Scottish Borders because of a lack of recognition of the importance of prioritising funding from the proposed UK Shared Prosperity Fund on the basis of NUTS 2 areas with very low levels of GVA per head. The response seeks to convince the Scottish Government of the importance of making this case for Scotland and the Southern Scotland NUTS 2 area.

5.3 **Equalities**

The monies from the UK Shared Prosperity Fund could potentially be used to support economic development and training projects to support economic opportunities for women, disabled and ethnic groups and disadvantaged people and communities.

5.4 **Acting Sustainably**

Sustainable Economic Growth and promoting a Low Carbon economy would be a fundamental requirement of economic development projects and projects supported by the Shared Prosperity Fund in the area.

5.5 **Carbon Management**

It is envisaged that a Low Carbon economy would be a fundamental requirement of economic development projects and projects supported by the Shared Prosperity Fund in the area.

5.6 **Rural Proofing**

Rural areas would likely be a key beneficiary of funding arising from the Shared Prosperity Fund.

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

There are no changes required to either the Scheme of Administration or the Scheme of Delegation.

6 CONSULTATION

6.1 The Council's Corporate Management Team, Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, Communications and the Clerk to the Council have been consulted on the report.

Approved by

Name **Rob Dickson** **Signature .....**

Title **Executive Director**

Author(s)

Name	Designation and Contact Number
Douglas Scott Bryan McGrath	Senior Policy Adviser Tel 01835 825155 Chief Officer Economic Development, Chief Executives – Tel 01835 826525

Background Papers: None
Previous Minute Reference: N/A
Previous Minute Reference: N/A

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APPENDIX 1

Draft Response by Scottish Borders Council to the Scottish Government's Consultation Paper on the Replacement of European Structural Funds in Scotland Post EU- Exit

Introduction

1. This paper sets out the proposed response to the Scottish Government's Consultation Paper on the Replacement of European Structural Funds in Scotland Post EU-Exit (i.e. The European Regional Development Fund and the European Social Fund) (LINK). It comprises a statement on the Consultation followed by responses to the individual questions asked by the Scottish Government.

2. The Scottish Government has indicated that the consultation excludes European funding such as LEADER, Fisheries etc. which will be handled separately. These funds are also very important to the Scottish Borders and South of Scotland together with other rural areas within Scotland, and it is considered a similar consultation process should be carried out for in relation to these funding sources.

South of Scotland and European Funding

3. In its description of European Funding in Scotland the consultation paper does not mention:
   a. The pioneering contribution that Scotland has made to the development of regional policy in the European Union and the success of past ERDF regional development programmes within Scotland such as those in the Highlands & Islands and the South of Scotland.
   b. The positive impact made by these regional programmes to national economic development.
   c. The important contribution made in the past by challenge funding to ERDF funded regional development programmes in the Scottish Borders and the South of Scotland in providing match funding from public and voluntary bodies who would not have otherwise invested in the region, together with the innovative approaches to development that have come from this funding.

4. In the past, the Scottish Borders and the South of Scotland benefited significantly from European Structural Funds. The main programmes providing this support were the Scottish Borders Objective 5b programmes 1994-99, South of Scotland European Regional Development (ERDF) Objective 2 programme 2000-2006, Scottish Objective 3 (European Social Fund) Programme 2000-2006, and the Lowlands and Uplands Scotland (ERDF) programme 2007-2013.

5. These programmes resulted in around £60million of funding to a range of initiatives including the provision of business sites and premises; regeneration projects; tourism initiatives; business advice; training programmes; financial support to businesses; and business marketing assistance. Examples of projects included Ettrick Riverside in Selkirk, Borders Union Showground, Heart of Hawick, 7Stanes Mountain Biking Centres, the Scottish Borders Campus and

business infrastructure in Eyemouth. These projects resulted in transformative economic diversification in key locations and significant increases in jobs.

6. It has proved difficult to attract ERDF and ESF assistance for projects from the EU Structural Funds in the South of Scotland since 2010 because:
   a. The area was not part of a NUTS2 region benefiting from higher levels of EU support and increased intervention levels, unlike the Highlands & Islands, despite its very low level of Gross Domestic Product (GDP) per head.
   b. An increasingly national approach has been taken by the Scottish Government to the allocation of EU Structural Funds with a focus on distributing funds directly through Agencies.
   c. The high levels of match funding needed to fund projects within the national programmes and the onerous and shifting audit requirements.

Approach to the Response to the Shared Prosperity Fund Consultation

7. European Cohesion Policy aims to reduce the regional economic imbalances within the European Union (EU). To tackle these regional imbalances monies are allocated by the EU to member states from the European Regional Development Fund (EDRF) and European Social Fund (ESF). The UK allocation for Cohesion Policy for the seven year period 2014-20 was €10.6 billion, so it is a significant investment.

8. The EU has traditionally used the indicator of Gross Value Added (GVA) per head in NUTS2 areas to identify the categories of regions to benefit from assistance arising from European Cohesion Policy. Three categories of NUTS2 regions are used for this purpose across member states. These are:

   - Regions with a regional GVA per head of less than 75% of the EU average are considered as **Less Developed Regions**. During the period 2014-20 there were no qualifying regions in Scotland and the only two such regions in the UK were West Wales and the Valleys, and Cornwall and the Scilly Isles.
   - **Transition Regions** which are regions with a regional GVA per head between 75% and 100% of the EU average. For 2014-20 the only region eligible in Scotland was the Highlands & Islands.
   - Those regions with an average regional GVA per head of over 100% are classed as **More Developed Regions**. In 2014-20 the rest of Scotland outside the Highlands and Islands was classified in this way.

9. It is Less Developed and Transition NUTS2 Regions that have received the highest levels of assistance from the EU.

The Importance of NUTS2 Regions

10. In Scotland in the period 2014-20 there were four NUTS2 areas i.e. Eastern Scotland, South Western Scotland, North Eastern Scotland and the Highlands & Islands. The Scottish Borders was included in the Eastern Scotland NUTS2 area and Dumfries and Galloway was included in the South Western Scotland NUTS2 area. The effect of this has been to mask the significant intra-regional

inequalities in economic performance between Scottish Borders and the wider Eastern Scotland NUTS2 area, and Dumfries & Galloway and the wider South Western Scotland NUTS2 area.

11. Since its formation in 2003 the South of Scotland Alliance has made the argument to the Scottish and UK Governments a number of times that the South of Scotland be considered as a Less Developed Region because of its very low levels of GDP per head. However, it was not reclassified as a NUTS2 area.

12. Following feedback from the Scottish and UK Governments that the population of the South of Scotland (i.e. Dumfries and Galloway and Scottish Borders) was too small to be designated as a NUTS2 region, a wider Southern Scotland area proposal was developed with South Lanarkshire and the three Ayrshire local authorities. This was accepted in 2017 by Scottish Government, UK Government, and the European Commission.

13. The new Southern Scotland NUTS2 area came into force in 2018. Tellingly, Southern Scotland is now the NUTS2 area with the lowest GDP per head in the UK (see Table 1 below). During the entire period from 1998 to 2018, the Southern Scotland GVA per head has been below that of both West Wales and the Valleys and Cornwall & the Isles of Scilly and over these years these areas which have benefited from significant levels of investment from the European Structural Funds.

Table 1: NUTS2 areas with the lowest GVA per head in 2018

NUTS2 areas	GVA per head	% of UK average
Southern Scotland	£17,028	59.3%
West Wales and The Valleys	£18,079	62.9%
Tees Valley and Durham	£18,787	65.4%
Cornwall and Isles of Scilly	£19,288	67.1%
South Yorkshire	£19,471	67.8%
Outer London - East and North East	£19,520	67.9%
Lincolnshire	£19,818	69.0%
Devon	£21,061	73.3%
Shropshire and Staffordshire	£21,318	74.2%
Merseyside	£21,660	75.4%
East Yorkshire and Northern Lincolnshire	£21,703	75.5%

Source: ONS – Regional Gross Value Added (Balanced) per head and income components LINK

Recognising the Southern Scotland NUTS 2 Region

14. In November 2019, the European Conference of Peripheral Maritime Regions (CPMR) (an influential group in EU circles) published a report (LINK) which looks at the updated GDP figures for the UK's NUTS2 statistical regions and calculates, using standard EU methodology, the category of support each region could have been able to secure from the EU in the period 2021-2027 if the UK remained a Member State. CPMR calculates that Southern Scotland NUTS2

would be designated as one of the UK's seven *'less developed regions'*. (see changes in Map 1 below)

15. The report highlights the stark regional inequalities in the UK. The difference between Inner London West, the richest NUTS2 region in the UK with a regional GDP average of 623.7% of the EU average, and Southern Scotland, the UK's poorest region with a regional GDP of 63.7% of the EU average, is particularly striking and a unique case in Europe.

16. Overall if the UK remained in the EU it is estimated by CPMR that UK regions would be entitled to a 22% increase in cohesion/regional funding in 2021-27, up from €10.6 billion to €13 billion euros, due primarily to the weaker regional economic performance relative to other EU NUTS2 regions. Due to the newly created Southern Scotland NUTS 2 area, a significant amount of that uplift would have come to Scotland.

17. Although the NUTS2 designation ('Southern Scotland') is different from the South of Scotland (i.e. the region covered by Dumfries and Galloway the Scottish Borders), the differential in performance and the consequences of that differential (relative to other NUTS2 regions) would be expected to have such an impact on funding levels as to deliver very substantial benefits to the Scottish Borders and South of Scotland within the Southern Scotland NUTS2 designation.

18. A table is included (*page 6, Table 1*) which shows this could/would have led to some transformative-level financial investment from the EU in the UK's seven *'less developed'* regions including Southern Scotland 2021-27: at least £3.8 billion from the EU, with the expectation of further support from UK, and Scottish, government on top of this.

19. The Scottish Government's current consultation is about the UK Shared Prosperity Fund as a Replacement of European Structural Fund. There are a number of different geographies that could provide the basis for allocation of the Post-EU Structural Funds regional support. Based on experience there are four potential geographies that could be chosen by the Scottish and UK Governments

    a) **City Region areas:** There are now a number of obvious city-region areas active, particularly through City/Growth Deals. These areas are likely to be attractive to the Governments as a focus for investment and provide a suitably strategic level. However, this scale of area does masks the economic challenges facing South of Scotland and other rural areas.
    b) **NUTS 2 Regions:** These areas are EU statistical regions that have been used by the EU to assess and prioritise funding in the past. There is a strength in using this scale as it has recently been amended to recognise the economic challenges of Southern Scotland. In the past Scotland missed out on significant allocations of EU funding because of the problems masked by the Eastern Scotland/South Western Scotland NUTS 2 demarcation which included city and urban areas.

c) **Local Authority Areas:** It is considered this scale is neither strategic enough to tackle strategic economic challenges, nor local enough to address economic 'need' in a detailed way. Allocating funds on this basis alongside normal Local Authority budget allocations may cause confusion and lose the potential for additionality.

d) **Local areas based on Scottish Index of Multiple Deprivation:** SIMD geographies are very local, 'output area' output areas. This would be an effective way of targeting need, but limits the potential to take a strategic approach, and to properly take advantage of local opportunities. This approach would disadvantage rural areas like the South of Scotland as there are relatively fewer most-disadvantaged SIMD areas.

20. Based on this appraisal of potential geographies and work described there is need for a new National Regional policy which builds on the strengths of European Cohesion with its focus on tackling regional economic problems at NUTS 2 level. This approach would provide for the Southern Scotland NUTS 2 area to be recognised as a less developed region for funding purposes from the UK Shared Prosperity Fund. It is also in the interest of the Scottish Government to support NUTS 2 statistical areas as a basis for regional economic intervention and it is considered that this would maximise the resources from the UK Shared Prosperity Fund to be allocated to Scotland.

21. There are currently significant lobbying efforts being made by those Councils in England led by Cornwall County Council who are using their status as less developed NUTS 2 statistical regions with a very low GVA per head to enhance their position for allocations from the future UK Shared Prosperity Fund.

22. The monies from the Shared Prosperity Fund to Southern Scotland NUTS 2 could be used to:

- Underpin and complement the regional economic development programme that will be developed by the South of Scotland Regional Economic Partnership and the South of Scotland Enterprise Agency together with the investments to be made by the Borderlands Inclusive Growth Deal and the Edinburgh and South East Scotland City Region Deal.
- Be focused on supporting projects and programmes within the Scottish Borders and South of Scotland which promote cohesion and convergence and sustainable economic growth.
- Support sustainable and low carbon economic growth transformation approaches to economic development, the development of place, and innovation approaches to economic development in its widest sense.
- Complement the regional economic development programme and projects that will be developed by the South of Scotland Regional Economic Partnership and South of Scotland Enterprise Agency

Alignment with State Aid Maps

23. There is also a need to link this approach to changes in the UK Government's Regional Aid map which is due to be revised by the end of 2020 to ensure less developed regions including the Southern Scotland NUTS2 area can access the highest levels of state aid to support businesses and social enterprises.

Other Matters

24. Learning the from the European Structural Funds supported programmes it is considered that programmes supported by the UK Shared Prosperity Fund should

- Have regional and locally determined priorities
- Provide additional resources to economic development and training programmes and projects
- Show flexibility and provide for challenge funding aimed at attracting more external funding to regions
- Be simply administered.

Summary

25. There is a need for a new National Regional policy which includes building on the strengths of European Cohesion Policy with its focus on tackling regional economic imbalances and problems at NUTS2 level with a focus on supporting areas such as Southern Scotland.

26. There is a need to link this approach to changes in the UK Government's Regional Aid map which is due to be revised by the end of 2020 to ensure less developed regions including the Southern Scotland NUTS2 area can access the highest levels of State Aid to support businesses and social enterprises.

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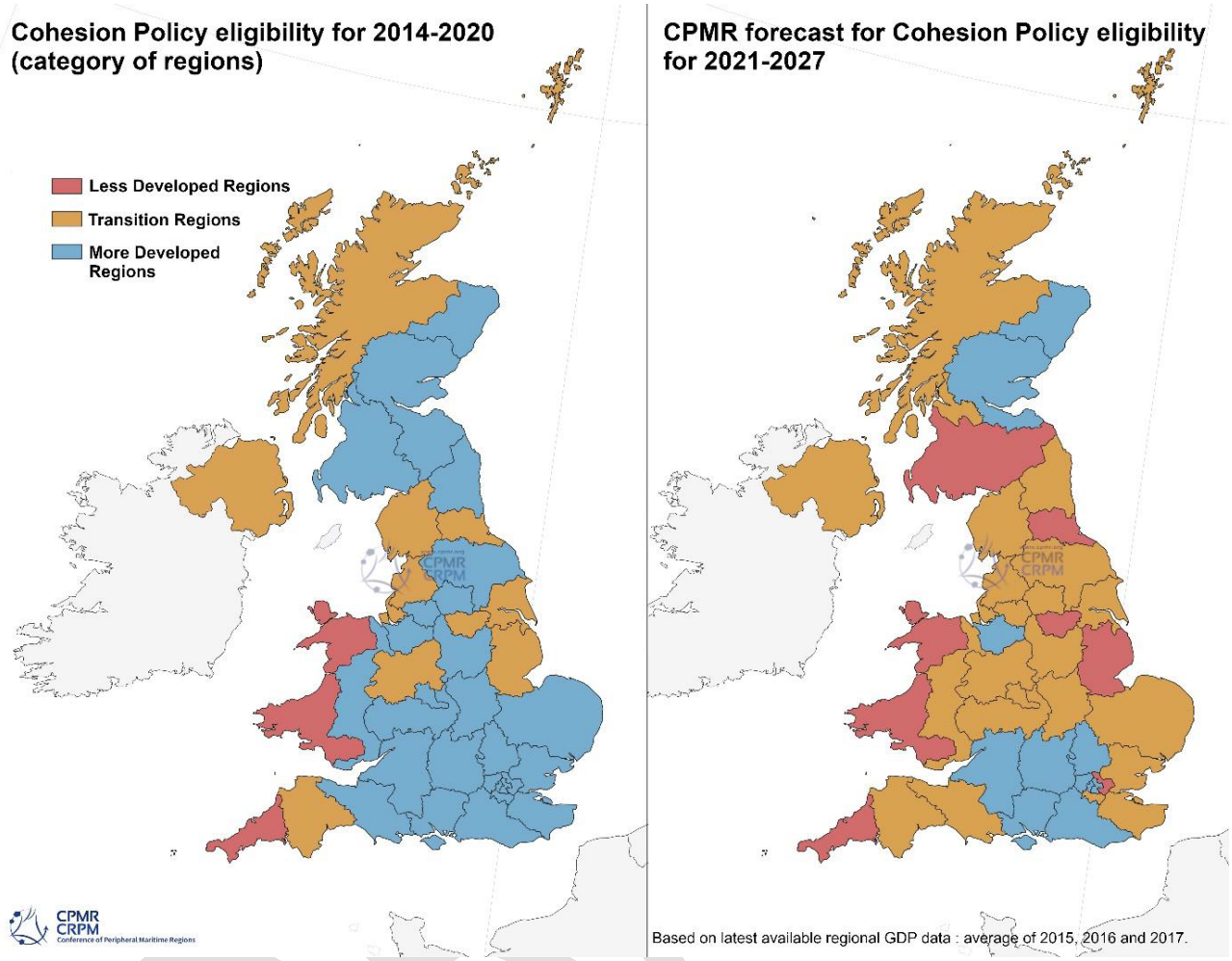
Map 1 – Comparison of Cohesion Policy regional eligibility in the UK: 2014-2020 vs 2021-2027 - (Source European Conference of Peripheral Maritime Regions)



Responses (in italics) to the Questions set out in the Consultation Questionnaire

Objectives

Scottish Ministers want to take this opportunity to design a flexible source of additional funding that drives inclusive economic growth and makes a measurable and significant difference to the lives of people, businesses and communities across Scotland. With this in mind:

1. **What are the main aims that this funding should seek to achieve?**

   There is a need for a new National Regional policy which aims to build on the strengths of European Cohesion Policy with its focus on tackling regional economic imbalances and problems at NUTS2 level. This approach is important for recognising the economic problems of the Scottish Borders, Southern Scotland and the South of Scotland. These aims should be underpinned by the principles of interventions being required to focus on inclusive economic growth and sustainable development which aligns with the need to combat climate change and biodiversity loss. There is a need to link this to changes in the UK Government's Regional Aid map which is due to be revised by the end of 2020 to ensure less developed regions including the Southern Scotland NUTS 2 area can access the highest levels of state aid to support businesses and social enterprises.

2. **How could funding be used most effectively to address spatial inequalities between areas and communities in Scotland?**

   The focus of this funding should be NUTS2 regions such as Southern Scotland that require additional support for the purpose of tackling structural challenges arising from geography, population imbalance, and low wealth creation. That means supporting strategic and holistic regional economic programmes at scale rather than supporting individual elements.

   Place is an essential element of this, so regional bodies within Southern Scotland NUTS2 area need to be empowered to make their own decisions of projects to be supported. The funding assistance needs to be long term i.e. 7 years and designed in such a way that resources can be applied flexibly to respond to the particular needs of the region.

3. **Geographically, at what level would the priorities for funding be best set?**

   The geographic focus should be on NUTS2 regions where there are economic and social challenges such as Southern Scotland NUTS2 area. NUTS2 areas allows funding to be allocated at a strategic but also regional level. It is considered that using NUTS2 areas, could effectively deliver an uplift in funding for Scotland

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as a whole, due to the inclusion of the Southern Scotland NUTS 2 area and the worsening of GVA per head levels in some other NUTS 2 areas.

Although not part of this consultation funding should continue for rural community economic development and development and diversification fishing communities through replacements for Leader and Fisheries Local Action Funds.

Alignment with Scottish Policy and Other Funding Streams

Scotland has a set of high-level strategic documents that guide the direction of our policy development and spend. These are focused on inclusive economic growth and include our National Performance Framework, our Economic Strategy, our Programme for Government and our new Enterprise and Skills Strategic Board approach.

4. **How could the use of future funding add value to other sources of funding focussed on similar objectives in Scotland?**

   The support should add value to the delivery of the regional economic development strategies of NUTS2 regions such as the Southern Scotland to improve their economic convergence. This would mean that the funding would add value to funding to support economic development provided by the South of Scotland Enterprise Agency, local authorities and other partners.

Alignment with UK and EU Policy

The UK Government has said that the SPF will be aligned with its Industrial Strategy and will focus on increasing productivity. At the same time, the European Union is evolving its Cohesion Policy with a structure of 5 themes: A Smarter Europe; A Greener, carbon free Europe; A Connected Europe; A More Social Europe; and A Europe closer to citizens, to create a more tailored approach to regional development in order to drive EU investments.

5. **What practical value would you see in future funding in Scotland being aligned with the UK Industrial Strategy and other spatially-differentiated UK economic policies such as the City and Regional Deals or the Industrial Strategy's sectoral approach?**

   The funding should be aligned with Scotland's economic strategy and its approach to regional economic development with a focus on those regions in need of economic convergence such as the Southern Scotland NUTS2 area. This would mean support being used to provide additional support towards the implementation of the South of Scotland Regional Economic Strategy and South of Scotland Enterprise Agency programmes.

   This approach recognises the profound differences in economic needs between the different nations of the UK and in turn the economic needs of the different

regions such as the Southern Scotland NUTS2 area. This emphasises the need for flexibility in support different regional economic programmes.

6. **What practical value would you see in maintaining alignment with EU Cohesion Policy?**

The purpose of EU Cohesion Policy is to reduce the significant strategic imbalances which exist between nations and the regions of those nations. If we are to optimise the potential of the weakest regions, then it is self-evident that much needs to be done to bring them up to the level of others, eliminating those strategic deficits, which are at the root of regional economic and social inequality.

There is a need to have a positive long-term economic relationship between the EU, the UK's largest market and this should be mirrored in the development of EU regional policy. This ensures a common policy language as well as ensuring that the competitive advantage liable to be delivered by cohesion policy in the EU is matched by developments in the UK. The recognition of NUTS2 Less Developed Regions within the UK in alignment with the EU would be an important contribution to this.

Evaluation and Monitoring Progress

In order to ensure that any new fund is achieving its aims and objectives, it is important that an evaluation approach is developed in parallel.

7. **How could we best evaluate the success of this new fund?**

The best evaluation of the support from this fund can be made in terms of ensuring its additionality in relation to the outcomes of regional economic development plans.

8. **What relevant parts of the National Performance Framework should this funding be targeted towards?**

All of the national outcomes have some relevance, but those for economy, education, fair work and business, poverty and the environment are especially significant.

The focus should be on supporting the sustainable and inclusive growth of regions such as the Southern Scotland NUTS2 area that require additional economic support and that links into the economic, educational, social and environmental aspects of the National Performance Framework.

9. **Which specific aspects of the monitoring and evaluation framework from European Cohesion Policy do you consider would be beneficial to retain for any new fund?**

The longer term focus of these programmes should be on the additionality of economic, social and environmental outcomes.

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Allocation and Programme Duration

Whilst funding allocations will largely be determined by our objectives, we must make sure that our approach is developed in an appropriate manner which is sensitive to differing needs across Scotland. We also need to be clear about the timeframes over which any funding programme would operate.

10. **What approach should be used to allocate the funding at programme level - including the most effective duration of the programme that would better support the identified priorities?**

    A funding allocation for seven years should be made to each NUTS2 area to support economic development programme and projects. Some of this would consist of funding to provide additional assistance to programmes and projects and the other part should be used for challenge funding to attract match funding and support innovation. The significance of the 7 year funding cycle is that experience shows that there are very significant advantages for delivery in having timescales which support longer-term thinking, and offer stability and predictability.

11. **What would be the most appropriate partnership and governance structure to achieve the strategic objectives of the future funding?**

    The economic assistance for Southern Scotland NUTS2 area would be governed primarily through its Regional Economic Partnerships which will have clear regional economic objectives.

12. **What would be the most effective delivery model to ensure maximum leverage of funds from public and private sectors to regional investments?**

    In the Southern Scotland NUTS2 area the delivery agent would be through its Regional Economic Partnerships which comprises members from public and private sector partners.

13. **What capacity-building or other support is needed to ensure the ability of local partners and communities to participate in the programme?**

    In the Southern Scotland NUTS 2 additional capacity should be built into the work of the Regional Economic Partnerships and the South of Scotland Enterprise Agency to engage partners and allocate and manage this funding on behalf of partners.

14. **What can be learned from the design and delivery of the current and previous European Structural Fund Programmes in Scotland?**

    There is a need to keep the process simple and have simple audit arrangements and focus on the regional level to get ownership from regional and local partners.

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DRAFT SUPPLEMENTARY PLANNING GUIDANCE : TWEEDBANK – VISION FOR GROWTH AND SUSTAINABILITY A Community for the Future

Report by the Executive Director

SCOTTISH BORDERS COUNCIL

30 January 2020

1 PURPOSE AND SUMMARY

1.1 A 34ha site is allocated within the Council's adopted Local Development Plan (LDP) 2016 to the north of Tweedbank for mixed use development which includes housing and business uses. The site was incorporated into the LDP as part of Supplementary Guidance (SG) on Housing, as required by the Planning and Environmental Appeals Division of the Scottish Government following Examination of the LDP. The Housing SG was approved by the Council and was cleared by Scottish Ministers in November 2017.

1.2 The LDP stipulates the requirement for Supplementary Planning Guidance (SPG) to be provided for the site. The purpose of the SPG is to give greater clarity on measures to achieve a satisfactory development on the site. This includes identifying site constraints to be addressed, the identification of zones for specific uses, indicative housing densities for the residential zones, a possible area for a care home facility, placemaking and design guidance and a pre-application checklist.

1.3 A draft version of the SPG is attached in Appendix A and this report seeks its approval. Once approved the Draft SPG will be subject to public consultation for a period of 12 weeks giving the opportunity for any third parties to make any representations on the proposals within it. This will include holding a public exhibition in the Tweedbank Community Centre. At the conclusion of the consultation period all consultation responses and any proposed consequential amendments to the Draft SPG will be reported to the Planning and Building Standards Committee for their review and comment. Thereafter a summary of the representations received, the proposed amendments, and any comments from the Planning & Building Standards Committee will be reported back to Scottish Borders Council. Once approved by Council, the SPG will be a material consideration in guiding planning applications for the development of the site. In considering the purchase of Lowood Estate Council agreed that all future strategic decisions relating to the Estate would be considered by Council. Consequently, the decisions regarding this SPG for Tweedbank require to be made by Council.

2 RECOMMENDATIONS

2.1 I recommend that Council:

(a) Approve the Draft Supplementary Planning Guidance (see Appendix A) as a basis for public consultation;

(b) Agree that Members of the Planning and Buildings Standards Committee review responses received during the public consultation period and any proposed adjustments to the Supplementary Planning Guidance in advance of the item being reported to Council for final decision; and

(c) Consider a future report setting out representations made during the consultation period, any proposed amendments to the draft document and any comments from the Planning & Building Standards Committee for final decision making on the Supplementary Planning Guidance.

3 BACKGROUND

3.1 The Council's Local Development Plan was adopted in May 2016. Following the Examination of the LDP Reporters stated that the Plan had a shortfall of housing land and that in order to address the deficiency Supplementary Guidance on Housing should be prepared. A number of sites were considered including the site subject to this report. The site was selected for consideration for a number of reasons including that its attractive landscape setting would attract the interests of developers and property purchasers, it is in close proximity to the railway terminus at Tweedbank and it is located within the central part of an established housing market area.

3.2 Ultimately the site was taken forward as part of the Draft SG on Housing and issued for public consultation along with other sites proposed within the document. Following consultation, the SG was approved by the Council and was then cleared by Scottish Ministers in November 2017 which in essence meant that all the sites contained within the SG, including the Tweedbank Expansion site, became part of the adopted LDP. Within the LDP a number of site requirements were identified which planning applications must address. One of these requirements was that a masterplan / SPG should be prepared to help guide the development of this site.

4 Preparation of SPG

4.1 The Council appointed Land Use Consultants (LUC) to undertake the preparation of the Draft SPG. LUC have expertise and experience in producing high quality guidance for similar projects. An internal working group of Council officers was set up to develop the SPG in liaison with LUC. The Council Officers who were part of that group included representatives from Forward Planning, Development Management, Roads Planning, Archaeology, Biodiversity, Landscape and Economic Development. Scottish Water, SEPA and Scottish Natural Heritage also had input. A well-attended public exhibition was held in Tweedbank Community Centre on 21 August 2019. Feedback was positive and a few points were raised which have been incorporated into the SPG. The Proctor Matthews Masterplan 2017 was a useful starting point to develop further in the preparation of the SPG.

4.2 In order to identify site constraints and areas which could be developed a series of maps have been produced. These include constraints such as, for example, topography, flood risk areas, woodland and estate habitats, the River Tweed SAC and SSSI, cycle/footpath network, tree and ecology survey findings. A series of photographs identify key features on the site which should be taken account of and safeguarded and mitigated where necessary.

5 SPG Findings

5.1 The Draft SPG is split into two parts. The first part identifies the context, opportunities and constraints within the site and the second part confirms uses within the site as identified within development zones. The Draft SPG sets out a vision for the development of the site and identifies a number of opportunities and constraints. Taking account of the identified constraints six development zones have been identified. Predominantly these are

residential zones. A mixed use zone to the west of the pond identifies the possibility of the incorporation of a care home. The business site will be a high amenity development for Class 4 (business) use. This will be located around the north, east and south of the pond and will be a natural extension of the Innovation Business Park to the south. The area around Lowood House (identified as the Lowood House neighbourhood centre zone within the Draft SPG) could allow the opportunity for a small retail outlet to serve the development as well as workshops. There would also be the opportunity for a tourism facility at this location.

5.2 The LDP states an indicative figure of approximately 300 housing units on the site. The Draft SPG identifies an indicative housing number for each zone and confirms that number can be achieved. The figures for each zone are indicative only and it is likely that in practice the overall number of units will exceed this number. This is not unusual and the critical test is whether a proposal for each zone is acceptable in terms of design, site layout and infrastructure issues are satisfactorily resolved.

5.3 The Draft SPG also identifies areas of land to be safeguarded which includes the higher quality woodland areas. The existing riverside walk will be retained and enhanced and further pedestrian walkways will be incorporated throughout the site. The large lower lying area to the extreme eastern part of the site is at flood risk and cannot be developed upon. This area of land allows the opportunity for some compensatory planting to be carried out. It is envisaged a single large scale play area /amenity area will be located within the central part of the site. Its finalised location and the timescale for implementation will be considered at the planning application stage as site phasing develops. It also confirms a new access road and bridge over Tweedbank Drive and the railway which will be required on the western side of the site. Access on the eastern side of the site will be via the existing Innovation Park. Ultimately these routes will be internally linked to achieve connectivity within the site.

5.4 In terms of Placemaking and Design nineteen key principles have been identified to be considered in terms of impacts on the wider area, the local area and building design. The nineteen principles have been applied to each zone, confirming what the main design issues are to be addressed. These matters will be pursued in more detail with members of the Planning and Building Standards Committee Working Group during the public consultation period. Pre-planning application proposals for the development of each zone must be accompanied by a mini masterplan. A pre-application checklist is included which any developer must address. This includes the need for early discussions with Scottish Water and SEPA to confirm implementation works to be addressed.

5.5 The Draft SPG considers opportunities for a range of energy options to serve the site which was aided by a study carried out by ARUP. A hard copy of the ARUP Study is available in the Members Library. Given the relatively small number of units on the site it appears financially unlikely to be viable to produce a centralised scheme (e.g. district heating system, wind turbine(s), biomass). Distributed schemes are most likely (e.g. roof mounted solar panels, air sourced heat pumps, ground-mounted panels) and this will be investigated and developed further.

6 IMPLICATIONS

6.1 Financial

The Council has developed a detailed financial model for the costs of acquisition of the Lowood site and the wider redevelopment of Tweedbank. The model shows the costs of development of the various tranches of the Tweedbank development, including Lowood, as these are currently understood along with the associated economic benefits and a range of scenarios associated with funding. The full development appraisal of the site was considered by Members previously. That initial modelling indicates that the Council's investment in the site should be recouped through the development phases through the onward sale of the site with 179 jobs created during the construction phase and a further 173 jobs created in the post construction period, and a potential economic impact of £150 million GVA in the economy. Updates will continue to be provided as the financial implications of delivery are better understood.

6.2 Risk and Mitigations

(a) Risk of preparing the SPG
There are no risks in preparing the SPG

(b) *Risk of not preparing the SPG*
The LDP confirms the requirement to produce the SPG. The SPG has been written by experienced consultants with input from relevant stakeholders to ensure that the draft SPG is appropriate to the area and addresses any concerns that the local community, prospective developers and other interested parties may have. This should reduce the likelihood of objections to the proposed SPG and future developments. As stated in section 1.3, once approved by Members, a full public consultation will take place to ensure all views are considered and incorporated into the SPG as deemed appropriate. The SPG will be most useful in giving advice to a wide range of interested parties as to identifying the key issues to be addressed when submitting application proposals for the development of the site, reducing the likelihood of rejection of unsuitable submissions and/or delay in approving proposals.

6.3 Equalities

An Equalities Impact Assessment has been carried out on this study and it is not anticipated there will be any adverse equality implications.

6.4 Acting Sustainably

(a) **Economic Growth**
The SPG identifies and confirms the economic growth opportunities within the site including the high amenity business site and residential zones.

(b) **Social Cohesion**

The proposals contained within the Draft SPG will help to meet the diverse needs of people in the local communities, including the potential inclusion of a care home.

(c) **Protection of the Environment**
The Draft SPG has identified all environmental matters to be addressed and mitigated as the site is developed.

6.5 **Carbon Management**
It is not considered the study brings any impact on the Council's carbon emissions.

6.6 **Rural Proofing**
It is anticipated the study will have a neutral impact on the rural environment.

6.7 **Changes to Scheme of Administration or Scheme of Delegation**
There are no changes to be made.

7 CONSULTATION

7.1 The Executive Director Finance & Regulatory, the Service Director HR & Communication, the Monitoring and Chief Legal Officer, the Chief Officer Audit and Risk, the Clerk to the Council and Communications have been consulted and any comments received have been incorporated into the final report.

7.2 The Executive Director, Chief Officer Economic Development and the Service Director Assets and Infrastructure have been consulted and any comments received have been incorporated into the final report.

Approved by

Rob Dickson
Executive Director **Signature .....**

Author(s)

Name	Designation and Contact Number
Charles Johnston	Lead Planning Officer (Planning Policy and Access)

Background Papers: Proctor & Matthews Tweedbank Spatial Framework, (January 2018), Scottish Borders Local Development Plan 2016, ARUP Study
Previous Minute Reference: None

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, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email eitranslationrequest@scotborders.gov.uk

Tweedbank - Vision for Growth and Sustainability

A Community for the Future

Draft Supplementary Planning Guidance - January 2020

Scottish Borders Council

Project Title:
Tweedbank Expansion Supplementary Planning Guidance

Client:
Scottish Borders Council

Job ref:
10719

Link:
H:\1 Projects\10000\10719 Lowood SPG

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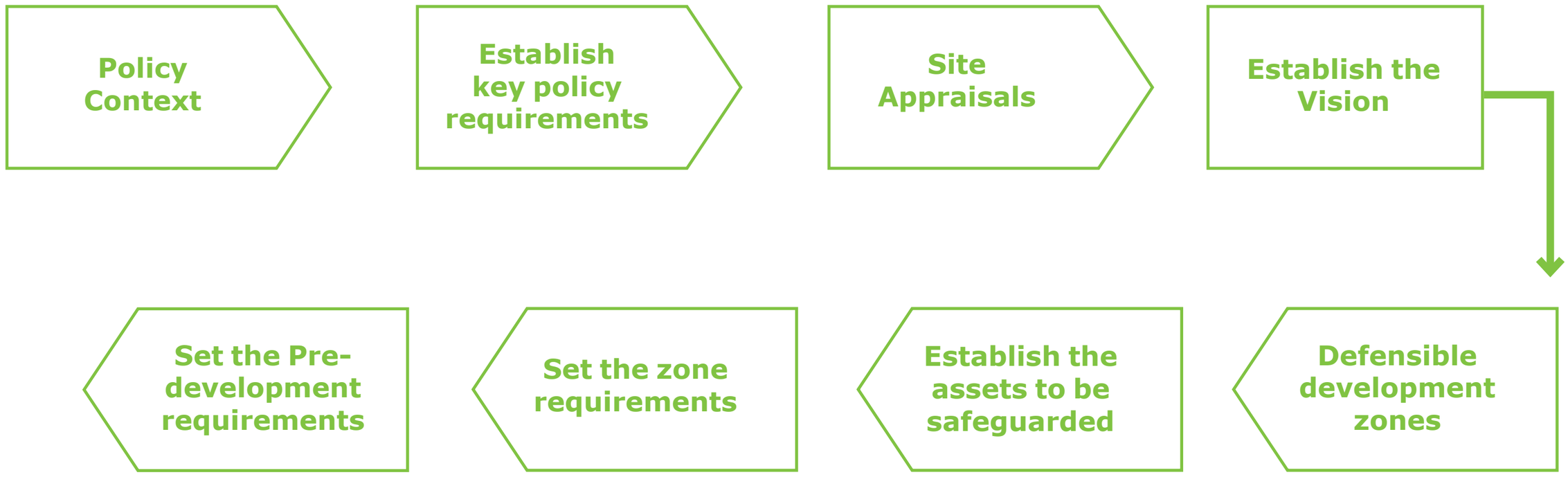
The Process

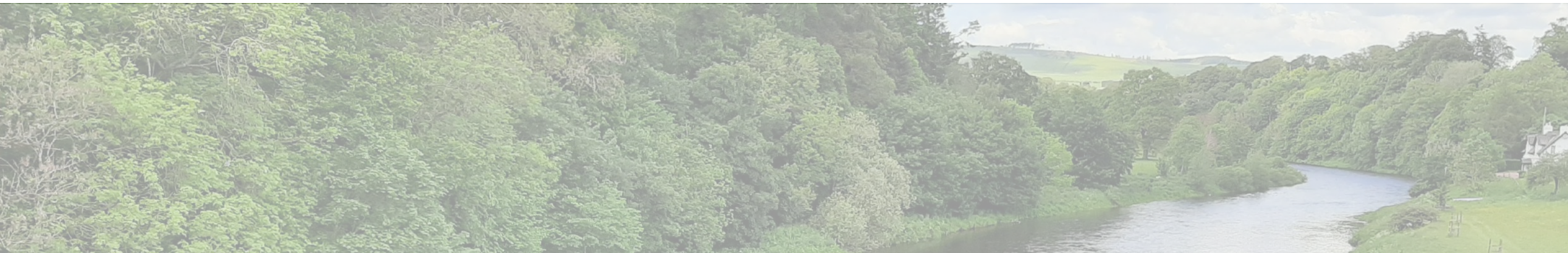
Introduction

The following sets out the Supplementary Planning Guidance (SPG) process. Founded on strategic planning policy guidance and best practice objectives, the site context has been assessed in order to establish development zones.



Once approved, this SPG will form a material consideration in the planning application process and inform the future development of the Tweedbank Expansion into Lowood Estate in the context of the wider Tweedbank settlement.

Part 1 :
Introduction



1 Introduction

Introduction

This document sets out the Supplementary Planning Guidance (SPG) to guide and inform the future expansion of Tweedbank within the site of the former Lowood Estate in the Scottish Borders. This SPG builds on and refines the Tweedbank Masterplan and Spatial Framework prepared for Scottish Borders Council by the architects Proctor and Matthews, agreed on 25th January 2019.

This SPG sets out the spatial framework for a residential led mixed-use development of around 9 hectares of residential units and approximately 1.5 - 2 hectares of employment land. It sets out parameters that will help realise the potential of the site in delivering high quality and sustainable development. The 34 hectare site has been assessed to establish land uses, maximum developable areas and site constraints.

This SPG is set out in two parts:

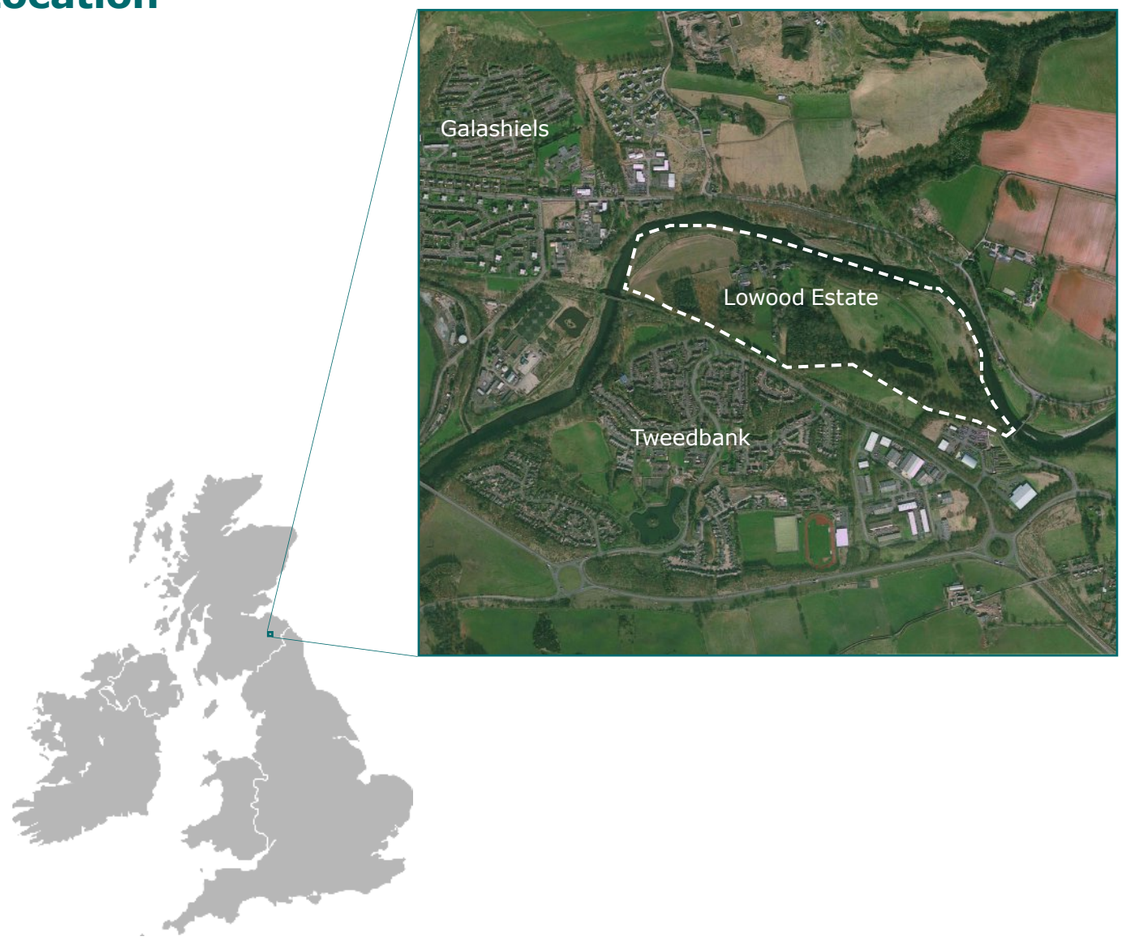
- **Part 1** sets out the site context of the Tweedbank Expansion, and identifies the main opportunities and constraints of the site. It provides an overview of the policy framework and development vision.

- **Part 2** develops on the findings of the Tweedbank Masterplan and Spatial Framework, identifying developable areas and appropriate land uses within them. It describes the requirement for an approach that is focussed on placemaking and good design to create a sustainable, vibrant 21st century community and includes a development checklist to inform future anticipated planning application requirements.

Planning Status of the SPG

The SPG covers the Scottish Borders Local Development Plan (LDP) period to 2025 and aligns with policy objectives set out in Scottish Planning Policy (SPP) and the Strategic Development Plan (SESplan). It will be a material consideration in assessing planning applications within the allocated site boundary. This SPG is not a standalone document and should be read in conjunction with the Scottish Planning Policy (SPP) and local planning policy including the LDP, other SPGs and SESplan.

Location



2 Policy Framework

Scottish Planning Policy

Scottish Planning Policy (SPP) promotes the development of economically, environmentally and socially sustainable places which are of a high quality. SPP acknowledges that the planning system should allocate sites that are flexible enough to accommodate changing circumstances and allow the realisation of new opportunities – such as the development of the Lowood Estate.

The principal policies of the SPP relate to sustainability and placemaking, and that there should be a presumption in favour of development that contributes to sustainable development, and creates high quality places by taking a design-led approach. High quality places should seek to be: a successful, sustainable place; a natural resilient place; a connected place; and a low carbon place, which demonstrates the six qualities of successful place.

Creating Places

Creating Places is a policy statement on architecture and place for Scotland. It sets out the comprehensive value good design can deliver, including physical value, functional value, social value, environmental value, and viability.

The policy statement identifies six qualities that make a place successful. These are:

- Distinctive;
- Safe and pleasant;
- Easy to move around;
- Welcoming;
- Adaptable; and
- Resource Efficient.

The policy statement recognises that good buildings and places can provide numerous social benefits. Creating a place that is accessible to all encourages increased social interaction with a strong sense of community, resulting in a safe, stable and resilient community. Improved accessibility encourages healthy lifestyles through sustainable transport modes and increased recreational use of the outdoors. This decreases the health inequalities throughout a community whilst also reducing the emissions released. The policy statement recognises the need for buildings and places to be designed to be adaptable, whilst also reducing emissions, maximising energy efficiency and climate resilience. The role of the landscape is highlighted for its potential benefits to biodiversity, water resources and air pollution.

Designing Streets

Designing Streets is a policy statement that seeks to achieve good street design, favouring a design-led approach over a standards-based methodology. The document recognises the influence that street design can have on climate change, public health, social justice, inclusivity, local and district economies, and the overall sense of place. The statement highlights that a positive sense of place encompasses a number of aspects, most notably the street's local distinctiveness, visual quality, and its potential to encourage social and economic activity.

Strategic Development Plan (SESplan) 2013

SESplan is the Strategic Development Plan (SDP) for South East Scotland, including the Borders. It communicates strategic level and cross-boundary planning policy for the period up to 2032, and applies national policy and guidance from the Scottish Government. It is used to inform the Local Development Plans prepared by each of the Member Authorities in the region.

The spatial strategy of the plan is underpinned by the key placemaking principles which requires development to be: distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around.

It contains three overarching delivery themes relevant to the development of the Tweedbank Expansion including:

- Places to do business;
- Places for communities; and
- Better connected places.

Local Development Plan (LDP)

The 2016 Scottish Borders Local Development Plan incorporates various land allocations in Tweedbank, including business and industrial safeguarding, mixed use, key greenspaces and the Railway Station allocation. The principle of development on the Lowood Estate was established in the Housing Supplementary Guidance, where the entire Lowood Estate was allocated for mixed use development (MTWEE002). This allocated the site as an area for housing and employment uses.

A number of policies included in the Local Development Plan will be applicable to this site including policies:

- PMD1- Sustainability
- PMD2 – Quality Standards
- PMD4 – Development outwith Development Boundaries
- HD1 – Affordable and Special Needs Housing
- HD3 – Protection of Residential Amenity
- HD4 – Meeting the Housing Land Requirement/ Further Housing Land Safeguarding
- EP3 – Local Biodiversity
- EP6 – Countryside around Towns
- EP11 – Protection of Greenspace
- EP12 – Green Networks
- EP13 – Trees, Woodland and Hedgerows
- EP15 – Development Affecting the Water Environment
- EP16 – Air Quality
- IS1 – Public Infrastructure and Local Service Provision
- IS2 – Developer Contributions
- IS4 – Transport Development and Infrastructure
- IS6 – Road Adoption Standards
- IS7 – Parking Provision and Standards
- IS8 - Flooding
- IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

Placemaking and Design SPG

The aim of the SPG is to ensure that Tweedbank will be a quality place in which to live, providing attractive, sustainable towns and villages that are distinct and diverse. The SPG provides guidance in relation to successful placemaking and design principles and the impact this can have on the quality of life, equality of opportunity and economic growth.

The SPG recognises that good design is at the heart of sustainable communities. It acknowledges that good design is not just about the aesthetic improvement of the environment, but is as much about improved quality of life, equality of opportunity and economic growth.

The SPG identifies 19 key design principles that can be broken down into three spatial categories: wider area context, local area context, and building design.

Wider Area	Local Area	Building Design
Landscape Character	Built Character	Energy Efficient Design
Views	Built Form	Relating to the Site
Settlement pattern	Built Heritage	Relating to the Townscape
Infrastructure	Siting of Development	Scale, Massing & Form
	Layout & Legibility	Proportion
	Sustainable Development	Materials & Colour
	Density & use	Details
	Open space	

The key objectives of the Placemaking and Design SPG state that development should:

- acknowledge the local variation throughout the Scottish Borders Region *(landscape character)*
- relate positively to long, medium and short distance views from key locations (e.g. public footpaths, views from major roads) *(views)*
- integrate well into pattern of settlement, whether urban or rural *(settlement pattern)*
- be appropriately scaled and sited to maximise use of existing roads/rail/services opportunities *(infrastructure)*
- sit well within surrounding built form (architectural style, urban grain, etc) *(built character)*
- create a contextual addition to the urban fabric *(built form)*
- demonstrate a responsive understanding of the historic context of a site or area *(built heritage)*
- create a place that fits within the landscape and built context *(siting of development)*
- create streets and places that are distinctive and legible with a clear sense of identity *(layout and legibility)*
- is efficient as is practicably possible in the use of natural and man-made resources *(sustainable development)*
- create a usable place with strong sense of local identity that is adaptable to future needs *(density and use)*
- make effective use of open space and creates meaningful spaces within the public and private domain *(open space)*
- maximise energy efficiency whilst minimising use of unsustainable resources within buildings *(energy efficient design)*
- reflect a detailed understanding of the nature and characteristics of a site *(relating to the site)*
- fit well within wider townscape *(relating to the townscape)*
- create a balanced whole with a clear design concept *(scale, massing and form)*
- create a sense of unity within the building where the individual elements work in harmony with each other *(proportion)*
- utilise an appropriate palette and quality of materials and colour tones when viewed within the wider context *(materials & colour)*
- incorporate finishes and details that are of quality and integrity within the Scottish Borders context *(details)*

Policy Context Summary

Policy Document	Key recommendations that inform this SPG
Scottish Planning Policy	Development should seek to create an economically, environmentally and socially sustainable place which is of a high quality. High quality places should seek to be successful, sustainable, naturally resilient, well-connected and energy efficient.
Creating Places	Recognises the value of good design, physically, socially, environmentally and functionally. Six qualities are recognised as being imperative for a place to be successful. A development should be:Distinctive; Safe and pleasant; Easy to move around; Welcoming; Adaptable; and Resource Efficient.
Designing Streets	Streets should be well-designed, and recognised for their important influence on creating a sense of place, climate change, public health, social justice and inclusivity, and the economy. Well-designed streets should be distinctive, inclusive and accessible, safe, aesthetically pleasing, adaptable and encouraging of social interaction and travel by active modes.
SESplan	The SESplan identifies 3 main delivery themes: that development should create places for communities, places to do business and places which are better connected. Development should provide a housing stock representative of the needs of a growing, aging population, and includes provision for affordable housing. It should safeguard and enhance the green network, recognising its important benefits for humans and nature, and should encourage travel by active modes and public transport. Sufficient land should be identified for business and employment use.
LDP	Development should be sustainable and meet the challenges of a changing climate. Development should be of high-quality, support economic development and provide for recreation and leisure. It should contribute towards meeting the housing needs of the Scottish Borders, whilst protecting and enhancing the environment.
Placemaking and Design SPG	Development should be of high quality, distinctive and diverse, and should consider the wider and local area context as well as the design of individual buildings. Development should: • Support the needs of an ageing population by providing more adaptable and accessible housing; • Support placemaking by creating a unique and distinctive neighbourhood which is safe and adaptable, with a strong sense of local identity; • Seek to ensure high quality and innovative building design; • Fit well within the wider built environment, in terms of settlement pattern, design, scale, massing and form; • Relate positively to the landscape, protecting, enhancing and creating green infrastructure and areas of open space. Development should sit well in views from key viewpoints in the surrounding landscape; • Encourage the use of sustainable transport modes, and promote healthier, more active lifestyles through improved access to public transport and walking and cycling routes; • Maximise energy efficiency through use of passive design and renewable energy; and • Be resource efficient, favouring reused and recycled materials, and using materials that are sustainably sourced.

3 Site Context

Site Description

The Lowood Estate lies to the north of Tweedbank, in the Scottish Borders. It is bounded by a large meander in the River Tweed to the north, east and west, and by the settlement of Tweedbank and the Borders railway to the south. The site lies alongside Tweedbank Drive, a main road serving Tweedbank and the Tweedbank Railway Station but is currently accessed from the eastern end of the site along narrow estate roads.

Although the site is not within a national or local landscape designation, it is located approximately 130m to the west of the Eildon and Leaderfoot National Scenic Area and 420m to the north of the Tweed, Ettrick and Yarrow Confluences Special Landscape Area. The estate is not included within the Inventory of Gardens and Designed Landscapes.

The Lowood Estate is approximately 34 ha in size. The landscape has a strong estate character and consists largely of greenfield land, with an attractive mix of large blocks of mature woodland, tree belts, and meadows. A number of outbuildings and cottages associated with the Lowood House are located in the north of the site. Historically, development has been focussed in the central/ north-western sections of the site, within the cluster of buildings associated with the estate house.

The estate lies close to existing transport infrastructure with Tweedbank Railway Station located immediately adjacent to the southern boundary of the site. The Borders Abbeys Way and a Core Path runs through the site, adjacent to the river, and the Southern Upland Way passes to the south of the site. The site, being located adjacent to Tweedbank has potential to be well served by local bus stops located along the Tweedbank Drive.

Mature tree belts and woodland blocks

Local vernacular is of historic estate character

Ongoing infrastructure development

Active travel and transport provision

Defining association with River Tweed

Mature parkland and specimen trees

Tweedbank railway station

Traditional low-density residential buildings

Topography

The levels on the site range from approximately 90m Above Ordnance Datum (AOD) close to the River Tweed, to approximately 110m AOD at the highest point of the site, in Well Park. In broad terms, the land slopes east, west and north from that high point.

Topography is steeper around Well Park and Lowood Pond in the eastern portion of the site. Where the site borders the River Tweed along the north-western boundary, the land is flatter with a gentle slope leading down to the river.

The defining topographical features are two steep terraces, attributed to the river.

Steep Embankments and River Terraces

Two steep sided ridgelines representing former river terraces cut through the site from the north-west to south-east. One is located in the north-east of the site, adjacent to the river, and the second runs around the north of Well Park and to the south of Lowood Pond.

These steep terraces provide topographical structure to the site and will inform the layout of developable zones, which can be accommodated by areas of flatter terrain.

Floodplain

The site is bounded by the River Tweed to the north, east and west. Low lying land close to the river is subject to flooding, with the SEPA Indicative Flood Risk Map highlighting areas in the north-west and north-east. River terraces and rising ground to the south mean that most of the site lies outside this flood risk zone.

Please note that the line indicated above is for indicative/illustrative purpose only. Detailed flood risk assessments will be required as part of a detailed planning consent application where relevant, once specific locations of buildings are confirmed, in consultation with SEPA and the Council's Flood Protection Team.

Existing Waterbody

Drainage within the site is generally good, with the steep river terraces guiding runoff towards Lowood Pond in the east of the site, and towards the railway line to the south. The gently sloping ground in the north-west of the site drains north-westwards towards the river.

The Lowood Pond is a natural feature that is shown in the previous historic maps. As well as character defining and an attractive visual asset, this feature provides good biodiversity value and supports a range of flora, fauna and insect life. Future development must ensure there is no impact on the quality and character of this site feature.

Future development zones will need to accommodate measures for surface water management within their development area. The floodplain, ridges and woodland areas will not be suitable for SuDS features.

SSSI + Special Area of Conservation

The entire length of the River Tweed corridor, including the section that bounds the Lowood Estate is designated as a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI) due to its internationally important freshwater habitats, and its population of Atlantic salmon, sea lamprey, river lamprey, brook lamprey, and otters.

The SSSI and the SAC boundaries do extend approximately 15m into the site from the northern, eastern and western boundaries. Although the majority of the site lies outside these natural heritage designations, development at Lowood will be required to demonstrate that it will not affect the conservation interest of the Tweed.

An ecological appraisal has been undertaken to support this SPG. A summary diagram is illustrated on p20-21

Woodland and Estate Habitats

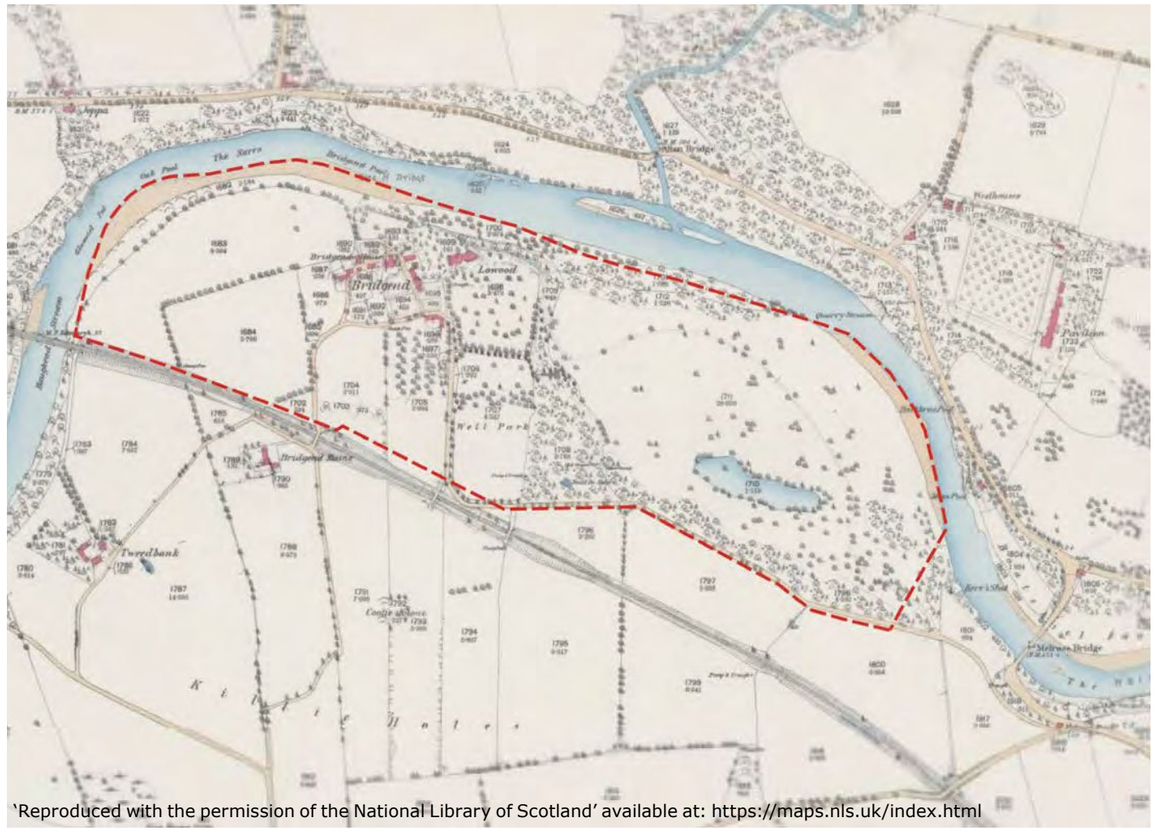
The landscape of the site has a strong estate character, reflecting the influence of Lowood House. This is most evident in the stone estate walls, lake and areas of parkland with mature specimen trees. The areas of parkland are structured by large blocks of mature deciduous woodland and areas of productive forestry. Tree belts are present along the railway line to the south, and along the unclassified road that served Lowood. Tree belts are also found along the northern boundary of the site, adjacent to the River Tweed.

A Tree and Woodland Assessment has been undertaken to support this SPG. A summary diagram is illustrated on p19.

Historic Core: the house and its setting

Aerial: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/ Airbus DS, AeroGRID, IGN and the GIS User Community

Historic Plan - 1855-1882



'Reproduced with the permission of the National Library of Scotland' available at: https://maps.nls.uk/index.html

The first records of a small settlement at Bridgend - at the north part of the Lowood site - are found in the First Statistical Account for Melrose Parish in the 1790s. The size and extent of the village is unknown but the records suggest several large buildings were located there. Other sources suggest that Bridgend settlement is older, possibly medieval. While the village no longer exists the buildings present on the site date from the mid 19th Century.

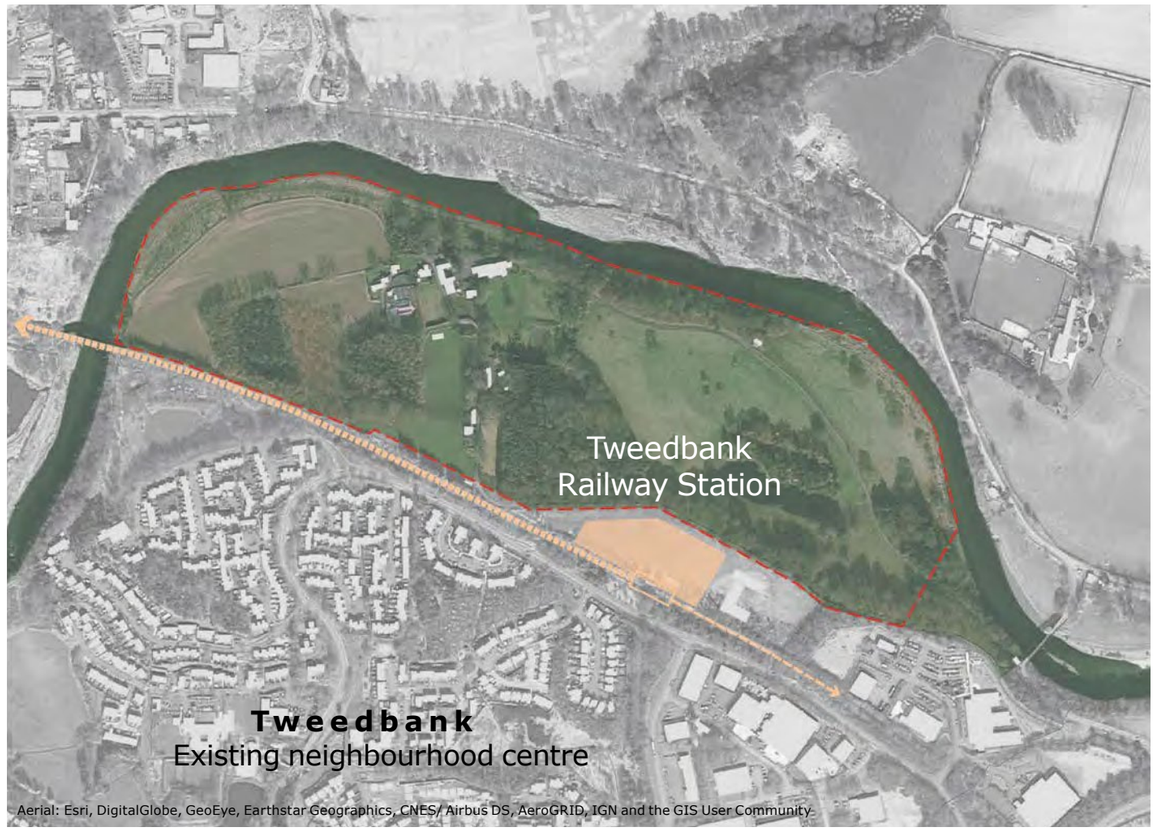
In addition, the estate includes the site of a medieval bridge over the Tweed, and road extending through Bridgend to Tweedbank. The river terraces are also a likely source of archaeological evidence.

An analysis of historic maps dating back to 1855 shows that the built form of the site has remained largely unchanged for the past 150 years, although the cluster of buildings was extended in the south near Well Park between the 1850s and 1890s. The remainder of the site has been maintained primarily as parkland with areas of deciduous woodland particularly on steep river terraces. The only noticeable changes are amendments to field boundaries. A review of historic maps also charts the growth of residential and industrial land use to the south of the site and railway line, in the area currently occupied by Tweedbank, since 1970.

A desktop historical appraisal will be required at the early stages of any development proposal. There is potential for archaeology, particularly around the settlement core, bridge, estate parkland and river terraces. Mitigation may therefore be required. Depending on development location and form, a written scheme of investigation may be required.

Built Form / Listed Buildings

Rail + Settlement Context



There is generally little built development within the Lowood site. A cluster of stone or whitewashed cottages and outbuildings associated with Lowood Estate House, are present near the site of the historic Bridgend Village. Whilst this cluster has extended southwards, to the west of Well Park, the rest of the Lowood Estate remains free of built development. Beyond the built up settlement of Lowood, the site consists mainly of parkland and deciduous woodland blocks and tree belts. The high stone walls are a defining feature and separate the site from Tweedbank station, car parking and the expanding Central Borders Business Park to the south-east of the site. No buildings or structures on the estate are listed.

Development within the area is concentrated to the south of the railway line. The settlement of Tweedbank and the Central Borders Business Park, to the south and south-east of the Lowood Estate, respectively, contrasts strongly with the open, largely undeveloped nature of Lowood.

The Lowood Estate equates to approximately a third of the size of the current Tweedbank settlement and therefore represents a substantial new neighbourhood zone. The site is well located with respect to the existing rail transport infrastructure with Tweedbank Railway Station located immediately adjacent to the southern boundary of the site. This station opened in 2015, and is the terminus for the Borders Railway line which runs from the city of Edinburgh to Tweedbank, via Newcraighall, Newtongrange, Gorebridge and Galashiels. The station is served by a large 'park and ride' carpark and a number of onward bus services.

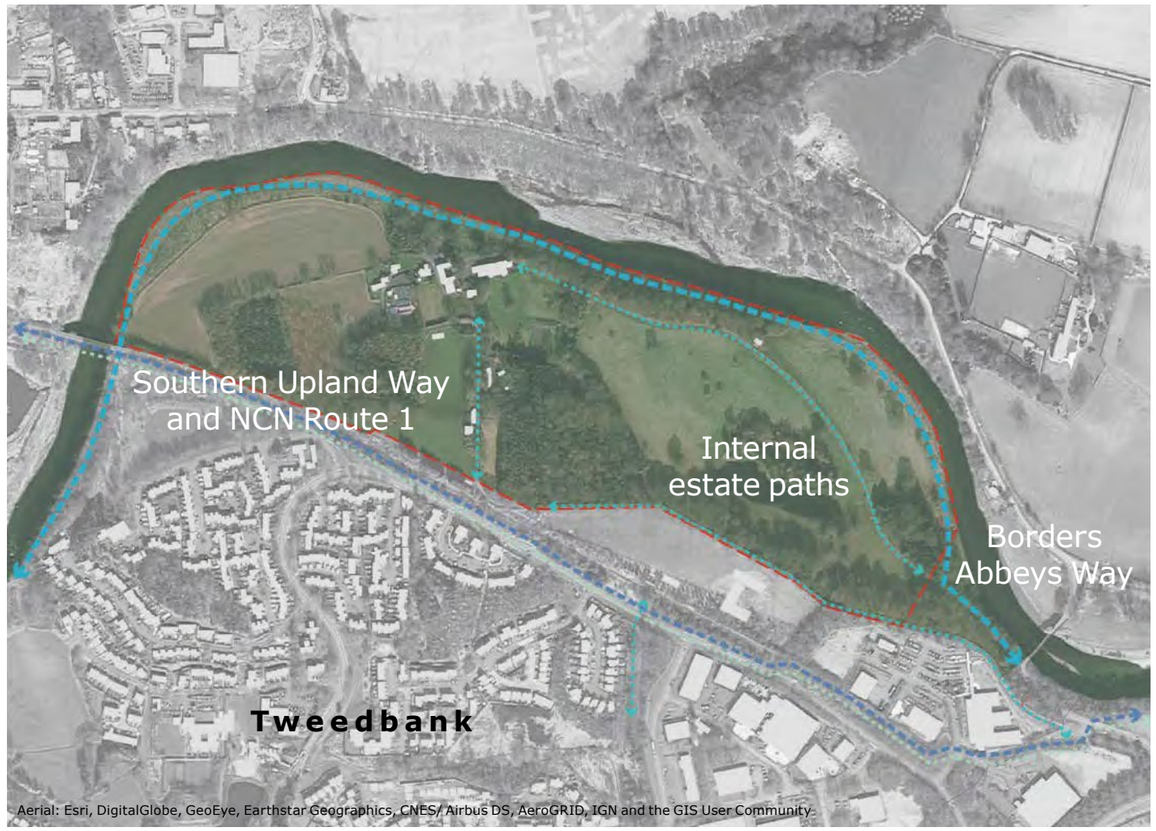
The feasibility of a supplementary Lowood vehicle bridge is currently being progressed. For the purposes of this SPG it is assumed that it will not impact on the Lowood development area.

Road

The site is in close proximity to the B6360 and A6091 which connect Tweedbank and Lowood with Melrose and Galashiels. There is one unclassified road within the site boundary. It serves the small cluster of properties at Lowood, and is accessed via the B6374 near the Lowood Bridge, to the east of the site. An additional private road leading to Lowood House is accessed from the bend in the B6374 immediately south of Lowood Bridge.

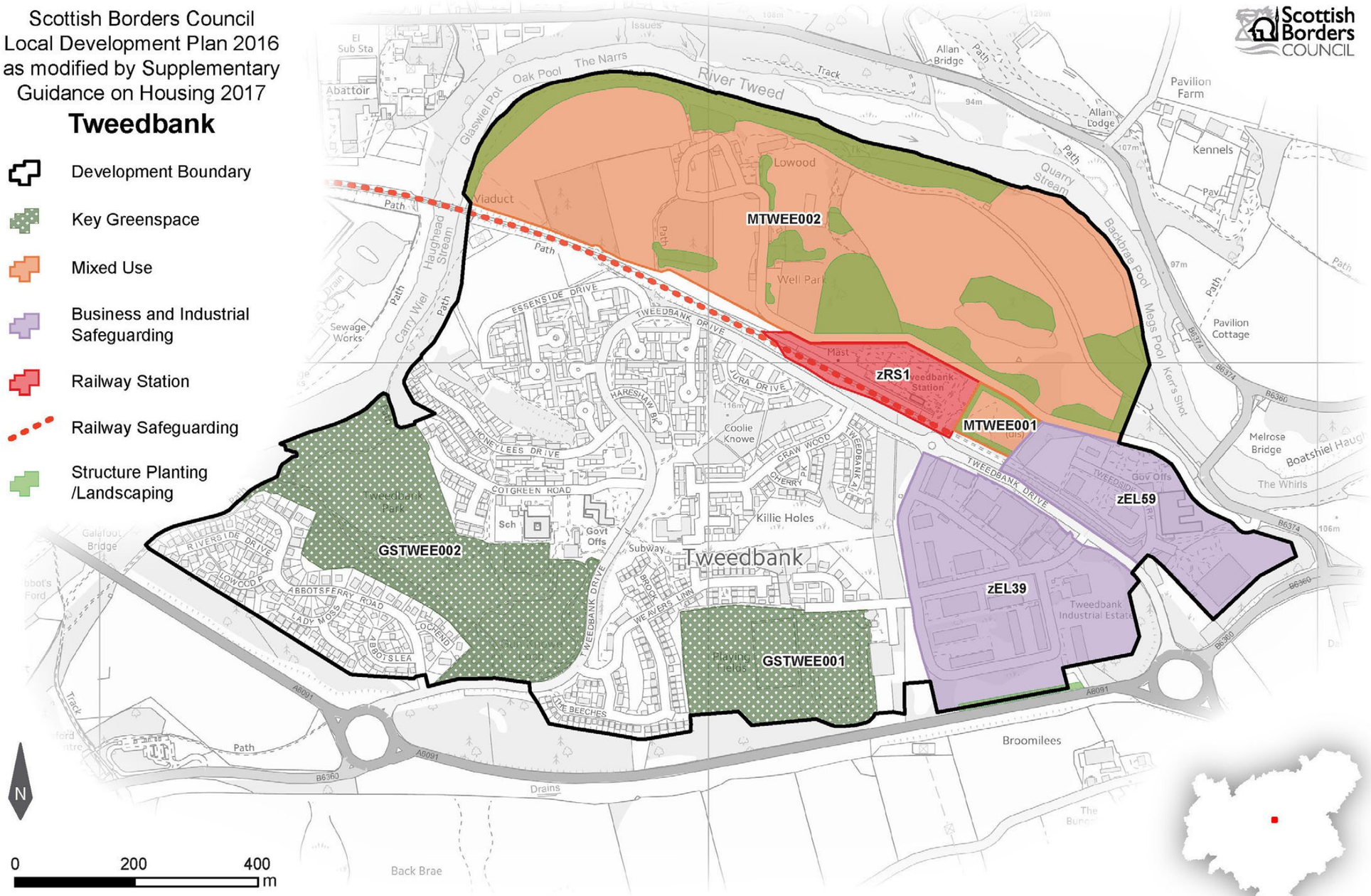
The site, being located adjacent to Tweedbank is well served by bus stops located along the Tweedbank Drive. A number of bus services run throughout the Scottish Borders; ten routes operate from Tweedbank Drive and the B6374, to the south and east of the site, respectively. These bus services provide connections between Tweedbank and Galashiels, Edinbugh, Jedburgh, Peebles, Melrose, and Newtown St Boswells.

Cycle/footpath network



A number of national and local networks for walking and cycling can be found within or close to the site. The existing Core Path network (Core Path 1) is present within the site, running along the northern, eastern and western boundaries of the site, beside the southern banks of the River Tweed. This section of the Core Path network coincides with the Borders Abbeys Way. These routes continue beyond the site along the River Tweed, towards Melrose and Abbotsford to the east and south-west, respectively. They connect to other established Core Paths and Scottish Great Trail routes running east and west along the River Tweed. In addition, the Southern Upland Way and National Cycle Network (NCN) Route 1 passes along the southern boundary of the site. The NCN route continues towards Melrose to the east, and along the banks of the River Tweed towards Innerleithen, to the west of Galashiels.

Settlement Context - Scottish Borders Local Development Plan 2016



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Disclaimer: Scottish Borders Council uses spatial information from a range of sources to produce the mapping contained within this document. The mapping is for illustrative purposes only. The original sources should be consulted to confirm information.

This plan represents the development context, as contained within the Scottish Borders Council Local Development Plan 2016, as modified by Supplementary Guidance on Housing 2017.

Part of the business area to the south-east of the site is safeguarded as a Strategic High Amenity Site. This business zone will inform the development of commercial areas within the Tweedbank Expansion plan, as natural extensions of the innovation park.

Tree Survey Findings

Aerial: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/ Airbus DS, AeroGRID, IGN and the GIS User Community

Category A - Area of mature trees to be retained and protected
A1 18,938m²
A2 27,540m²
A3 6,705m²
A4 9,093m²
A5 8,508m²
A6 1,778m²
A7 721m²
TOTAL - 73,283m²

Category B - Area of early mature plantation
B1 6,793m²
B2 11,221m²
B3 2,801m²
TOTAL - 20,815m²

Category C - Area of young plantation
C1 12,252m²
C2 9,175m²
C3 683m²
TOTAL - 22,110m²

Category U - Area of unstable plantation
U1 8,182m²

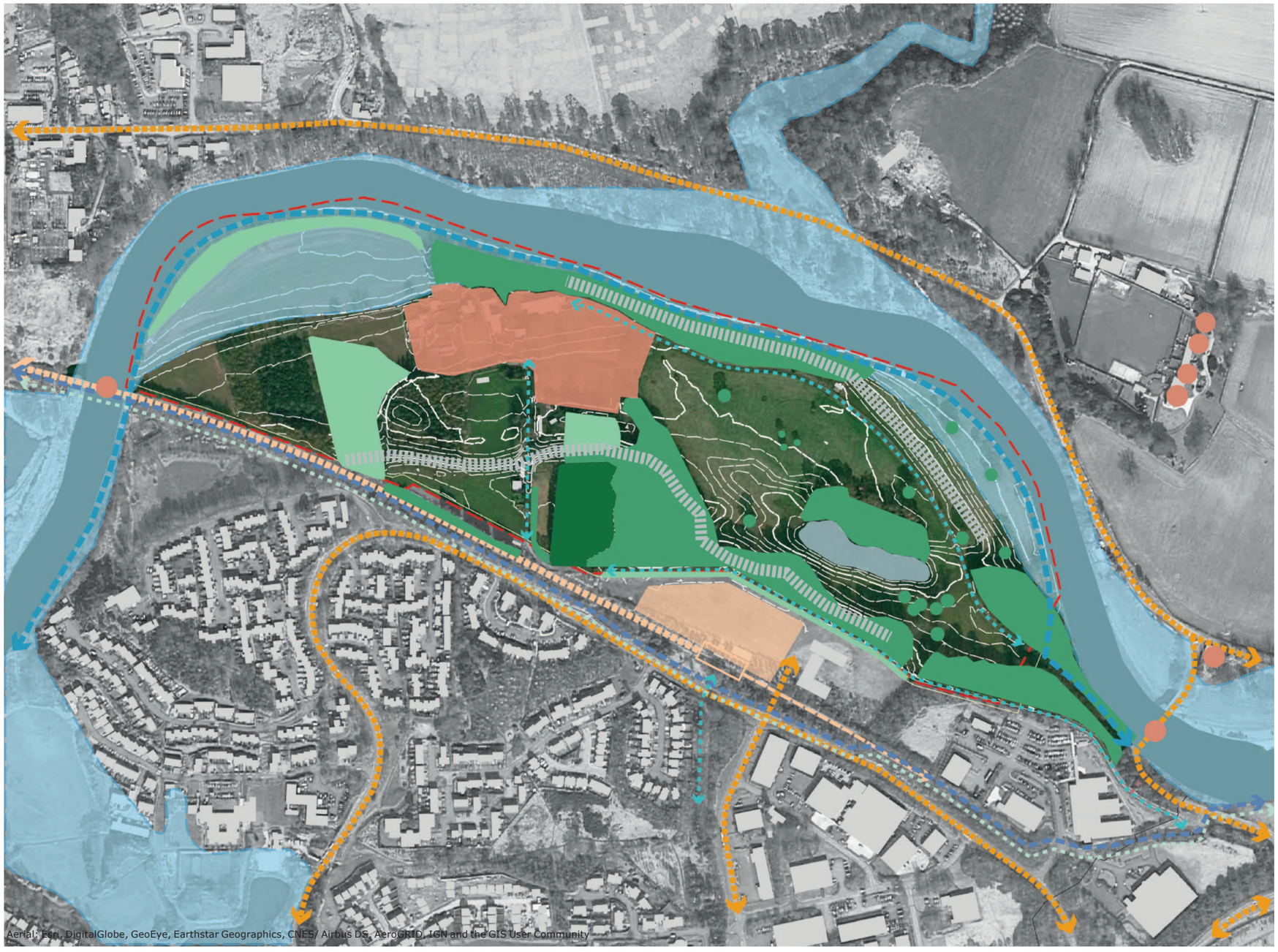
Individual trees to be **removed**

Land with potential for **compensatory planting**
1. 23,089m²
2. 7,571m²
TOTAL - 30,660m²

Ecological Survey Findings

Ecological Survey Findings

Overall Site Constraints: Established through the appraisal exercises



- Site Boundary
- Existing contours
- River terraces
- Indicative line of the 1 in 200 year flood extent
- Lowood Pond
- River Tweed - SSSI and Special Area of Conservation
- Existing mature trees - to be retained and protected
- Lowood House and setting
- Existing Listed Buildings/ Structures
- Railway line/station
- Existing roads
- Existing footpaths

This drawing summarises the key findings from the appraisals to set overall constraints.

4 Site Observations

The following images illustrate the existing character and defining features of the landscape in and around Lowood. The site is rich in natural assets, with opportunities for landscape enhancement presenting themselves. Fieldwork was undertaken in July 2019.

Veteran trees and mature tree belts are central to Lowood's character and quality. These should be retained unless there is exceptional justification such as long term health of the trees.

Estate largely hidden from public roads- any development can be contained by existing woodland. The river corridor should be protected from development.

The rural character of this section of the Borders Abbeys Way must continue to be safeguarded.

Views of the estate parkland from the riverside path must be safeguarded and retained.

Estate entry opens up to create a wide area of parkland largely contained and concealed from views. The character of this access contributes to the unique site characteristics.

Key natural assets such as the Lowood Pond create a distinctive sense of place.

This natural gap in the tree belt where levels are most favourable is an appropriate new vehicle access point.

Large open pasture- screened from the riverside path and north river bank could accommodate sensitively designed development by means of retaining mature trees and a developing a strategy of new tree planting.

The mature treebelt along the ridgeline creates identity and a natural enclosure to development. This should be retained and protected.

Areas of newly established and cleared woodland are suitable for redevelopment.

Areas of plantation forest are at the end of their lifespan and should be cleared for forestry management reasons. This provides future development opportunities.

The perimeter access road with its historic wall and mature avenues should be retained and protected. This can form a new active travel corridor for pedestrian and cycle use.

5 Site Opportunities and Constraints

The following section sets out the key opportunities and constraints to be considered by a future developer(s):

Opportunities

- The site offers the opportunity to create an exemplar of high quality sustainable development, that is sympathetic to the unique character of the site, whilst having its own sense of place.
- The Lowood Estate provides opportunities to develop approximately 300-400 homes and to help meet the Scottish Borders affordable housing needs, there is a requirement for 25% of residential properties to be affordable housing.
- The development of the site provides opportunities to adopt a low carbon approach to development. The site offers the opportunity to be a low carbon development with options including passive and active solar, air or ground source heat pumps and implementation of a biomass fuelled heat network. The passive design of buildings could also contribute significantly to reducing energy use.
- The proximity of the site to the existing Central Borders Innovation Park provides opportunities for the development of land in the east of the site for business and employment use. Business and employment land on this site would benefit from the existing transport links, including the numerous bus services and Tweedbank railway station which are all within close proximity to the site.
- The high quality environmental setting of the site provides an excellent location for a 'Care Village' with dementia hub, the need for which has been identified by the Council, where residents and patients could receive therapeutic care.
- The proposed development brings opportunities to increase connectivity between the site and Tweedbank, encouraging the use of sustainable transport modes and outdoor space for recreational purposes.
- The development offers potential to support access along the riverbank, encouraging recreational use of the area, connecting to popular tourist attractions nearby, including Abbotsford House, Melrose Abbey and Scott's View.
- The site provides opportunities for biodiversity net gain, through habitat protection, enhancement and creation in the undeveloped areas of the site. This valuable green infrastructure can bring significant benefits local biodiversity, enabling increased connectivity throughout the ecological network.
- The site offers potential to enhance recreational greenspace, encouraging the use of outdoor areas, within the site, and along the waterfront.
- There are opportunities for tourism/hospitality within the site, particularly at and around Lowood House. Promote tourism opportunities in terms of proximity to railway, hospitality provision, promotion and links to Borders Abbeys Way/Southern Upland Way routes and cycle routes.

High quality environmental setting of Lowood Estate Parkland provides opportunities for mixed use development.

Development of the site promotes connectivity between neighbouring settlements, supported by an existing network of recreational and active travel routes.

Constraints

- Careful consideration with regards to vehicular access will be required. Currently there is one single track road which serves Lowood House and the cluster of buildings to the west and south. Widening this access would have impacts, particularly along the southern side of the estate where the road runs between the estate wall and mature trees. A new vehicular access point in the western part of the site will be required. Consideration of the impact on the existing road network will be required.

- The site is located within a broad meander along the River Tweed which is designated as a SSSI and SAC. Consideration of any potential effects on the river corridor and these designations resulting from the development is essential. Likewise, consideration of effects on biodiversity in undesignated areas of the site (e.g. areas of woodland) will be required; as such areas could provide valuable habitats for mammals and bats etc.

- Part of the site in the north and north-west is located within the high risk flood zone. There is no development opportunity within these areas although they could support wet woodland compensatory planting.

- Development must protect the potential future extension of the railway line. Any future extension could impact upon proposed access links into the Lowood Estate.

- The site is located approximately 130m west of the western most boundary of the Eildon and Leaderfoot National Scenic Area (NSA). Any impact upon the NSA must be given due consideration when assessing development proposals. In addition, careful consideration should be given to potential impacts on the Special Landscape Area located approximately 420m to the south of the site.

- Services to the development site face limitations. In particular, the Galashiels Waste Water Treatment Works (WWTW) is nearing capacity. Currently all flows from Tweedbank have to pass under the river to access the WWTW. Consideration must be given to water and sewerage provision, ensuring that the infrastructure is appropriate for the number of units developed, in consultation with SEPA and Scottish Water.

- Development will need to consider and include surface water management as an integrated approach and comply with best practice.

A new vehicle access point will be required as the existing road infrastructure has limited capacity.

Development will need to consider the ecological designations and flood risk constraints of the River Tweed.

6 Vision and Aspirations

Development Vision

The Lowood Site provides a unique opportunity to support the sustainable expansion of Tweedbank with a range of historical, cultural and environmental assets to create a distinct sense of place. These important assets will be safeguarded and enhanced, encouraging their recreational use and enjoyment by the local community and visitors. The integrated and expanded settlement of Tweedbank will be a social, well-connected community which people will aspire to live in and visit.

The strategic objectives for the development are to:

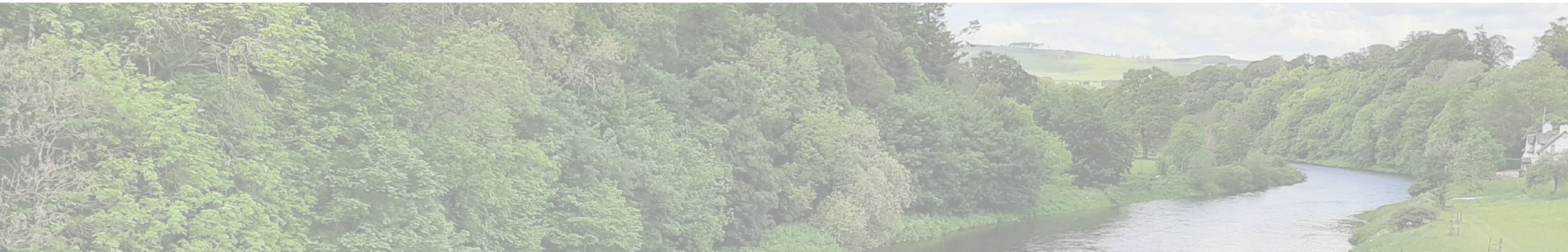
- Deliver new development sustainably and sensitively within this attractive landscape setting;
- Ensure new development strengthens and safeguards the core landscape and environmental assets and ensures future generations continue to benefit from its richness;
- Deliver development in a way that is as sustainable and low carbon as possible, with careful integration of SuDS;
- Create a development with a strong sense of place, character and place appeal;
- Create a special place and facility for the community of Tweedbank that supports the needs of a 21st century community including families and the elderly;
- Visually and physically connect to Tweedbank and encourage active travel, green infrastructure and community integration.

Existing tracks provide excellent opportunity for foot and cycle connections to the railway station

The character of the parkland should be retained with opportunities to support enhancements to biodiversity and access

New development should be sensitively contained by retained mature trees

Part 2 :
Development Analysis and Zoning Opportunities



7 Development Zoning Opportunities

The Site's Natural Assets: Building on and supporting the site's character and value

The following summarises the key areas of landscape consideration to be taken forward with any new development

Establishing the Developable Areas

Residential Zone 1 - 28,655m²
Residential Zone 2 - 12,422m²
Residential Zone 2a - 6923m²
Residential Zone 3 - 10,847m²
Residential Zone 4 - 17,240m²
Zone 5 - Residential or Employment mix - 12,434m²
Business Zone 1 - Employment Land (Class 4) - 12,614m²
Business Zone 2- Employment Land (Class 4) - 5859m²

There is the opportunity for a future dementia facility to be accommodated within the residential zones, most likely to the east of the site.

Development Access

Two vehicular access points are required to serve the development.

Access 1: A new road bridge would provide a critical connection with Tweedbank allowing vehicular access to the western part of the site.

Access 2: Access from the Innovation Park into the eastern part of the site provides a commercial link.

Phasing of infrastructure is critical to development opportunity. Both accesses and internal connectivity are essential for a neighbourhood expansion.

- Proposed vehicle access point
- Proposed pedestrian access point
- Proposed access roads
- Proposed cycleway/footpath
- Borders Abbeys Way

8 The Development Zones

Density Calculations

Zone **1** - 2.8ha, 35dph = max. 100 units
Zone **2** - 1.2ha, 35dph = max. 43 units
Zone **2a** - 0.69ha, 35dph = max. 24 units
Zone **3** - 1.0ha, 50dph = max. 54 units
Zone **4** - 1.72ha, 25dph = max. 43 units
Zone **5** - 1.2ha, 35dph = max. 31 units

295 Residential units (indicative only)

This figure confirms the indicative no. of 300 units on the site as stated in the LDP can be provided. It should be noted that it is likely applications for each zone may exceed the indicative no. and therefore the overall figure will be increased. Any proposed increase in numbers will be subject to scrutiny in terms of design, site layout and infrastructure provision.

Business Zone 1 - 1.2ha
Business Zone 2 - 0.59ha
Total = 1.61ha

Neighbourhood centre with opportunities for tourist related provision and for infill commercial spaces such as studios, workshops and small retail.

Future redevelopment of Lowood House for hotel, education, residential or commercial use.

Total area of woodland loss = 2.9ha
Compensatory planting = 3.0ha

Please note, further compensatory planting will be necessary within the site.

Detailed area - Zone 1 and 2/2a

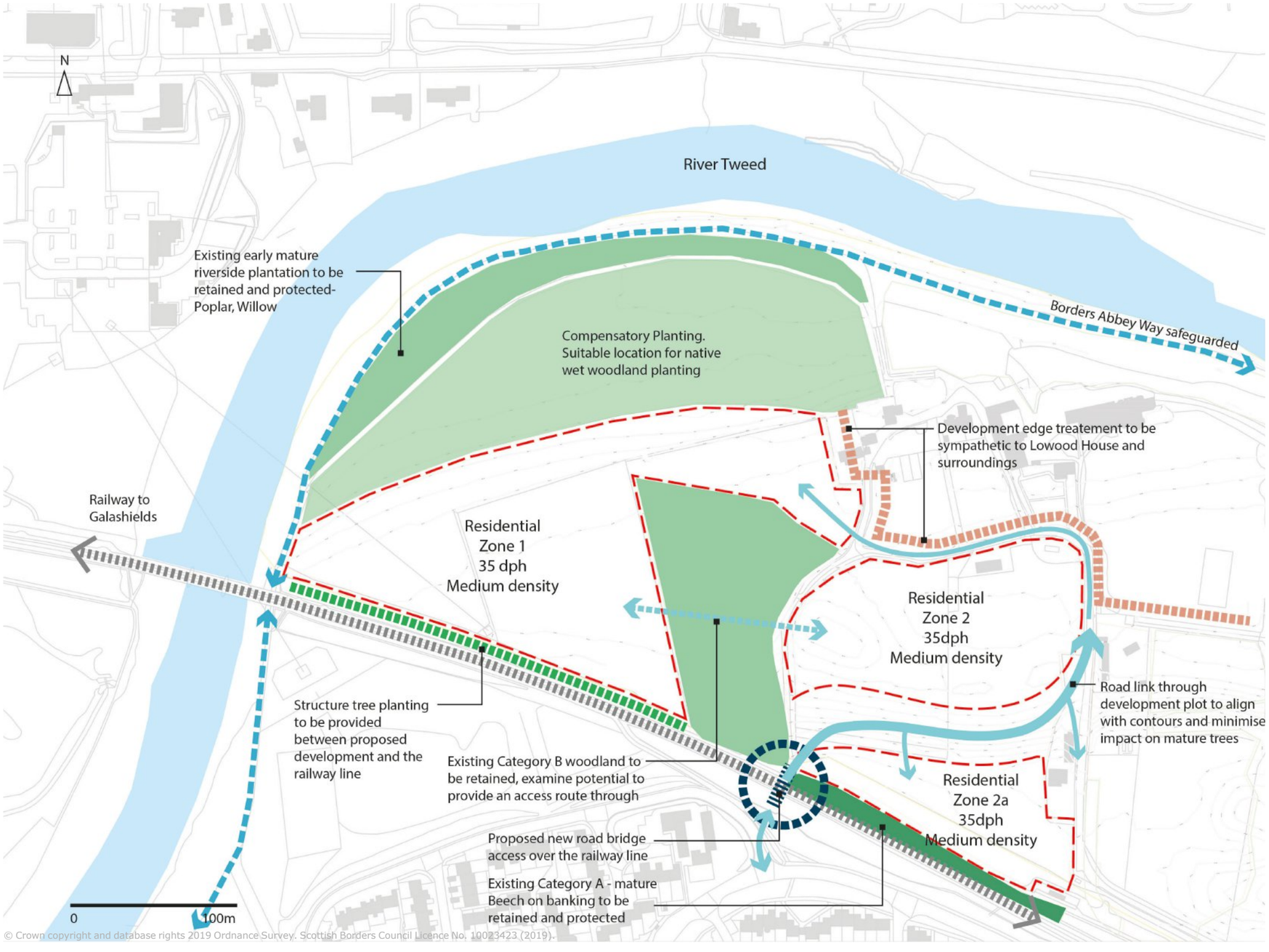


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Image: Rasu-Namai Housing Development, Latvia. Paleko Architecture Studija

Image: Derwenthorpre Housing Development, York. Studio Partington

Image: Elmsbrook Housing, Bicester. Fabrica

Detailed area - Zone 2/2a and 3

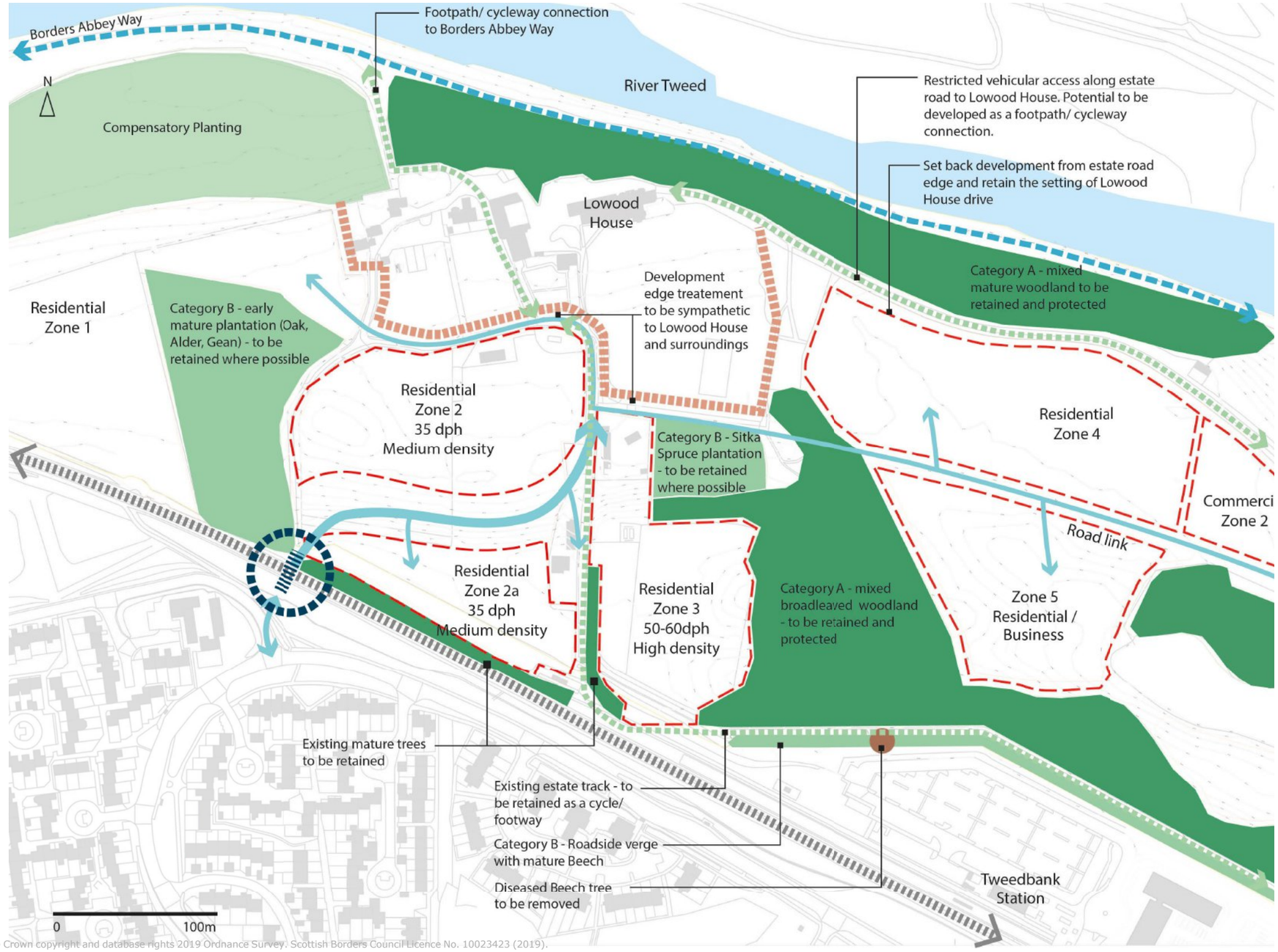

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Image: Zehlendorf Forest Estate, Berlin. Bruno Taut

Image: Higher density residential development example by Oberlander Architects

Image: SuDS, Highland Housing Expo. Civic Engineers

Detailed area - Zone 4 and Commercial

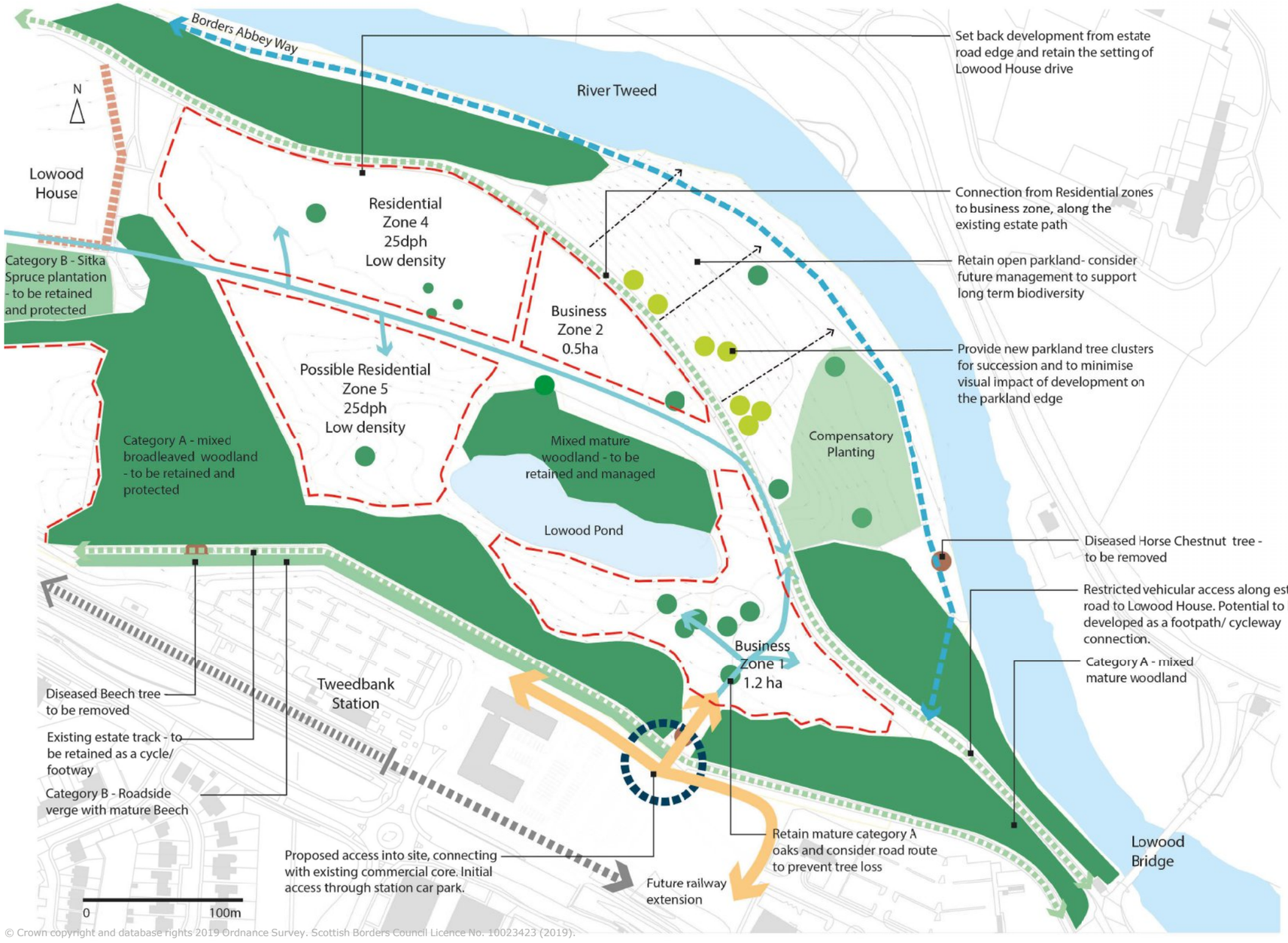

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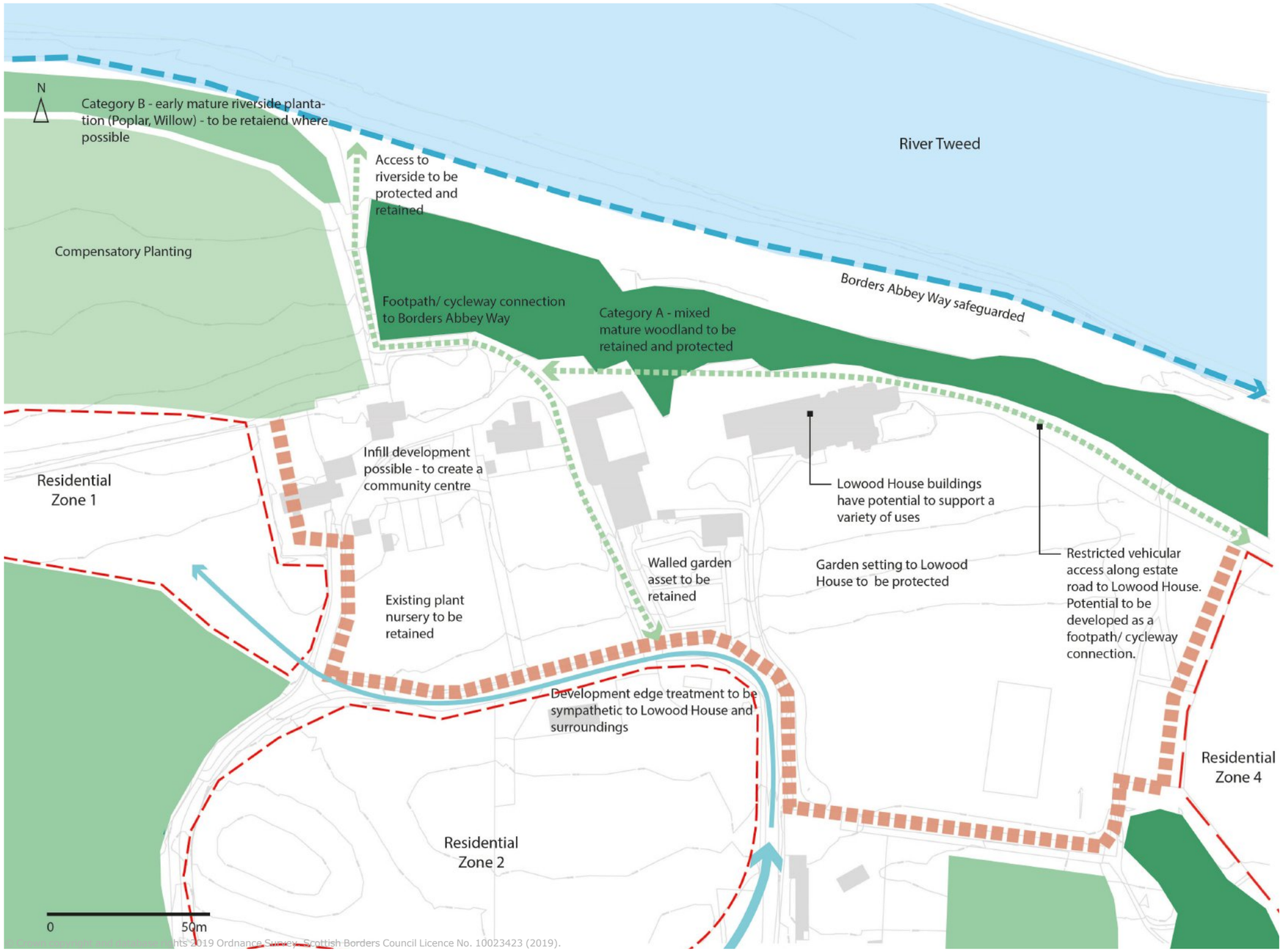
Image: Carrowbreck Meadow, Greater Norwich. Hamson Barron Smith

Image: Carrowbreck Meadow, Greater Norwich. Hamson Barron Smith

Image: Tweedbank, adjacent to site.

Detailed area - Lowood House Area



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Proposed Neighbourhood Centre

Restoration and enhancement of Lowood House and surrouding area, for a variety of uses, to create a neighbourhood centre.

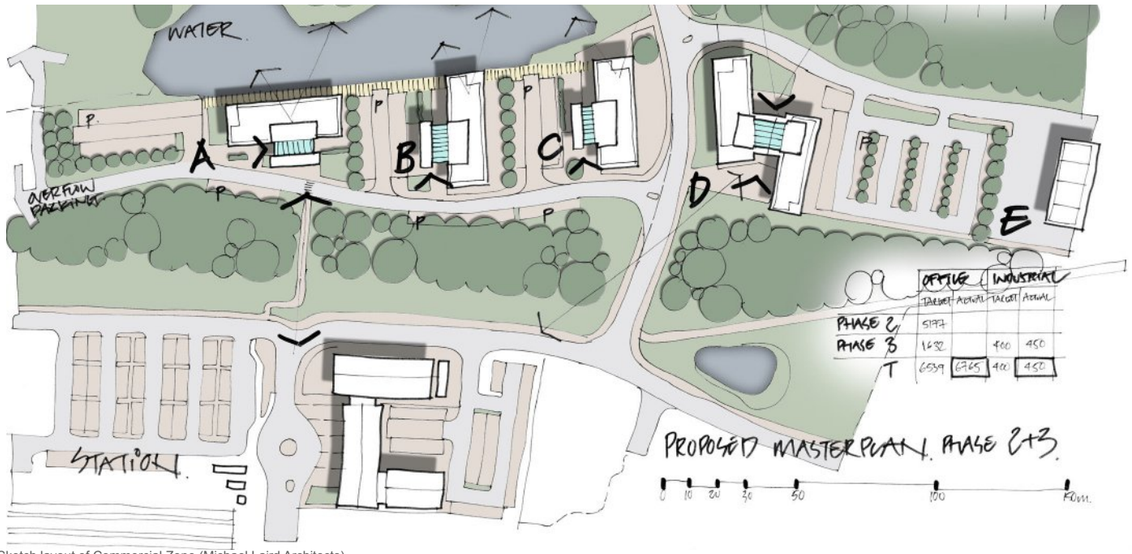
Image: Restoration Yard, Dalkeith Country Park. Malcolm Fraser

Image: Clear Lake Cottage, Ontario. Maclennan Jaunkalns Miller Architects

Image: Mews and courtyard development example by Oberlander Architects

Business Zone

The below sketch illustrates an indicative layout for the business Zone (produced by Michael Laird Architects). The situation of the proposed Commercial Zone is to enable a link with the existing business/industrial land to the south-east of the site, and to tie in with current proposals for the Borders Innovation Park being led by Michael Laird Architects.



Sketch layout of Commercial Zone (Michael Laird Architects).

Borders Innovation Park indicative visual (Michael Laird Architects).

Dementia Hub

This SPG recognises that a Dementia Hub facility may be located within the Tweedbank Expansion area. As the Dementia Hub will primarily be of residential use, it may be premature to identify specific location options. However, the following precedent images represent that the building should reference the landscape setting.

Image: Dementia Care Centre visual, Lowood. JM Architects

Image: Ty Cariad Dementia Care Centre, Abergele. Fairways

9 Design Guidance

The following design principles are general recommendations to ensure that future development is of a high quality and follows current best practice:

- **Sustainable urban drainage** to be incorporated and integrated within development zones. Opportunities to be utilised to create amenity and biodiversity
- All new development should employ **renewable energy** solutions, such as solar power and air source heat pumps. There will be a further consideration of siting in relation to amenity and environmental factors such as noise
- Amenity areas should use **native planting** where possible and avoid large areas of low species diversity grassland
- **Unique features** such as groups of ornamental walnut trees to be retained and incorporated within new development and used for setting and identity. Features such as 'village greens' and incidental **natural play** spaces are encouraged
- Category A trees should be **safeguarded** and protected unless reasons for loss are exceptional
- **Parking** should be based on Scottish Borders Council minimum requirements and incorporated within the development sensitively
- **Lighting** to utilise LED technology and minimise impact on birds and bats
- Residential areas should integrate open space and encourage **community interaction**. Links should be provided to the wider woodlands, parklands and riverside
- Measures should be taken to provide succession planting and enhance **biodiversity** within the wider estate
- Hard boundaries within the residential areas should be avoided and front gardens should ideally be **open** with hedge planting if required
- Building materials should draw upon the local **vernacular** and consider setting
- **Building heights** should be set below site top of canopy to reduce visual impact from the Eildon Hills and Melrose Road
- New tree planting, retained mature trees and orientation of buildings should be considered to minimise **visual impact**
- It is envisaged a single large-scale play area/amenity space provision will be provided within a central part of the site, possibly in the vicinity of Lowood House. Its exact location and timescale for implementation will be determined at the planning application stage as phasing is confirmed. Each house will be required to make a financial contribution towards the facility.

Integrated SuDS.
Image: Highland Housing Expo, John Lord

In-built solar panels
Image: Well Grove, Christine Johnstone

Biodiverse grassland planting
Image: LUC

Retained mature trees and natural play spaces
Image: LUC

Low impact lighting
Image: Mounument lighting, Harper

Local vernacular
Image: LUC

February 2020

VISION STATEMENT

The analysis of the site constraints has identified 5 Residential Zones (Zones 1, 2, 2a, 3 and 4), one residential or employment zone (Zone 5) and a further Commercial Zone. The historic heart of the site is envisioned to carry through into a strong neighbourhood centre and act as an anchor point for new placemaking. Design solutions to the individual zones will be subject to further detailed development, building on the general criteria already identified in the Council's Placemaking and Design SPG.

The site has relatively limited existing development, creating a real opportunity for the development of these zones to provide unique, high quality design solutions which will act as an exemplar and introduce more creative and contextual contemporary design to the Scottish Borders. The historic estate character of the site can act as a creative springboard for placemaking – creating something bold and new with a strong sense of place. The development of the site as whole and the individual zones themselves are likely to be carried out in a series of phases and a key consideration will be the need to ensure that each phase of work can be completed fully, including appropriate boundary treatments to avoid having "raw" edges.

PLACEMAKING AND DESIGN - GENERAL

Key design principles are stated in more detail within this section. In general these seek to ensure residential zones should draw inspiration from the traditional layout of Borders towns and villages with mixed density housing. In each residential zone developers should aim for the highest standards of architecture and design, whether contemporary or traditional in feel. Drawing on SBC's Placemaking and Design SPG, key principles guiding the development should include a mix of building densities, tenures and the encouragement of a variety and imagination in design. The main vehicular access route through the site will be most prominent and will require higher standards of building design giving consideration for higher density housing, including terraced housing where appropriate. Development should address integration between the zones and should allow maximum integration into the wider community through proximity to transport links, leisure and retail, and public spaces.

EARLY-STAGE ANALYSIS: KEY SITE CONSIDERATIONS

As previously cited within this document, the Placemaking and Design SPG provides 19 key design principles for achieving positive design and placemaking. All are important considerations in developing proposals for any development in the Scottish Borders Area and should be considered carefully as part of any proposals for the site. In order to aid the development of proposals for the site, those which require particularly careful consideration at this stage are highlighted below, alongside their overarching application to the site. Those which remain in colour on the right-hand column are key considerations at this stage.

Key Design Principles- Wider Area

PLACEMAKING & DESIGN SPG	WHAT DOES THIS MEAN FOR THE TWEEDBANK EXPANSION SITE?	KEY CONSIDERATIONS AT THIS STAGE
WIDER AREA		**WIDER AREA**
Landscape Character (Wider Context) *Creating development that acknowledges the local variation throughout the Scottish Borders Region*	While the landscape character of the wider area is important, the site is an area of lesser sensitivity in relative terms	Landscape Character (excluded at this stage)
Views *Relating positively to long, medium and short distance views from key locations*	Views ranging from the long views associated with the Eildon Hills, to the historic estate from the B3674 and unfolding views within the site are positive attributes that merit conservation and enhancement	Views
Integrating well into pattern of settlement	The site lies on the fringe of Tweedbank and need not replicate the existing pattern	Settlement Pattern (excluded at this stage)
Infrastructure *Development appropriately scaled and sited to maximise use of existing roads/rail/services opportunities*	The site is located near a number of road, rail and footpath infrastructural assets to utilise to the benefit of the development and community. Walking and cycling encouraged through active design.	Infrastructure

Key Design Principles - Local Area

PLACEMAKING & DESIGN SPG	WHAT DOES THIS MEAN FOR THE TWEEDBANK EXPANSION SITE?	KEY CONSIDERATIONS AT THIS STAGE
LOCAL AREA		LOCAL AREA
Built Character *Sits well within surrounding built form (e.g. architectural style, urban grain)*	The site represents a considerable opportunity to establishing a strong local character, utilising the site's assets and estate characteristics to create a creative, contextual and high quality 21st century area	**Built Character**
Built Form *Creating a contextual addition or urban fabric*	As above, the site represents a considerable opportunity to establish a robust, grounded and yet new and creative sense of place.	**Built Form**
Built Heritage *Demonstrating a responsive understanding of the historic context of a site or area*	The site contains a number of heritage assets, the setting and special of which should be conserved and utilised to inform new design in a creative and 21st century manner. The site represents some archaeological potential which should also be taken into consideration.	**Built Heritage**
Creating a place thatis well within the landscape and built context	The overall siting of development has been established by land allocation in the Local Development Plan and further detailed in this Supplementary Planning Guidance.	Siting of Development (excluded at this stage)
Layout & Legibility *Creating streets and places that are distinctive and legible with a clear sense of identity*	The layout of the settlement, including the relationship between routes, buildings and spaces will play a critical role in both local distinctiveness and quality of the area. Particular consideration should be given to utilising the estate character of the site in this respect.	Layout & Legibility
Sustainable Development *Efficient as practicably possible in the use of natural and man-made resources*	This is an important consideration for all development and should therefore be considered as standard and to no additional degree.	Sustainable Development (excluded at this stage)
Density & Use *Creating a useable place with a strong sense of local identity that is adaptable to future needs*	Density considerations will need to respond to the needs of the community, including a sense of well-being, beauty and estate character.	**Density & Use**
Open Space (landscape character within the site boundary) *Making effective use of open space and creating meaningful spaces within the public and private domain*	As above, the spaces between buildings will be as important to successful development of the site as the buildings themselves, and careful consideration should be given to the qualities of these spaces, including natural environments consistent with the existing estate character.	**Open Space**

Key Design Principles - Building Design

PLACEMAKING & DESIGN SPG	WHAT DOES THIS MEAN FOR THE TWEEDBANK EXPANSION SITE?	KEY CONSIDERATIONS AT THIS STAGE
BUILDING DESIGN		**BUILDING DESIGN**
Energy Efficient Design *Maximising energy efficiency whilst minimising use of unsustainable resources within buildings*	This is an important consideration for all development and should therefore be considered as standard and to no additional degree.	Energy Efficient Design (excluded at this stage)
Relating to the Site *Creating buildings which reflect a detailed understanding of the nature and characteristics of the site*	Existing assets should be utilised to ground new design in a distinctly 21st century and creatively-designed sense of place. Natural and historic assets, including both buildings, routes and features can be positively utilised in this respect.	**Relating to the Site**
Relating to the Townscape *Creating development which sits well within the wider townscape*	The site does not have a highly distinctive local townscape to respond to, and this consideration is therefore of a lesser degree.	Relating to the Townscape (excluded at this stage)
Scale, Massing, Form *Creating a balanced whole with a clear design concept*	Considerations of scale, massing and form will play an important role in the creation of a creative, contextual and high-quality development. Given the historic and natural 'estate character' of the site, a maximum of 2 storeys is most appropriate for the site, with massing and form also taking precedent from positive local examples.	**Scale**, **Massing**, **Form**
Proportion *Creating a sense of unity within the building where individual elements work in harmony with each other*	Proportion within buildings is an important consideration more relevant to later stages in the design and development process.	Proportion (excluded at this stage)
Materials and Colour *Utilising an appropriate palette and quality of materials and colour tones when viewed within the wider context*	Materials and colour are a useful tool in grounding a development in its local context, and colours (e.g. unifed colour of joinery) can help in providing a unifed site character where there is lively and creative differences between zones.	**Materials and Colour**
Details *Incorporating finishes and details that are of quality and integrity within the Scottish Borders context*	As above, local details (which can be creatively developed to give a 21st century spin on historic forms) are a useful tool in grounding development in its context and providing a positive degree of unity between lively and creative zones.	**Details**

WEIGHTING KEY CONSIDERATIONS BY DEVELOPMENT ZONE

Within these key considerations, each development zone within the site area has different weighting within these. The table below provides a useful early-stage indication of weighting of these considerations at this stage. While this is not intended to be exhaustive or final at this early stage, this will be a useful tool in informing development and aiding discussion.

PRIORITY 1	PRIORITY 2

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	COMMERCIAL ZONE	NEIGHBOURHOOD CENTRE
KEY SITE CONSIDERATIONS							
WIDER AREA							
Views							
Infrastructure							
LOCAL AREA							
Built Character							
Built Form							
Built Heritage							
Layout & Legibility							
Density & Use							
Open Space							
BUILDING DESIGN							
Relating to the Site							
Scale, Massing, Form							
Materials and Colour							
Details							

Zone 1
Occupying a large area to the western part of the site, this area will need to give particular consideration to topography, including well-being considerations such as potential impact of proximity to the railway line and making the most of views to and from the riverside walk to the north and west and wider landscape. Within the scope of an overall unified character and good design, there is potential for greater design flexibility in this area. To the eastern end of the site, however, careful consideration will need to be given to respecting and enhancing the built and landscape character of the Neighbourhood Centre and its associated heritage assets. As with other zones, the active encouragement of walking and cycling through the design and character of circulation routes is also a priority.

Zones 2 and 2a
This area is envisioned to form a key access point to the site, and encouraging walking and cycling along this key route as well as driving is an important consideration. The route indicated approximately follows a historic route associated with the estate, and there is potential to use this for route design inspiration, with any remaining historic boundary walls retained where reasonably practicable. Given its role as a key access point, it will play an important role in establishing a strong sense of place and site character through its architectural, spatial and public realm design. There is room for architectural creativity within the scope of a strong sense of place. To the north end of the site, careful consideration will need to be given to the relationship to, and setting of, the heritage assets in the Neighbourhood Centre.

Zone 3
Zone 3 is an area of greater design flexibility in design terms. The principal exception to this is its very northern extent, which on OS mapping appears to follow the East/West line of a historic route lined with trees. It would be beneficial to better understand this, and any other historic features on site, to positively inform the proposals in a proportionate manner. Relationship to, and transition into, the wider natural landscape would be beneficial.

Zone 4
This site area is one of high visibility, and also occupies an important space between the existing designed historic route to the main house (along its northern boundary) and a proposed principal modern access route through the site (along its southern boundary). Careful consideration should be given to the material, architectural, spatial and public realm design along these routes. This should take the positive opportunity to creatively reinforce a sense of 'estate character', with its associations of spaciousness and connection with the landscape, experienced through unfolding views along its length by car, cycle and pedestrian users. Lower density is appropriate as a result. Particular care should be taken with the architectural design and layout of this area to reinforce this estate character in a creative and contextual manner – responding to the historic character of the site in a creative, high quality and 21st century design style.

Zone 5
Like Zone 4, this area will occupy an area of high visibility, and will need to have a positive and considered relationship with the principal route through the site, and wider parkland landscape (notably the pond to its east). Therefore, similar spatial and architectural considerations apply as outlined in Zone 4. Given the topography of this area, spatial layout and roofscape design offer notable potential for a lively and contextual roofscape design in views across the site.

Business Zone
The southern part of this area will be a key point of access to the site, and as such will play an important role in establishing a sense of arrival into a place of strong character. Materiality, including colour and texture, will be as important for the public realm as the built form in achieving this. Connectivity alongside site and roadside boundary treatment will be highly important considerations, as will the retention of trees and relationship to the pond and wider natural landscape. As a key route and point of access, the active encouragement of walking and cycling through the design and character of the main access route is also a high priority. The establishment of high quality architectural scale, form, style and layout will set the scene for the wider site development and its character. In the northern part of this area the architectural, spatial and public realm design will all play an important role in transitioning to the unified but unique character. This northern part will be visible from the riverside walks to the north and beyond and therefore requires sensitive consideration. A positive aesthetic transition between built areas and landscape also require careful consideration.

Neighbourhood Zone
The overall Tweedbank expansion area approximately comprises the historic Lowood Estate, which comprised a principal house, secondary buildings and a designed estate landscape. This area comprises the historic heart of the site, containing the historic Lowood House, its immediate landscape and associated buildings and features. These heritage assets are worthy of conservation and enhancement, including any contribution made by their setting. Therefore, change should be based upon a proportionate understanding of their special interest and character in order to protect such features, while simultaneously clarifying what can be changed without detriment to character. Carefully considered unfolding views and a sense of arrival, particularly to the main house, will be a key consideration, as will the positive management of trees and landscaping. As the historic heart of the site, active daily use and engagement with this area by the local community and potentially by tourists to the area will be an important consideration, and actively pursued as part of any design proposal.

Energy Options for Tweedbank Expansion

The site will be developed during a time of transition for Scotland's energy infrastructure.

Integrated spatial planning takes a holistic approach to development based on a clear set of sustainable outcomes. It involves linking local needs and outcomes with planning guidance and national strategies and targets, together with the design and provision of infrastructure to service new developments and existing urban areas that will enable the outcomes to be realised. An integrated energy planning approach for the site must build on these principles, focussing over time on the use, distribution and generation of low carbon or renewable energy.

A preliminary energy analysis for the site has been undertaken by ARUP on behalf of the Council, based on a broad range of assumptions for the technologies assessed. In the absence of a spatial masterplan and firm plans for the buildings proposed for Lowood, initial indications suggest that the most viable technology option, based on the assumptions for homes, other buildings, site density, etc, will be distributed air source heat pumps. Roof-mounted PV and solar hot water heating could also provide a compatible renewable contribution of power and heat.

Increasing the building density and looking at the opportunity to connect existing buildings adjacent to the site may improve the economics of a heat network.

If the building density remains low, then building integrated systems such as individual heat pumps, which will take advantage of the reducing carbon intensity of the national grid, and additional benefit from PVs, providing a simple, low carbon distributed solution that would not rely on phasing of development of the site.

The priority must clearly be for the buildings to achieve the highest standards of energy efficiency in their construction, which will help determine the overall energy demand of the site. As the SPG for the site develops, these requirements will help build the case for additional low carbon energy infrastructure, serving the domestic, office and care centre elements of the site. Energy options are being considered further by the Council.

10 Pre-development Checklist

The table below sets out a pre-development check list, while the list is not exhaustive, it identifies key areas of research that should be undertaken during the development of designs and prior to any application submission. Scottish Borders Council strongly welcomes applications for planning consent for projects which meet the guidelines and objectives within this SPG. Prior to application, the following list identifies some of the further considerations that will be required.

Issue		Research Required
Planning background		Identify relevant Development Plan allocations and policies
		Identify other planning constraints (designed landscapes, listed buildings, tree preservation orders etc.)
		Identify relevant planning guidance affecting the site, e.g. SPGs
		Identify any live planning permissions on the site or in the immediate vicinity.
Geology, ground conditions and contaminated land		Undertake a desktop study and follow through with intrusive investigations where necessary
		Contact and seek advice from SBC's Contaminated Land Officer
Transportation		Contact and seek advice from the SBC's Roads Planing Section about access constraints, specific development requirements, design standards, road drainage, materials, etc. Where appropriate, the method and scoping of transport assessments should be agreed.
Public Transport		Establish where existing bus stops and shelters are located and confirm with the Public Transport Service whether there are any improvements to existing facilities planned or required, including foot/ cycle path connections to bus stops and secure cycle parking at main bus stops, to be provided by the developer.
Connectivity		Identify existing and potential walking, cycling and public transport access routes between the development site and community facilities
		Contact and seek advice from the SBC's Roads Planning Section regarding the opportunities for providing on road and off road cycling facilities
Flood Risk Assessment		Check SEPA flood maps
		Contact and seek advice from the Council's Flood Risk and Coastal Management Section
		Undertake flood risk assessment, where necessary.
Biodiversity		Take account of Sites of Special Scientific Interest (SSSI) and Special Areas of Conservation (SAC) designations.
		Commission a site specific Tree survey and Tree Impact Assessment to BS5837:2015
		Commission a Phase 1 habitat survey, where necessary
		Establish the requirement and timscales for an HRA
Archaeology		Undertake a desktop study, plus geophysical survey and/or archaeological evaluation trenching in advance of development
		Contact and seek advice from the Council's Archaeology Officer
		Where development might directly impact sites of scheduled archaeology, advice should be sought from Historic Scotland's Scheduled Monument Consent Team
Education		Contact and seek advice from the SBC's Education Officer establish availability of primary and secondary school capacity and identify relevant developer contributions
Drainage Impact Assessment		Contact Scottish Water and SEPA to establish availability of capacity/ supply and to identify threir adoptable standards and key requirements for SUDs
		Contact and seek advice from Development Management, Flood Risk Manager and Transportation Manager to identify their key requirements for SUDs
Play provision		Contact and seek advice from SBC to establish the requirement/ extent of play provision required
Affordable Housing Requirement		Contact and seek advice from SBC to establish the requirement/ extent of affordable housing required
Waste Management		Contact and seek advice from SBC Waste Management to establish requirements for refuse and recycling facilities, particulaarly as to how they may affect street design
Phasing		Liaise with SBC to estblish phasing of the development and its timescales with any other developments in the area
Low Carbon/Energy Options		Consideration of findings of ARUP Study
		Contact with Council's Environmental Strategy Officer regarding energy options.

Appendices

A.1 Tree and Woodland Assessment
A.2 Ecological Appraisal
A.3 Consultation Responses

A.1 Tree and Woodland Assessment

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Alan Motion Tree Consulting Ltd
Chartered Forester, Arboricultural Consultant

Tree and Woodland Assessment

Lowood, Tweedbank

For

LUC and Scottish Borders Council

06 August 2019

Institute of Chartered Foresters
Registered Consultant

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1. GENERAL INTRODUCTION

1.1. Alan Motion Tree Consulting Ltd has undertaken a brief overview of existing trees and woodlands within Lowood Estate at Tweedbank, for LUC on behalf of Scottish Borders Council, in connection with proposed mixed use development.

1.2. This initial survey and report provides a description of the broad categories of tree and woodland cover, their distribution, and relative arboricultural/silvicultural value, and highlights those areas where future development has the potential to impact adversely on tree cover. It identifies areas where future development might proceed with little or no impact on existing trees and woodlands.

1.3. This report has been prepared in order to inform the masterplanning process. It does not provide the level of detail that would be required to inform detailed design considerations. A full, detailed tree survey in accordance with the recommendations of BS5837:2012 “Trees in relation to design, demolition and construction – Recommendations” will be required as detailed designs emerge.

2. SITE DESCRIPTION

2.1. Lowood Estate lies to the north of the Borders Railway at Tweedbank Station, and is enclosed to the west, north and east by the River Tweed. The estate is a mixture of pasture and policy woodland, with a few scattered parkland trees. The land has a generally northerly aspect, sloping down to the river.

2.2. Lowood House is towards the river within mature, ornamental gardens. Long-established woodlands provide good enclosure and seclusion for the house. Lying to the west of the house are further houses, cottages and buildings at Bridgend.

2.3. The earliest edition Ordnance Survey maps (Six Inch First Edition 1843-1882) shows the gardens and parkland extending to the south and east of the house. A stone wall forms the southern site boundary, and a linear woodland of beech and Scots pine provides a more-or-less continuous screen along this edge. A row of mature beech

trees lines the estate access road beyond the boundary wall. A pond is present within the open parkland, and individual trees are shown throughout the parkland, and along field boundaries to the west of Bridgend.

Ordnance Survey 6 Inch 1st Edition, 1843-1882. National Library of Scotland

2.4. The southern woodland edge remains today, and is dominated by mature beech and Scots pine, but becoing more diverse towards its western end, where ash and sycamore become more obvious. Although not recorded as such in the Ancient Woodland Inventory Scotland, these woodlands are Long-established of Plantation Origin.

2.5. A section of mature conifer plantation, comprising Sitka spruce and larch, now grows over much of the area at Well Park on the former gravel pit. This area is suffering from wind damage and is in a poor condition. It will need to be felled in the near futue.

2.6. The original woodlands to the east of Lowood House also remain, containing a mix of species including beech, oak, Scots pine and sycamore.These extend down a steep bank towards the river.

2.7. More recent areas of woodland are also present within the estate. A mixed woodland containing Douglas fir and Scots pine, with underplanting of beech, gean and western hemlock, grows on the slope rising north from the pond. Along the nortehrn edge of this is a narrow strip of mature European larch.

2.8. In the west of the site, west of Bridgend, there are blocks of woodland including young broadleaved planting; a central block of early-mature broadleaved woodland consisting of oak, alder and gean; and an early-mature block of Sitka spruce and larch lying to the west of this.

2.9. Established tree cover extends along the north-west edge of the estate along the edge of river walkway.

2.10. Within the open areas of pasture around the pond; and to the north-east of the internal estate road, there are scattered remnants of the original parkland trees including beech, sycamore, horse chestnut and oak. There are some good early-mature specimens of common walnut to the north-west of the pond.

3. POTENTIAL DEVEOPMENT IMPACTS

3.1. The site has been identified for a mixed development of commercial and residential. Potential access routes into the site include utilising the existing road serving Tweedbank Station; and a new bridge and access from Tweedbank Drive, joining the access road to Bridgend.

3.2. Commercial development is likely to be located in the open ground to the south and east of the pond, with residential development to the north and west of the pond; and to the west of Bridgend.

3.3. It would be possible to form a new access road through an existing gap in the southern boundary woodland, with only minimal impact on existing trees (one

Category B Scot spine removed). Road alignment would need to avoid impact on existing high-quality parkland oak and beech trees which are located close to the south-east corner of the pond, although a few of the mature beech trees here are in poor and declining condition.

3.4. Residential development to the north of the southern boundary woodland can be accommodated with minimal impact on tree cover. A sufficient buffer will be needed to minimise potential impact on the very large, edge trees which are dominated by beech with low and spreading canopies. The impact of shading from these trees will have a significant impact on any adjacent development.

3.5. The poor and unstable conifer crop at Well Park in the former gravel pit will need to be clear-felled. This could provide an opportunity for some limited residential development. The line of oak trees along the edge of the existing small field would need to be retained and protected.

3.6. Land to the west of Bridgend provides considerably greater scope for development. It could be acceptable to remove the existing young plantation, and the spruce/larch plantation to accommodate development. The central broadleaved woodland is well-established and could be retained, with a new road located along its northern edge to access the western section. Alternatively, a new road could cut through the central woodland block without compromising stability and longevity of the retained tree cover.

3.7. In order to comply with current Scottish Government policy on the control of woodland removal, any loss of woodland area should be compensated with replacement planting. It may be possible and acceptable to provide compensatory planting on the arable field in the north-west of the estate, part of which lies in the floodplain. Further planting could be accommodated in the existing meadow pasture in the north-east of the estate, extending to the river corridor. Any planting here would need to be of smaller scale, group planting in order to maintain the open parkland/meadow character. New planting that extended along the northern edge of the estate road, on the higher ground, would provide benefit in screening long-

distance views of any development from the B6374 road, on the east side of the river valley.

3.8. The plans accompanying this report show the broad woodland areas, prominent tree groups, and significant individual specimen trees. Based on these features, the second plan indicates potential development areas, access points, and areas that might accommodate compensatory planting.

4. SCOTTISH GOVERNMENT POLICY ON CONTROL OF WOODLAND REMOVAL

4.1. The guiding principles of the Scottish Government's policy are:

- There is a strong presumption in favour of protecting Scotland's woodland resources.
- Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits (note that public benefits include social, economic and environmental benefits). In appropriate cases a proposal for compensatory planting may form part of this balance.
- Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits.
- Planning conditions and agreements are used to mitigate the environmental impacts arising from development and Forestry Scotland will also encourage their application to development-related woodland removal.
- Where felling is permitted but woodland removal is not supported, conditions conducive to woodland regeneration should be maintained through adherence to good forestry practice as defined in the UK Forestry Standard.

4.2. Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to:

- helping Scotland mitigate and adapt to climate change;
- enhancing sustainable economic growth or rural/community development;
- supporting Scotland as a tourist destination;
- encouraging recreational activities and public enjoyment of the outdoor environment;
- reducing natural threats to forests or other land; or

- increasing the social, economic or environmental quality of Scotland's woodland cover.

4.3. The policy states that there will be a strong presumption against removing, amongst other designations, ancient semi-natural woodland; areas supporting priority habitats and species listed in the UK Biodiversity Action Plan; and woodlands critical to water catchment management or erosion control.

4.4. Where compensatory planting is stipulated as a requirement of planning permission, specifications of that planting will be determined by the relevant planning authority.

EARLY–MATURE RIVERSIDE PLANTATION POPLAR, WILLOW

PLANTATION LARCH

PLANTATION SITKA SPRUCE

EARLY–MATURE PLANTATION OAK, ALDER, GEAN

YOUNG PLANTATION, OPEN, SCRUBBY

MIXED MATURE WOODLAND

PLANTATION SITKA SPRUCE

PLANTATION LARCH, SITKA SPRUCE, UNSTABLE, WINDBLOW

MIXED BROADLEAVED WOODLAND

MATURE BEECH ON BANKING

OAK GROUP ALONG FIELD EDGE

BEECH WITH KRETZSCHMARIA ROOT INFECTION – FELL AS PRIORITY

ROADSIDE VERGE WITH MATURE BEECH

MATURE WOODLAND, BEECH, SCOTS PINE

EARLY–MATURE WALNUT

MATURE SYCAMORE

BEECH

MATURE LARCH TO EDGE OF WOODLAND

MIXED MATURE WOODLAND SCOTS PINE, DOUGLAS FIR, WITH BEECH, GEAN, WESTERN HEMLOCK UNDERPLANTING

OAK

BEECH

BEECH

OAK

BEECH

BEECH

MATURE, OPEN–GROWN PARKLAND TREES

OAK

SCOTS PINE

HORSE CHESTNUT WITH EXTENSIVE STEM DECAY – FELL AS PRIORITY

Shingle

Path (um)

River Tweed

Lowood

Tennis Court

Tank

Lowood Mains

Bridgend Cottages

Alan Bridge

Pavilion Farm

Kennels

Pavilion

Pavilion Cottage

Quarry Stream

Boxbrae Pool

Coalie Knowe

TWEEDBANK

Tweedbank Primary School

Community Centre

Cricket Centre

Viaduct

Melrose Bridge

Gattonside Sch

Bootshiel Ho

Scottish Public Pensions Agency

Civic Gov

Clerkland Toll

HEDGEHOPE DRIVE

TWEEDBANK DRIVE

OAK WOOD

ELM WOOD

BEECH WOOD

OAK DRIVE

ELM DRIVE

BEECH DRIVE

KILLIE COURT

CONVENT ROAD

ABBOTSFORD ROAD

ESKBANK DRIVE

MELROSE ROAD

ROSEBERY CRESCENT

CHIEFTAINS GROVE

CHIEFTAINS GREEN

CHIEFTAINS DRIVE

107.9m

96.7m

44.1m

Alan Bridge

Path (um)

Shingle

Oak Pool

The Narns

Bridge Pool

Brigend Pool

Shiels Ho

Fjord Hus

Path (um)

Path (um)

Path (um)

EARLY-MATURE RIVERSIDE PLANTATION, POPLAR, WILLOW

LAND WITH POTENTIAL FOR COMPENSATORY PLANTING

PLANTATION LARCH

PLANTATION SITKA SPRUCE

EARLY-MATURE PLANTATION OAK, ALDER, GEAN

POTENTIAL ROAD LINK

YOUNG PLANTATION, OPEN, SCRUBBY

MIXED MATURE WOODLAND

POTENTIAL FOR ROAD LINK WITH SOME IMPACT ON WOODLAND COVER

PLANTATION SITKA SPRUCE

PLANTATION LARCH, SITKA SPRUCE, UNSTABLE, WINDBLOW

MIXED BROADLEAVED WOODLAND

MATURE BEECH ON BANKING

OAK GROUP ALONG FIELD EDGE

EARLY-MATURE WALNUT

MATURE SYCAMORE

BEECH

MATURE LARCH TO EDGE OF WOODLAND

MIXED MATURE WOODLAND: SCOTS PINE, DOUGLAS FIR, WITH BEECH, GEAN, WESTERN HEMLOCK UNDERPLANTING

LAND WITH POTENTIAL FOR COMPENSATORY PLANTING

MATURE WOODLAND, BEECH, SCOTS PINE

BEECH WITH KRETZSCHMARIA ROOT INFECTION – FELL AS PRIORITY

ROADSIDE VERGE WITH MATURE BEECH

HORSE CHESTNUT WITH EXTENSIVE STEM DECAY – FELL AS PRIORITY

OAK

BEECH

BEECH

BEECH

OAK

MATURE, OPEN-GROWN PARKLAND TREES

OAK

SCOTS PINE

POTENTIAL ROAD ACCESS WITH MINOR IMPACT ON EXISTING TREES AND WOODLAND EDGES – ONE PINE POTENTIALLY REMOVED

Shingle

Path (um)

River Tweed

Alan Bridge

Lowood

Tennis Court

Tank

Lowood Mains

Bridgend Cottages

Pavilion Farm

Alan Lodge

Kennels

Stable House

Pavilion

Pavilion Cottage

Quarry Stream

Bostabrae Pool

Path (um)

Und

CR

Ford

Tweedbank

Coalie Knowe

Gattonside Burn

Melrose Bridge

Bowhill

Scottish Public Pensions Agency

Cleekhimin Road

Melrose Drive

Tweedbank Drive

Oak Drive

Oak Wood

Kylie Court

Meadow Drive

Community Campus

Tweedbank Primary School

Swimming Pool

Leisure Centre

Crosslee Centre

Co-operative Building

Playground

Petrol Station

Caravan Park

Cemetery

Sub Sta

Path Gov

Gov

Viaduct

Underpass

Footbridge

Ford

Ruin

Sta

Works

Pond

Fjord Hus

Oak Pool

The Narns

Bridge Pool

Bridgend Pool

Stewart Pit

Path Gov

Path (um)

Und

CR

Ford

Path (um)

Shingle

Shingle

Path (um)

Path (um)

Path (um)

A.2 Ecological Appraisal

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Lowood

Preliminary Ecological Appraisal Report

Prepared by LUC
September 2019

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1 Chapter 1

Executive Summary

1.1 LUC was commissioned by the Scottish Borders Council in August 2019 to undertake an Extended Phase 1 Habitat Survey of the Lowood Estate and provide a Preliminary Ecological Appraisal report, to provide input for Supplementary Planning Guidance.

1.2 Key findings of the survey are summarised in **Table 1.1** below.

Table 1.1: Summary of Findings

Ecological Feature	Key Findings
Habitats	The site is primarily comprised of grazed parkland, consisting of semi-improved neutral grassland and improved grassland surrounded by broadleaved woodland. The site is bounded to the north, west and east by the River Tweed and to the south by the new Borders Railway line and station, residential properties and an industrial estate. The centre of the site consists of Lowood House, historically associated residential properties and a plant nursery.
Protected Species	Badger setts were recorded at two locations within the site; both main setts and outlier setts were recorded. Evidence of squirrel was found at two locations within the woodland areas. We cannot confirm whether these were red or grey squirrel signs as no individuals were seen, though both species have been recorded in the area.

2 Introduction

2.1 LUC was appointed by the Scottish Borders Council in August 2019 to undertake an Extended Phase 1 Habitat Survey on the Lowood Estate, Tweedbank. The survey was commissioned to inform the council as they draft Supplementary Planning Guidance (SPG) and to help inform future requirements for detailed surveys, mitigation requirements, enhancement opportunities, and a possible strategic-level Habitat Risk Assessment (HRA) for future development proposals.

2.2 This report sets out the methods adopted and the baseline findings of the Extended Phase 1 Habitat Survey. It also details potential constraints which may be imposed on future developments and enhancement opportunities which could be adopted for this site.

Site description

2.3 The site is located immediately north of Tweedbank in the Borders; between Melrose and Galashiels. The site consists mainly of parkland used for the grazing of cows and sheep, with large areas of broadleaf woodland and smaller areas of coniferous woodland throughout. There are a small number of buildings within the site which consist of the main Lowood House, residential properties and a plant nursery which is made up of wooden sheds and poly tunnels. To the north, west and east the site is bound by the River Tweed and to the south is bordered by the new Borders Railway line and end terminus. Further south are residential buildings and a small industrial estate.

2.4 Photographs of the site and are provided in **Appendix 1**.

Proposed Development

2.5 Though no specific development has been planned, the site has been identified by the Council as having development potential and an Extended Phase 1 Habitat Survey has been sought to determine the baseline environmental data for the site.

Policy and legislation

2.6 The report has been prepared in cognisance of relevant legislation and policy, including European and domestic environmental legislation, UK nature conservation policy and local biodiversity guidance.

2.7 European and National legislation along with Planning Policy and guidance relevant to the site is listed below:

- The Conservation (Natural Habitats, &c,) Regulations 1994 as amended;
- The Wildlife and Countryside Act 1981 (as amended);
- Protection of Badger Act 1992 (as amended); and
- Scottish Planning Policy.

3 Methods

Overview

3.1 The Extended Phase 1 Habitat Survey was undertaken by LUC and comprised of a field survey conducted by qualified ecologists. A desk study was completed using data supplied by the Scottish Borders Council, which was undertaken by The Wildland Information Centre (TWIC).

3.2 Each of the survey components is set out as such;

3.3 **Desk Study** – a review of existing records of designated sites and protected species activity at the site and in its vicinity; and

3.4 **Field Study** - based on an Extended Phase 1 Habitat Survey, the field study comprised various elements, including an assessment of the site's potential to support protected species.

Desk Study

3.5 The desk study involved a review of the records (supplied by TWIC) of protected species activity at the site and in a 2 km vicinity. Applications to Scottish Badgers and the Borders Bat Group were also placed for further historical data.

3.6 Designated sites were searched for using SNH Sitelink[1] and non-designated sites through the Scottish Borders Council Local Development Plan interactive mapping tool[2].

Field Study

3.7 An Extended Phase 1 Habitat Survey of the site was completed in accordance with JNCC[3], Bat Conservation Trust[4] and SNH[5] methodology. The survey was conducted on 19 September 2019 during warm, dry and sunny weather conditions.

3.8 The survey methods provide a rapid and standardised approach to documenting and classifying habitats together with any evidence of, and potential for, legally protected and notable fauna.

3.9 The following were searched for within the site boundary, as informed by the Scottish Borders Council Ecologist and our understanding of protected species in southern Scotland:

- signs of otter activity including spraints, tracks, feeding remains and holts along any watercourses within or adjacent to the site;
- signs of water vole including latrines, feeding remains, tracks and burrows along any watercourses within or adjacent to the site;
- signs of badger activity including setts, tracks, snuffle holes and latrines;
- features which may provide suitable roosting opportunities for bats within trees and buildings;

[1] Available online at SNH website. Search conducted 24/09/2019

[2] Available online through Borders Council website. Search conducted 24/09/2019

[3] JNCC. Handbook for Phase 1 habitat survey. 2010

[4] Collins, J.(ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).

[5] Protected Species Survey Advice for Developers. Badgers, Great Crested Newt, Otter, Pine Marten, Red Squirrel and Water Vole.

- the most common non-native invasive species (Japanese knotweed, giant knotweed, hybrid knotweed, giant hogweed, rhododendron and Himalayan balsam) which are subject to strict legal control.

3.10 The bat roosting potential survey takes into account the range of roosting conditions required by bats throughout the year and followed assessment criteria set out by standard guidance prepared by the Bat Conservation Trust[4].

3.11 The criteria used to categorise bat roost potential (BRP) are summarised in **Table 3.1**. The table also summarises what actions, if any, are required following classification.

Table 3.1: Bat Roost Potential Categories.

BRP Category	Roosting Habitat Features	Commuting and Foraging Habitat Features	Survey Requirement
Negligible	Negligible habitat features likely to support roosting, commuting or foraging bats		No surveys required
Low	Structures in this category offer one or more potential roost sites for individual, opportunistically roosting bats. These sites do not offer the space, shelter or appropriate conditions to support large numbers of bats or maternity roosts. Tree in this category include those of sufficient size and age to support suitable roosting features, but none are visible from the ground	Habitat on and around the site could be used by a small number of commuting bats. This category includes densely urbanised landscapes or linear vegetation features poorly connected to the wider landscape (e.g. gappy hedges in an agricultural context).	1 dusk or dawn survey required for structures. No surveys required for trees.
Moderate	Structures and trees in this category offer one or more roost site that, due to their space, shelter or conditions, offer roosting potential for a range of species. Roosts may be more permanent, rather than opportunistic. Small maternity roosts of common species may form in one of these roost sites.	Habitat on and around the site is well-connected to wider continuous habitat and offers commuting and foraging habitat to a larger number of bats across a number of species. (e.g. tree lines or linked gardens in the urban context, or continuous hedge/ tree lines and watercourses in an agricultural setting)	1 dusk and 1 dawn survey required for both structures and trees. Tree-climbing may be an appropriate alternative to dusk and dawn surveys.
High	Structures and trees in this category have one or more potential roost sites that are suitable for large number of bats. Roosts are likely to be permanent and include maternity roosts. Potential roost sites exist for a wide range of species or species of particular conservation interest.	Habitat on and around the site is diverse, continuous and linked to extensive suitable habitat. This category includes well-vegetated rivers, streams, hedgerows and woodland edge. Habitat is sufficiently diverse to offer opportunities to a wide	3 surveys, including both dusk and dawn elements. Tree-climbing may be an appropriate alternative to dusk and dawn surveys.

BRP Category	Roosting Habitat Features	Commuting and Foraging Habitat Features	Survey Requirement
		range of species or those of particular conservation interest.	

Constraints to methods

3.12 Evidence of protected species is not always discovered during a survey. This does not mean that a species is not present, hence the surveys also record and assess the ability of habitats to support protected species. The time frame in which the survey is implemented provides a 'snapshot' of activity within the survey area and cannot necessarily detect all evidence of use by a species.

3.13 All non-native species are legally controlled under of the Wildlife and Countryside Act 1981 (as amended by the Wildlife and Natural Environment (Scotland) Act 2011). The Extended Phase 1 Habitat Survey checked, in particular, for the presence of Japanese knotweed (as well as giant knotweed and hybrid knotweed), giant hogweed, rhododendron and Himalayan balsam. There may be other invasive plant species present within the survey area which were not recorded, but it is considered that this survey is sufficient to identify any significant constraints posed by invasive plants.

3.14 It is important to note that the survey was carried out at towards the end of the recognised survey season for undertaking habitat surveys. However, plants were still identifiable and it was not felt to be a significant constraint to the study.

3.15 A large proportion of the banks of the River Tweed were not accessible due to the steepness of the land or thick vegetation. As such not all suitable habitat was able to be surveyed in detail for evidence of otter.

4 Results

Desk Study

4.1 The desk study identified the following protected species within the 2 km buffer:

- Otter *Lutra lutra*;
- Badger *Meles meles*;
- Red squirrel *Sciurus vulgaris*;
- Daubenton's Bat *Myotis daubentonii*;
- Noctule *Nyctalus noctula*;
- Common pipistrelle Bat *Pipistrellus pipistrellus*; and
- Soprano pipistrelle Bat *Pipistrellus pygmaeus*.

4.2 No historical records (excluding Badgers) were found for within the site.

4.3 Information provided by Scottish Badgers shows a high number of badger evidence within the site and the 2 km buffer. Eighty-one incidences of badger road traffic accidents and 20 accounts of setts and activity were recorded in the site and 2 km buffer.

4.4 No records were held by the Borders Bat Group.

4.5 Statutory designated sites within 2 km of the site are listed in **Table 4.1**, below.

Table 4.1: Designated Sites

Name of Site	Designation	Qualifying Features	Proximity to Site
River Tweed	Site of Special Scientific Interest	• Atlantic salmon (Salmo salar) • Brook lamprey (Lempetra planeri) • River lamprey (Lampetra fluviatilis) • Otter (Lutra lutra) • Beetle assemblage • Fly assemblage	Borders site at north
River Tweed	Special Area of Conservation	• Atlantic salmon (Salmo salar) • Brook lamprey (Lempetra planeri) • River lamprey (Lampetra fluviatilis) • Sea lamprey (Petromyzon marinus) • Otter (Lutra lutra) • Rivers with floating vegetation often dominated by water-crowfoot	Borders sight at north
Avenel Hill and Gorge	Site of Special Scientific Interest	• Green hairstreak (Callophyrus rubi) • Upland oak woodland	Approx. 1.4 km north

4.6 Non-statutory designated sites within 2 km of the site are listed in **Table 4.2**, below.

Table 4.2: Non-designated Sites

Name of Site	Designation	Qualifying Features	Proximity to Site
Eildon and Leaderfoot	National Scenic Area	N/A	Borders site at eastern edge
Tweed, Ettrick and Yarrow Confluences	Special Landscape Area	N/A	Approx. 750 m south

Field Study

Habitats

4.7 The site consists of a small number of common and widespread habitats, detailed below along with their JNCC codes. When considering these descriptions, please also refer to site photographs in **Appendix 1** and the Phase 1 Habitat Map in **Appendix 2**.

Semi-improved neutral grassland (B2.1)

4.8 There are two large areas of this habitat in the centre and the east of the site. It is periodically, though not intensively, grazed by cattle and sheep and parts of it appeared to have been mown. Species found in this habitat were Yorkshire fog *Holcus lanatus*, sweet vernal grass *Anthoxanthum odoratum*, cock's foot *Dactylis glomerta*, thistle *Cirsium* sp. and common bent *Agrostis capillaris*.

Improved grassland (B4)

4.9 This habitat was found in two fields, one to the northeast of the site and one to the west. They are similar to the semi-improved neutral grassland in species composition however, the overall species diversity is lower, due to heavy usage of fertilisers and/or heavy grazing. The dominant species were perennial rye grass *Lolium perenne*, white clover *Trifolium repens* and creeping buttercup *Ranunculus repens*. Like the grassland above it is periodically, though not intensively, grazed by cattle and sheep and parts appeared to have been mown.

Parkland (A3.1)

4.10 There are scattered trees within the semi-improved neutral grassland and improved grassland at the east end of the site. These were mostly large mature individuals, though some semi-mature trees were recorded. The majority of species found were sycamore *Acer pseudoplatanus* , oak *Quercus sp.*, ash *Fraxinus sp.* and beech *Fagus sylvatica*.

Semi-natural broadleaved woodland (A1.1.1)

4.11 This is an abundant habitat within the survey boundary and runs through the centre of the site, with small areas bordering the river to the north. Dominant species in the majority of the site were beech, sycamore and oak. In the small section to the northwest which borders the river the dominant species was black poplar *Populus nigra*.

Mixed Woodland (A1.3.1)

4.12 There are three areas of mixed woodland within the site. The dominant broadleaf species in each were beech, cherry *Prunus avium* and sycamore. The coniferous portion of the woodlands consisted of Norway spruce *Picea abies* and larch *Larix decidua*.

Coniferous Plantation (A1.2.2)

4.13 There was one small area of conifer plantation in the centre of the site, made up of tall mature Norway spruce.

Hard Standing (HS)

4.14 This habitat comprises of roads which traverse the length of the site and parking areas outside of houses and the plant nursery.

Buildings (J3.6)

4.15 There are several buildings in the centre of the site, comprising residential properties, Lowood House and the plant nursery.

Ornamental Planting (OP) and Amenity Grassland (J1.2)

4.16 These habitats make up the small areas of garden and lawn associated with the buildings described above.

Protected Species

Otter and Water Vole

4.17 The River Tweed and the pond on site were searched as thoroughly as possible; however, no signs of otter or water vole were recorded.

4.18 The River Tweed provides suitable habitat for otter; as evident from the SAC designation it has been given. The river does not provide suitable water vole habitat due to the fast flowing and deep river and shallow, stony banks which are unsuitable for burrowing.

4.19 The pond within the site was not deemed optimal for water vole due to lack of suitable foraging vegetation for water voles. It was also deemed suboptimal for otter due to the lack of resting site opportunities as the area surrounding the pond was heavily impacted by cattle and is also used as a recreational area.

4.20 Water voles will not be considered further during this study due to lack of evidence and historical records.

Badger

4.21 Two main and four outlier setts were recorded within the site, with multiple dung pits and foraging signs recorded throughout. The habitats found in the site are optimal for badger foraging and sett creation, with plentiful grassland for foraging and woodland with soft soil in which to safely dig setts.

4.22 Due to the sensitive nature of the information, a confidential map of badger evidence is provided separately.

Red Squirrel

4.23 The broadleaf, mixed and coniferous woodlands found extensively on the site offer excellent foraging and habitation opportunities for red squirrel. Evidence of squirrel, including foraged cones and dreys were found on the site; however, as no sightings were recorded it is not possible to determine whether these are red or grey.

Great Crested Newt

4.24 No signs of great crested newt were recorded during the survey. The single pond on the site was scored for habitat suitability following published guidance[6] and was assessed as having poor suitability, which is the lowest rating a water body can receive. No other water bodies were identified within the site.

4.25 Great crested newts will not be considered further in this report due to lack of evidence and historical records.

Nesting birds

4.26 Active bird nests are not common at the end of September and as expected, none were recorded.

[6] ARG UK (2010). ARG UK Advice Note5: Great Crested Newt Habitat Suitability Index. Amphibian and Reptile Groups of the United Kingdom

4.27 Many small passerines (e.g. robins *Erithacus rubecula* and sparrows *Passer domesticus*) and common species such as pigeon *Columba livia* were encountered during the survey.

4.28 Six grey herons *Ardea cinerea* were seen roosting in the large Norway spruce which border the northern edge of the pond.

Non-Native Invasive Species

4.29 Himalayan Balsam *Impatiens glandulifera* was recorded at many areas in the site. The densest areas were along the northern border of the site, on the banks of the River Tweed.

Bat Roost Potential (BRP)

4.30 There were many large and mature trees identified on the site with features suitable for supporting bat roosts. Features included woodpecker holes, knot holes, and damaged and rotten limbs. Single large trees with BRP were recorded separately; where multiple trees were identified as having BRP, in the same area a 50 m² grid was applied and given a rating based on the guidelines in **Table 3.1**. A map of the BRP grid for woodland on the site can be found in **Appendix 2**.

4.31 The buildings on the site were also surveyed for BRP and given a corresponding score. The majority of buildings were deemed to have moderate potential, with one scored as high due to the surplus of entrance points seen. Lowood House was not accessible for surveys and as such has no score.

4.32 Surveyors also received a personal communication from a resident of the site indicating bats were roosting in their building, in the roof or walls of their apartment (No. 4). He reported that "hundreds of bats", possibly young staying close to the roost, were observed emerging and foraging this year. The access point of this roost had appeared to move from one side of the roof to another over the course of recent years.

4.33 The mixture of habitats found within the site (woodland, grassland and river) provide optimal foraging for a variety of bat species. The river and bordering trees supply a commuting corridor for bats to move to the east and west of the site into the surrounding farmland.

5 Discussion

Desk Study

5.1 Records of bats, otter, badger and red squirrel were found within the site and the 2 km buffer, suggesting that the site and vicinity provides suitable habitat for these protected species and acts in conjunction with the wider environment. Enhancement opportunities for these species will be considered in the following section.

5.2 The River Tweed is a statutorily designated site which borders more than half of the site and as such, enhancement opportunities and possible constraints will be considered in the following section.

Field Study

5.3 No evidence of otter was recorded in our survey. This could be due, at the pond, to a lack of suitable resting sites or holt options and also the area being used for recreation. The River Tweed is designated for otter and as such it was expected that signs of otter would be recorded on the river bank. No evidence was documented on the southern bank, which borders the site; this could be explained by the public footpath, popular with dog walkers, and lack of habitat suitable for holt use. The northern bank may appear more attractive to otters due to the improved security presented by lack of disturbance and habitat diversity, with the presence of large rocks which provide crevices.

5.4 A number of badger setts were identified on the site and prior to any planned development a badger protection plan should be created to explain the likely impact on badgers caused by the development and any mitigation measures which will be implemented to limit or avoid these impacts. Impacts to be considered should include both legal offences and general potential for clashes between human and badger use of the wider areas.

5.5 Both red and grey squirrel have been recorded historically in the area and further detailed studies would be required prior to development to determine if the dreys recorded belong to the protected red squirrels or not.

6 Enhancement opportunities and constraints

Trees and woodland

6.1 There is a variety of woodland found across the site, all of which adds value in the form of biodiversity and habitat for faunal species or for visual amenity and character. Generally speaking, retaining woodland and trees is preferable to removal in order to retain these services. The value of developed and varied woodland cannot be easily replaced by replanting individual trees as the value of the woodland includes the mature soil habitat and ground flora also associated.

6.2 Where trees are to be removed or cut back for safety or due to the health of the trees, alternatives to full removal should be considered. For example, should a tree need to be cut back to avoid diseased or damaged limbs from falling, retention of the tree itself should be the first consideration, as opposed to wholesale removal and replanting. Only cut back to where necessary and try to retain splits or cracks where safe to do so. Where a tree is severely diseased or dead, consideration should be given to cutting the tree back to make it safe and leave it standing to permit invertebrates, birds and mammals to continue using it. It may be possible to make new slices into branches to create crevices for wildlife. Where this is not possible and the tree offers potential bat roosting features, or similar, consideration should be given to strapping the relevant section of the tree to another healthier, but younger, tree nearby; this would allow the retention of those features whilst slightly immature trees have a chance to mature.

6.3 Where trees are removed and logs and branches are stacked nearby, ensure these are left in site to offer refugia to local invertebrates and mammals. If any stockpiling is to be removed, do so quickly (after forming the pile) and make sure it's done at an appropriate time of year to prevent disturbance to sheltering animals.

6.4 Comparatively young plantations, such as in the western part of the site, if retained, would benefit from careful thinning and integration of paths to allow more open canopy and encourage better ground flora growth.

6.5 Mature treelines around the margins of the site should be retained to provide screening. However, they can also be planted up further (e.g. hedging and scrub) to create wildlife corridors around the site to allow wildlife a safe path to avoid future development obstacles. Taller planting or a 'greenwall' type approach in the south would help screen noise from the railway line and reduce light pollution. These new green tree/hedge corridors should remain unlit or only have low-level lighting. Planting along footpaths should be denser to provide a buffer between human and wild fauna users.

6.6 The vegetated areas closer to the river are remarkably dry and not currently displaying evidence of a wet woodland (one of the proposed landscape options); therefore, it could continue to provide parkland tree compensation opportunities by just supplementing what is already there.

6.7 The woodland located in RZ 3 is dominated by very tall broadleaved species with some conifers mixed in. Care must be taken for any development within this woodland, as keyholing could open up vulnerability to wind throw, as already evidenced on site. Where tree removal is required for development, the impact assessment must consider this possibility.

6.8 Wherever new trees or scrub species are planted, they must be native species, preferably of local provenance, to avoid offences under the Wildland and Countryside Act and to offer more value to local wildlife.

Open spaces

6.9 As mentioned above, planting up the open spaces between mature trees at the margins of the site could offering screening and help create a safe, green corridor for wildlife. More flowering species would offer foraging for birds, bats and invertebrates, such as bees and butterflies.

6.10 The floodplain areas, at the western end of the site and at the northeast, could be utilised for playground or free play in a new parkland setting without removing its service as a flood storage. Planting trees and hedges in this area could provide shade, soil security, and some compensation for tree-loss elsewhere. Mixed with wildflower meadows, meandering mown footpaths (as opposed to gravel), and benches, the area could help make these areas attractive in order to avoid fly-tipping and anti-social behaviour. With the correct planting schedule, management of these areas could be minimal, with less mowing (to retain long swards) and no formal paths to maintain.

6.11 The River Tweed banks are dominated by non-native plants, such as the invasive Himalayan balsam and many garden escapees. This is a common problem on watercourse and requires landscape scale solutions. Consideration will be required to avoid offences during development and perhaps to help mitigate or control the problem in this area.

Dementia hub and pond

6.12 The existing pond at the proposed dementia hub location could benefit from sensitive planting of marginal plants to improve biodiversity and act as a buffer or barrier to people (potentially reducing risk of drowning). The mature wood stand north of the pond should be retained and protected, as it is used by roosting herons and badgers, though some work would be required to improve its amenity. A careful path through the pond woodland, with extra plants to create a buffer between the path and rest of the wood would offer some protection to the wildlife but allow walks by local residents and users of the Hub. Selected thinning and soil preparation could open up potential for ground flora.

6.13 With proposed development surrounding this pond and wood, careful landscape design will be required to avoid habitat severance and movement of, for example, badger through the site. The planting schedules for the proposed Hub, business park and dwellings will also need to consider species type and subsequent management to avoid pollution and nutrient loading into the pond, which can result in algal blooms as well as expensive and damaging maintenance.

Business Park (RZ4)

6.14 The proposed access road, below RZ 4, is currently at the site of a former field gate through a historic wall. The species currently present are typical of gate points in grazed fields (e.g. nettle, thistle, sorrel). However, any road through this area will need to avoid the mature trees scattered in this parkland. Any buffer applied to the individuals must be sufficient to not only protect the root zone, but also avoid future health and safety risks which could result in felling after planning consent is granted. This is very important to note in any planning conditions, as the potential root protection zone could be very large and could require thoughtful and creative construction approaches, beyond standard methods. The retention of these trees, and the addition of more will be key to avoid severance across the site and to retain its historic and rural character.

Protected species

6.15 As there are no detailed development plans for this site yet, it is not possible to assess impacts on any bat habitat or roosts. As mentioned above, they are clearly present on site and the mixed habitats present both in site and adjacent make it likely bats are thriving at Lowood. Targeted surveys will be required on trees and buildings to be affected by developments. Any development impacts on bat roosts should result in good quality like-for-like replacement, rather than

miscellaneous bat boxes in trees. Adjacent to the existing road into the nursery is a large historic stone wall. Within the woodland, on the east face of the wall, are several defunct outbuildings, at least one being thatched. These buildings could be retained and restored to create bespoke bat houses to act as compensation for any roost loss nearby. This would help to retain historic features of the park whilst offering a good alternative for bats.

6.16 At the moment, human presence, along with associated lighting, disturbance, and hard standing, is minimal. Proposed development would result in the loss of edge and woodland habitats and will likely include significantly more lighting. Connectivity across the site, especially between woodlands will help allow bats to continue using the site effectively. Hedgerows, more trees, and flowering scrub species could be used for creating these corridors. Cutting-edge lighting design should be incorporated into any landscape plan as a forethought. Lighting should consider LEDs, bollard lights, timers, and user buttons in order to minimise impacts. Published good practice guidance is available, for example from the Bat Conservation Trust: *Artificial lighting and wildlife* and *Bats and artificial lighting in the UK*.

6.17 Badgers are present on site and using it for shelter and foraging (see the confidential figure for details). Connectivity through the landscape is just as important for badgers as for bats. Although the legislation doesn't require as rigorous consideration for badgers, avoiding human conflict once the development is operational should be a consideration for any developer. Creating the green corridors for bats and as described further above, would lend itself to badger use with little extra effort. Where corridors are required, thorny species, such as hawthorn, could help keep the wildlife paths separate from humans, reducing conflict and harassment. Large areas of foraging especially in proximity to main setts, will help to reduce the risk of badgers using future gardens. Again, forethought during masterplanning can help address future conflict and reduce impacts.

6.18 It is not certain if red squirrels are present on site. Detailed surveys, e.g. hair tube deployment, could answer this key question. If red squirrels are present, then retention of drey trees and woodland and improved connectivity could help this species cope with future development. However, red squirrels can be shy and careful animals and depending on the level and type of development proposed at Lowood, this species may still be displaced. The planning authority should consider off-site locations nearby for habitat enhancement and protection to help offset impacts at Lowood.

6.19 Otters have become fairly ubiquitous across Scotland after concerted efforts to improve watercourses and protect habitats. The adjacent River Tweed is designated as a Special Area of Conservation, in part because of its otter population. However, there were no signs of otter on the Lowood bank. It is possible current levels of disturbance discourage use by otters or the lack of sufficient sheltering opportunities. There are certainly areas which could be used at couches, but no potential holts or hovers were recorded. The northern (left) bank appeared less disturbed, more significantly buffered, and more diverse in habitat type. It is possible otter prefer the left bank to the right. Any development will need updated baseline surveys and pre-works surveys, as a minimum, on both banks to ensure otter shelters are not disturbed and direct impacts can be avoided.

Appendix 1: Photographs

Mature Broadleaved Woodland	Young Broadleaved Woodland
Tall Ruderal	Improved Grassland and Large, Mature Oaks

Improved Grassland	Improved Grassland with Scattered Broadleaf Trees (Parkland)
Pond	Semi-improved Neutral Grassland

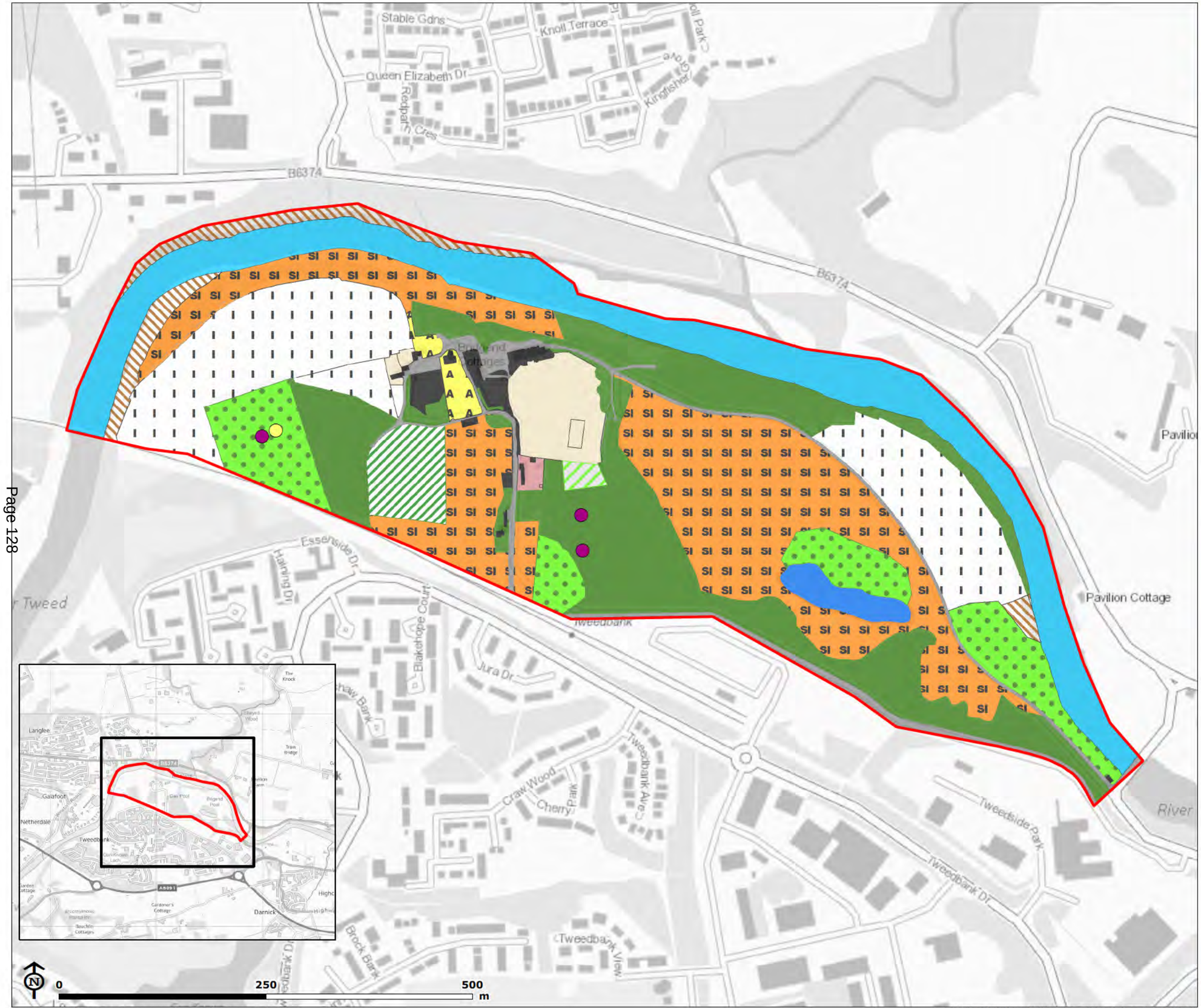
Mature Beech	Himalyan Balsam on River Edge
Mature Beech Tree with Woodpecker Holes	Mature Sycamore Tree with Limb Damage

Building with High BRP. Gaps under roof	Building with Moderate BRP

Appendix 2: Survey Results Maps

Lowood Preliminary Ecological Appraisal

Figure 1: Extended Phase 1 Habitat



- Survey area
- Squirrel Drey
- Squirrel Foraging Remains
- A1.1.1 Broadleaved woodland (semi-natural)
- A1.1.2 Broadleaved woodland (plantation)
- A1.2.2 Coniferous woodland (plantation)
- A1.3.1 Mixed woodland (semi-natural)
- AL Allotment
- B2.2 Neutral grassland (semi-improved)
- B4 Improved grassland
- C3.1 Other tall herb and fern (ruderal)
- G1 Standing water
- G2 Running water
- HS Hard standing
- J1.2 Amenity grassland
- J3.6 Buildings
- OP Ornamental planting

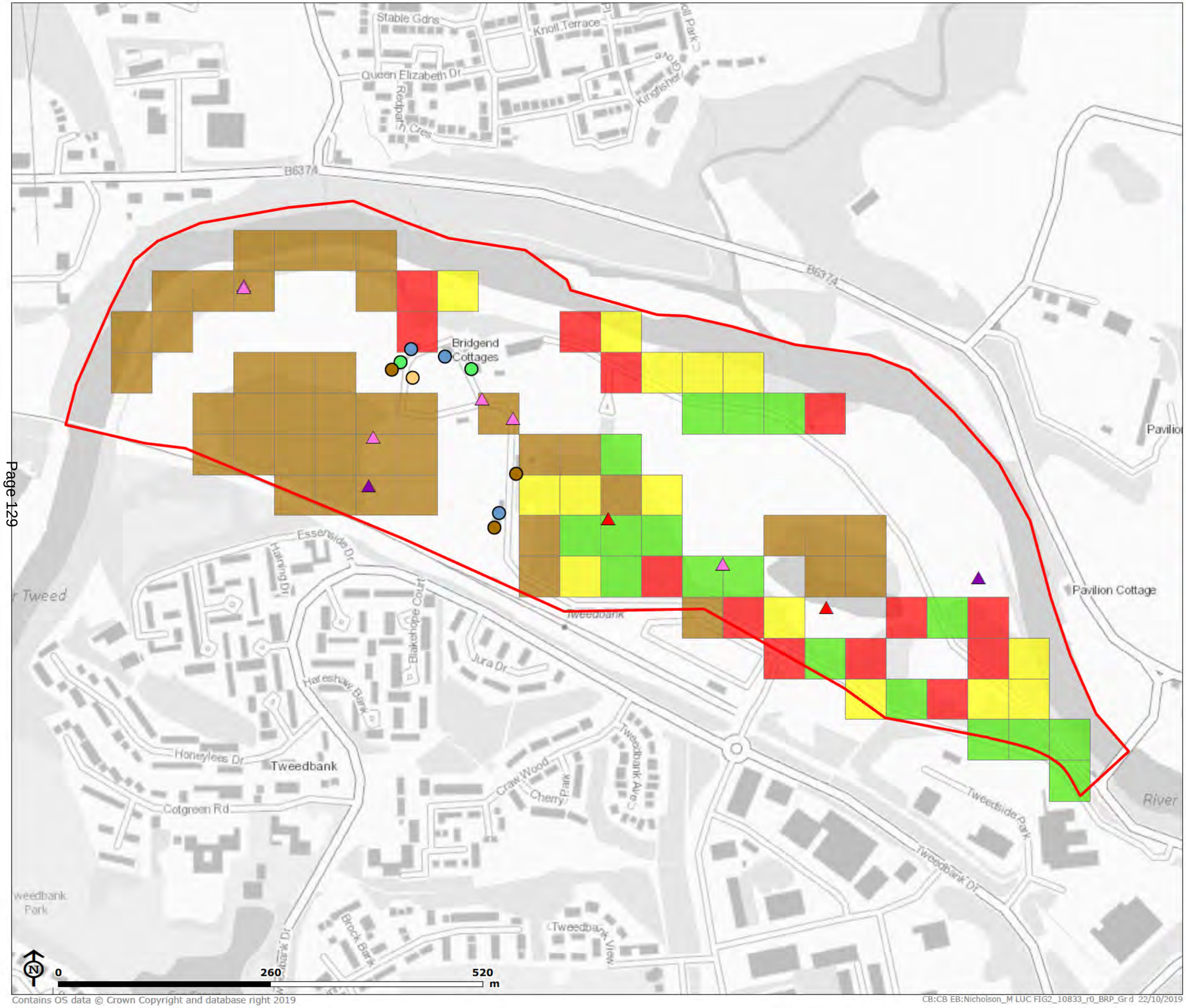
Map Scale @A3: 1:4,500

Contains OS data © Crown Copyright and database right 2019

CB:CB EB:Nicholson_M LUC FIG1_10833_r0_Phase1 22/10/2019

Source: LUC

Figure 2: Bat Roost Potential



Survey area

Bat Roost Potential Structures

- High
- Moderate
- Low
- Negligible

Bat Roost Potential Trees

- High
- Moderate
- Low

- BRP1- High
- BRP2- Moderate
- BRP3- Low
- BRP4- Negligible

Map Scale @A3: 1:4,500

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CB:CB EB:Nicholson_M LUC FIG2_10833_r0_BRP_Grd 22/10/2019

Source: LUC

CONFIDENTIAL

CONFIDENTIAL
Lowood Preliminary Ecological Appraisal

Figure 3: Badgers

Survey area

Map Scale @A3: 1:4,500

LUC

Scottish Borders Council

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CB:CB EB:Nicholson_M LUC FIG3_10833_r0_Badgers_CONFIDENTIAL 22/10/2019

Source: LUC

A.3 Consultation Responses

Comments:
Please make the development exceptional. A showcase of how residential and commerical developments should be. Not just another lump of concrete on our land. Housing should start with affordable housing, not have it as an afterthough. Affordable housing should be desirable, energy efficient, well being enhancing. All of the latest technologies (renewable) should be adopted throughout the development. The layout of the development should make the most of the fantastic natural environment it is located in. As much as possible cars should be hidden away and walkways being prominent. Lots of views from residential & commercial should be considered. Again, thinking of the wellbeing of everyone using the space. Commercial units for small businesses should be considered (as well as larger units/offices) This needs to be the new benchmark for future developments. Lets learn from the best of other countries, for example Vienna's social housing approach. Scandinavia's 'hygge' approach to life. Japan's blend of architecture and natural environment. This is everyone's chance to leave a legacy.

Would you like to be added to our Lowood SPG mailing list?
~~Yes~~ / No

Name:
Address:
Tel No:
Email:

Comments:
GOOD IDEA.

Would you like to be added to our Lowood SPG mailing list?

Comments:
Retain walk areas a green space.
Retain as much vegetation as possible
Planning done to consider everybody
No walkway restrictions
Consider wildlife - Birds, otters, Rabbits etc.
Ensure roads can handle traffic flow
Enhance the existing area
"KEEP TWEEDBANK RESIDENTS INFORMED"

Would you like to be added to our Lowood SPG mailing list?
(Yes) / No

Comments:
I am definately all for it.

Would you like to be added to our Lowood SPG mailing list?
(Yes) / No

Comments:
I WOULD LIKE TO SEE THE NATWAL ENVIRONMON BEING PRESERVED AS MUCH AS POSSIBLE - ESPECIALLY MATURE TREES etc.

Would you like to be added to our Lowood SPG mailing list?

A.3 Consultation Responses

Comments: btinternet.com
we understand the need for housing but please retain as much as possible of the natural environment to ensure it reflects Tweedbank as it currently is. Land retains some of the current wildlife & bird population

Would you like to be added to our Lowood SPG mailing list?
Yes / No

Comments: Understandable development — Only concerns regarding environmental impact on Flora / Fauna —

Would you like to be added to our Lowood SPG mailing list?
Yes / No

Comments: Great idea! Bold and visionary step by SBC to be proactive and stimulate investment to create new job, training and housing

Would you like to be added to our Lowood SPG mailing list?
Yes / No Yes

Comments: I HOPE SBC & DEVELOPERS SEE THIS AS AN OPPORTUNITY TO BE FORWARD THINKING AND INNOVATIVE REGARDING HOUSING HOUSING THAT BLENDS WELL INTO THE ENVIROMENT, BUILT TO HIGH STANDARDS REGARDING ENERGY EFFICIENCY AND ALSO TO BE AHEAD OF THE CURVE AND INCORPORATE SOME NO VENICLE PARTS OF THE DEVELPOMENT

Would you like to be added to our Lowood SPG mailing list?
Yes / No

Comments:
WELCOME SOME PARTS EG. RAILHEAD DEVELOPMENT, PROPOSAL FOR CARE/DEMENTIA UNIT, POSSIBLE HOTEL ACCOMMODATION.
HOWEVER HAVE SERIOUS RESERVATIONS RE ACCESS OPTIONS AND MATTERS SUCH AS SCHOOL PLACES, GP SERVICES ETC.

Would you like to be added to our Lowood SPG mailing list?
Yes / No

Comments: LOOKING FORWARD TO SEEING THIS PROJECT COMPLETED.

Would you like to be added to our Lowood SPG mailing list?
Yes / No YES

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CORE BANKING SERVICES

Report by Executive Director, Finance & Regulatory

SCOTTISH BORDERS COUNCIL

30 January 2020

1 PURPOSE AND SUMMARY

1.1 **This report advises members on the outcome of the recent collaborative procurement for core banking services and seeks delegated approval to implement a new contract for banking services.**

1.2 Following the collaborative procurement exercise undertaken with City of Edinburgh Council, Fife Council and Edinburgh Leisure, the Royal Bank of Scotland has been awarded the contract to provide banking services to the 4 organisations for a period of up to 6 years.

1.3 The contract awarded and implementation will require a number of key documents to be completed to allow the transition from the Council's current banking services provider, the Bank of Scotland, to be completed.

2 RECOMMENDATIONS

2.1 It is recommended that the Council:

(a) Notes that the tender outcome has resulted in the Royal Bank of Scotland being awarded the contract.

(b) Authorises the Executive Director, Finance & Regulatory to implement the new banking contract in line with the Scheme of Delegation.

3 CURRENT BANKING SERVICES

3.1 Scottish Border Council is required to have and maintain various bank accounts. The Treasury Management Strategy requires the bank provider to meet certain creditworthiness criteria.

3.1 The current banking provider is the Bank of Scotland, however the current contract, having been in place for 6 years, was due for renewal.

3.2 Following a discussion with City of Edinburgh Council, an opportunity to undertake a collaborative procurement exercise was identified. The procurement was led by the City of Edinburgh Council and included Scottish Borders Council, Fife Council and Edinburgh Leisure. The full requirements detailed in the approved Scottish Borders Council Treasury Management Strategy were included in the tender requirements.

4 TENDER OUTCOME

4.1 As a result of the tender exercise, a new contract for core banking services has now been awarded to the Royal Bank of Scotland under delegated authority.

4.2 The Council previously established a banking relationship with Royal Bank of Scotland in April 2012 with the opening of a deposit account. This existing relationship negates the numerous checks and mandates that would otherwise have been required for the Council as a new customer of the bank.

4.3 The transition to a new banking provider still however requires various mandates and documents to be signed and completed in line with the requirements of the Financial Conduct Authority (FCA). 119 accounts with the Bank of Scotland will require to be transitioned to the new provider Royal Bank of Scotland. This work will be completed over the next four months as directed by the Executive Director, Finance & Regulatory.

5 IMPLICATIONS

5.1 **Financial**

There are no additional financial implications in relation to this report its content specifically relating to the financing and investment activities of the Council. The transition to the new provider will deliver a small net annual saving of £11k.

5.2 **Risk and Mitigations**

The provision of banking services is a key aspect of the Council's Treasury management arrangements as specified within the approved Treasury strategy. The award of a new contract for banking services following a collaborative procurement process enables the Council to demonstrate it has achieved best value.

5.3 **Equalities**
There are no adverse equality implications arising from 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 issues or consequences arising from this report which would affect the Council's carbon management.

5.6 **Rural Proofing**
There are no direct issues or consequences arising from this report which would affect the Council's rural proofing policy.

5.7 **Changes to Scheme of Administration or Scheme of Delegation**
No changes to the Scheme of Administration or Scheme of Delegation are required.

6 CONSULTATION

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

Approved by

David Robertson **Signature .....**
Executive Director, Finance & Regulatory

Author(s)

Name	Designation and Contact Number
Kirsty Robb	Pension and Investment Manager, 01835 825249
Sara Halliday	Treasury Business Partner, 01835 824000, Ext 5854

Background Papers:
Previous Minute Reference: not applicable

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

Contact us at Capital & Investments Team, Finance, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA Tel: 01835 825249 Fax 01835 825166. email: mailto:treasuryteam@scotborders.gov.uk

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CLOSED CIRCUIT TELEVISION PROVISION IN THE SCOTTISH BORDERS

Report by Service Director Assets & Infrastructure

SCOTTISH BORDERS COUNCIL

30 January 2020

1 PURPOSE AND SUMMARY

1.1 **As requested by Members, this is a follow up to the Public Space CCTV Consultation report that was presented to Council on 26 June 2019.**

1.2 The report provides details of the consultation process that took place in relation to Public Space Closed Circuit Television (CCTV) provision in the Scottish Borders.

1.3 The report provides information around the financial implications for renewing or replacing the current Public Space Closed Circuit Television (CCTV) provision in the Scottish Borders.

2 RECOMMENDATIONS

2.1 I recommend that Council:-

(a) Notes that the consultation process is now complete;

(b) Notes the financial implications of renewing or replacing the current Public Space CCTV provision in the Scottish Borders;

(c) Continues with its current policy of maintaining the current Public Space CCTV provision until it is beyond economic repair; and

(d) Takes no further future action

3 BACKGROUND

3.1 Scottish Borders Council currently operates seventy Public Space CCTV cameras located in the following towns across Scottish Borders Council – Duns; Hawick; Galashiels; Kelso; Peebles; Eyemouth; Selkirk; Melrose.

3.2 The Council currently meets all ongoing revenue costs, including energy consumption, telecoms charges, consumable items and annual charges from the contractors who provide maintenance support for each system. Police Scotland does not make any financial contribution to the town centre schemes.

3.3 The Council's current position with regard to CCTV provision is not to install new CCTV equipment or replace life-expired systems but to continue to maintain the current asset within the existing revenue budget until they are beyond economic repair.

3.4 Previous work undertaken by Officers in 2018 indicated that the likely total capital cost of replacement, on a like for like basis, while utilising more modern digital technologies, could be in the region of circa £600,000. There would be potentially additional costs associated with related civils works and infrastructure in the region of £250,000. This report updates and validates this figure to present day costs.

3.5 Following a motion that was agreed by Council in June 2019, an outline timetable was defined which would allow a consultation plan to be implemented and a further additional CCTV report to be presented to Council in December 2019.

4 POLICE POSITION

4.1 The Police see CCTV as one tool that contributes to the perception of public security and the prevention and detection of crime, which reassures the public in areas that it is installed and adds to the overall community presence in that area.

4.2 While the Police are therefore supportive of continuing to provide a CCTV provision within the local communities, Police Scotland are not in a position to contribute to the funding of public space CCTV in the Borders, either in terms of the initial capital investment or on-going revenue costs.

4.3 The current CCTV provision does not allow for the collection of any meaningful data in relation to the usefulness of the CCTV or whether it provides value for money. New systems could provide a platform for Police Scotland to capture relevant data relating to the use of CCTV in the borders region and the part it plays in the management of incidents.

4.4 Officers have unfortunately been unable to determine, or obtain, any substantive data or statistical information that demonstrates the frequency at which CCTV footage is accessed in any given community, the basis on which this footage might be used to support any legal action or community safety initiative or indeed its use in any successful prosecution. Police Scotland have been requested to provide a formal statement but unfortunately to date have been unable to do so.

5 STAKEHOLDERS

5.1 The National Strategy for CCTV in Scotland recognises that the benefits of CCTV are not confined to a single partner and that along with helping Local Authorities to do all they can to reduce crime and disorder and promote community safety, it also provides the Police with information in relation to crime and Anti-Social Behaviour (ASB).

6 CONSULTATION

6.1 In order to gain a wider perception of where public space CCTV sits within local priorities, Officers carried out a consultation of both members of the public and potential key partners and stakeholders in the form of surveys. This engagement allowed a greater understanding of Borderer's views on the value, locations and type of CCTV provision they would like to see operating in the area.

6.2 Public Survey

The public CCTV survey consisted of nine questions that gauged participant's awareness and understanding of the current provision while allowing them to provide an opinion on CCTV within the region. The Survey consultation ran for 6 weeks and was completed by 436 participants. Of the responses submitted, a little over half of participants (55%) strongly agreed that public space CCTV is an effective tool in reducing crime, just over half (57%) strongly agreed that public space CCTV is an effective tool for increasing public safety and exactly half of participants (50%) strongly agreed that public space CCTV makes you feel safe. The full results of the survey can be found in Appendix A.

6.3 Stakeholder Survey

The stakeholder CCTV survey consisted of thirteen questions and was aimed at current or future potential stakeholders such as Area Partnerships, Community Councils, Police Scotland and local business that are currently provided coverage by the CCTV provision. The Survey consultation also ran for 6 weeks, and from over 800 potential stakeholders surveyed only 73 chose to participate. Of the responses submitted a little under half of the participants (49%) think that their organisation benefits directly from the public space CCTV provision, under half (41%) of participants strongly agreed that Public Space CCTV is an effective tool in reducing crime and under half (44%) strongly agreed that CCTV is an effective tool in increasing public safety. The full results of the survey can be found in Appendix B.

6.4 Crime and Anti-Social Behaviour Analysis

Although not all incidences of crime and ASB committed are reported to Police Scotland, to determine whether the current public space CCTV provision is an effective tool in picking up both crime and ASB a study was carried out to look at what the current provision has or could have captured.

(a) Based on the amount of crime and ASB occurring in the town centres where CCTV cameras are currently located, the table below shows the percentage of incidents that could have been captured on CCTV in percentage terms within a 50m radius of the cameras. Police Scotland have indicated that a 50m radius is the most useful for evidence gathering and CCTV monitoring

		% Occurring Within 50m Camera Radius	
Town	No. of CCTV Cameras	ASB	Crimes
Duns	7	18.1	8.1
Eyemouth	8	22.9	29.9
Galashiels	12	13.7	19.6
Hawick	16	7.3	8.6
Kelso	9	25.8	27.3
Melrose	5	8.1	14.5
Peebles	8	8.8	13.0
Selkirk	5	9.3	14.6
Totals	**70**	**13.3**	**16.8**

(b) The results in the table indicate that, when considering the CCTV network as a whole, a very small average of 13.3% of ASB and 16.8% of crime reported in the 8 towns with a CCTV provision took place within a radius or 50m of the nearest CCTV camera.

(c) The majority of crime and ASB in the 8 border towns is being committed out-with the traditional town centre areas that are currently covered by the CCTV provision.

7 CONSULTATION REVIEW OPTIONS

7.1 Following a previous consultation report to Council, officers were asked to examine and report on the financial implications of migrating the existing CCTV provision to an up to date, future proof provision. The options included:

- Replace the existing fixed provision in each town with a fixed HD fibre solution
- Replace the existing fixed provision with a mixture of fixed and wireless re-deployable camera solution
- Decommission and remove the Public Space CCTV provision

7.2 Although the costs associated with the financial implications have been provided by third party CCTV providers, detailed design costs would only be available once a strategic overview of the provision is carried out along with Police Scotland and a contract for any potential work is either tendered for or awarded.

7.3 Having considered the detail four options have been identified for consideration.

(a) Option 1 – Fixed

Invest in a new Internet Protocol (IP) based CCTV recording and camera system utilising the latest high capacity fibre optic network in underground ducts to support recording, playback and live viewing. Additional civils works to be carried out by Scottish Borders Council to install ducting in areas where cables are currently over ground and attached to buildings.

Option 1 Fixed - Capital Investment	
CCTV and associated infrastructure	£460,000 - £540,000
Civils Works	£140,000
Total	£600,000 - £680,000

Option 1 Fixed - Revenue Investment	
5 Years Maintenance	£190,000 - £225,000

A strategic overview of existing camera positions and a detailed design would need to be carried out to determine the exact provision required.

(b) Option 2 – Mixed

Invest in a new hybrid CCTV solution with a split of fixed and wireless technology using the latest high capacity fibre optic network in underground ducting and HD re-deployable cameras managed with 3G/4G connectivity.

Option 2 Mixed - Capital Investment	
CCTV and associated infrastructure	£540,000 - £665,000
Civils Works	£140,000
Total	£680,000 - £805,000

Option 2 Mixed - Revenue Investment	
5 Years Maintenance	£190,000 - £225,000

A strategic overview of existing camera positions and a detailed design would need to be carried out to determine the exact provision required, the number of fixed cameras in each town would be reduced to allow for a rapidly deployable and mobile CCTV provision that has a fully integrated management and recording system.

(c) Option 3 – Decommission and remove Public Space CCTV provision

Although the removal of the Council's CCTV capability would provide a saving in terms of ongoing revenue costs, the existing infrastructure and associated power supplies would require to be decommissioned and removed.

The costs associated with decommissioning and removing the current CCTV provision in all towns would be approximately £115,000.

(d) Option 4 – Continue with current policy

Continuing with the council's current policy of maintaining the Public Space CCTV provision until it is beyond economic repair would also provide a saving in terms of ongoing revenue costs. Systems would continue to operate until such time as they are no longer fit for purpose when they would then be decommissioned and removed.

The associated savings and decommissioning costs would be realised over a number of financial years, determined by the remaining service life of the existing CCTV provision in each location.

7.4 Potential Savings

Options 3 and 4 provide the opportunity to realise financial savings associated with the removal of the CCTV provision in the form of ongoing revenue and energy.

(a) Revenue savings for option 3 of £40,000 per annum and energy savings of £4,000 per annum would realise savings of £440,000 over a ten-year period.

(b) Revenue savings for option 4 would be dependant of the remaining life of the current infrastructure.

(c) It should be noted that for Options 1 and 2, these are budget costs associated with some soft market testing with appropriate providers. A full procurement exercise would be required in order to determine firm fixed costs.

8 FINANCIAL IMPLICATIONS

8.1 It should be noted that additional budget investment required for the options outlined in section 7 above, either for service development or decommissioning, are not included in existing budgets and would require budget growth through the financial planning process.

9 IMPLICATIONS

9.1 The Councils CCTV infrastructure is now at the end of its useful life and needs to be either replaced, removed or managed to decline over the next few years. There is insufficient funding to improve, upgrade or replace current systems.

9.2 Risk and Mitigations

(a) Terminating the Councils CCTV provision potentially poses unknown risks in terms of the impact on crime and disorder, safeguarding and general community safety.

(b) The removal of the public space CCTV provision, may also potentially lead to unknown reputational damage to the Council in the areas where a provision was previously provided.

(c) The Council has recently funded a second Police Scotland CAT team (Sergeant + 6) at a further revenue cost to the Council of £285,000 per annum, therefore at a total cost of circa £570,000 per annum. These teams can be deployed in a variety of circumstances, to address issues of ASB, public disorder or crime in both uniformed and plain clothed situations.

(d) Implementation of option 3 could result in improved monitoring of crime and ASB in the areas of the Scottish Borders where a public Space CCTV provision was previously deployed. Areas where it is perceived that crime and ASB have increased could benefit from an increased tactical response from the CAT teams using local intelligence to engage with communities through proactive policing, dealing robustly with issues that arise.

(e) Should Communities wish to explore the options available for the installation of independent community led Public Space CCTV initiatives, council officers would be available to provide advice and support in helping them achieve this outcome. This would be in the form of liaison and technical advice with all associated costs being borne by the Community.

(f) Since June 2018 Police Scotland have been trialling two mobile CCTV cameras that, in partnership with SBC, have been deployed at various locations throughout the Borders region to address specific community issues. The cameras have been used for overt applications within the existing SCB CCTV boundaries, however Police Scotland have been unable to provide any substantive information as to the impact of the trial to date.

9.3 **Equalities**

There will be no adverse impact on any of the equality strands as a result of the proposals.

9.4 **Acting Sustainably**

There are no significant economic, social or environmental issues associated with this report.

9.5 **Carbon Management**

It is anticipated that there are no significant implications from the proposals contained in this report.

9.6 **Rural Proofing**

As this report is not a new or updated policy or strategy document it does not require to be rural proofed.

9.7 **Changes to Scheme of Administration or Scheme of Delegation**

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

10 CONSULTATION

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

10.2 The Corporate Management Team have also been consulted and any comments received have been incorporated into the final report.

Approved by

Martin Joyce
Service Director Assets & Infrastructure Signature .....

Author(s)

Name	Designation and Contact Number
Alex Young	Street Lighting Team Leader

Background Papers: CCTV Provision in the Scottish Borders – Executive 16th April 2019

Closed Circuit Television Provision in the Scottish Borders, Consultation Report – Council 26th June 2019

Previous Minute Reference: None

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Contact us at Alex Young, Council Headquarters, Bowden Road, Newtown St Boswells, Melrose. TD6 0SA. Tel: 01835 824000, Ext. 8104.
E-mail: ayoung1@scotborders.gov.uk

APPENDIX A - PUBLIC SPACE CCTV SURVEY - PUBLIC **Total Responses 436**

1 Are you responding as - Respondent

Individual	390	89%
Business Owner	28	6%
Community Group	10	2%
Other	7	2%
Not Answered	1	0%

2 Are you aware of the following: - Awareness - SBC is responsible for maintaining the public space CCTV in in the Scottish Borders

Yes	305	70%
No	76	17%
Not Sure	53	12%
Not Answered	2	0%

Are you aware of the following: - Awareness - Police Scotland is responsible for operating/monitoring public space CCTV in the Scottish Borders

Yes	295	68%
No	59	14%
Not Sure	79	18%
Not Answered	3	1%

3 There is CCTV in public places in a number of towns across the Borders. Are you aware that CCTV is in the following towns?

Town	Yes Aware		No Not Aware		Not Answered	
Duns	158	36%	214	49%	64	15%
Eyemouth	202	46%	193	44%	41	9%
Galashiels	286	66%	97	22%	53	12%
Hawick	263	60%	124	28%	49	11%
Kelso	201	46%	168	39%	67	15%
Melrose	178	41%	193	44%	65	15%
Peebles	191	44%	184	42%	61	14%
Selkirk	190	44%	183	42%	63	14%

4 To what extent do you agree with the following statements? - use CCTV for - preventing and detecting crime

Neither agree or disagree	2	0%
Disagree	7	2%
Strongly Disagree	8	2%
Agree	39	9%
Strongly Agree	379	87%
Not Answered	1	0%

To what extent do you agree with the following statements? - use CCTV for - preventing and detecting antisocial behavioui

Neither agree or disagree	5	1%
Disagree	8	2%
Strongly Disagree	9	2%
Agree	34	8%
Strongly Agree	378	87%
Not Answered	2	0%

	To what extent do you agree with the following statements? - use CCTV for - increasing public safety		
	Neither agree or disagree	17	4%
	Disagree	6	1%
	Strongly Disagree	10	2%
	Agree	39	9%
	Strongly Agree	360	83%
	Not Answered	4	1%
5	**To what extent do you agree or disagree with the following statements? - about CCTV - SBC has the right level of public space CCTV coverage**		
	Neither agree or disagree	102	23%
	Disagree	146	33%
	Strongly Disagree	123	28%
	Agree	40	9%
	Strongly Agree	23	5%
	Not Answered	2	0%
	To what extent do you agree or disagree with the following statements? - about CCTV - Public space CCTV is an effective tool in reducing crime		
	Neither agree or disagree	29	7%
	Disagree	19	4%
	Strongly Disagree	26	6%
	Agree	121	28%
	Strongly Agree	238	55%
	Not Answered	3	1%
	To what extent do you agree or disagree with the following statements? - about CCTV - Public space CCTV is an effective tool in increasing public safety		
	Neither agree or disagree	27	6%
	Disagree	17	4%
	Strongly Disagree	22	5%
	Agree	118	27%
	Strongly Agree	250	57%
	Not Answered	2	0%
	To what extent do you agree or disagree with the following statements? - about CCTV - Public space CCTV makes you feel safe		
	Neither agree or disagree	60	14%
	Disagree	22	5%
	Strongly Disagree	27	6%
	Agree	110	25%
	Strongly Agree	216	50%
	Not Answered	1	0%
	To what extent do you agree or disagree with the following statements? - about CCTV - Public space CCTV is an infringement of privacy		
	Neither agree or disagree	39	9%
	Disagree	144	33%
	Strongly Disagree	214	49%
	Agree	21	5%
	Strongly Agree	16	4%
	Not Answered	2	0%

6 Do you think that crime and disorder in public areas in your community would increase if public space CCTV cameras were removed? - increased crime

Yes	344	79%
No	49	11%
Not Sure	39	9%
Not Answered	4	1%

Do you think that crime and disorder in public areas in your community would increase if public space CCTV cameras were removed? - CCTV-Safe-Comment

Free Text Answers

7 Please tell us which of the statements below you agree with. - camera type

All public space CCTV cameras should be fixed	39	9%
All public space CCTV cameras should be moveable	40	9%
Public space CCTV should be a mix of fixed and moveable cameras	346	79%
Not Answered	11	3%

Please tell us which of the statements below you agree with. - Please explain your answer

Free Text Answers

8 Do you think that the Council should continue to provide public space CCTV in the following towns?

Duns	302	69%
Eyemouth	348	80%
Galashiels	325	75%
Hawick	334	77%
Kelso	316	72%
Melrose	292	67%
Peebles	316	72%
Selkirk	310	71%
No Towns	37	8%

Do you think that the Council should continue to provide public space CCTV in the following towns? Explain answer

Free Text Answers

9 Do you have any additional comments that you would like to make about public space CCTV in the Borders? - Other comments

Free Text Answers

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APPENDIX B - PUBLIC SPACE CCTV SURVEY - STAKEHOLDERS **Total Responses** **73**

1 Are you responding as - Respondent

A Community Councillor	27	37%
Business Owner	35	48%
Police Scotland	1	1%
Other	10	14%
Not Answered	0	0%

2 Are you aware of the following: SBC is responsible for maintaining the public space CCTV in in the Scottish Borders

Yes	58	79%
No	10	14%
Not Sure	5	7%

Are you aware of the following: Police Scotland is responsible for operating/monitoring public space CCTV in the Scottish Borders

Yes	56	77%
No	9	12%
Not Sure	8	11%

3 There is CCTV in public places in a number of towns across the Borders. Are you aware that CCTV is in the following towns?

Town	Yes Aware		No Not Aware		Not Answered	
Duns	22	30%	37	51%	14	19%
Eyemouth	23	32%	35	48%	15	21%
Galashiels	50	68%	16	22%	7	10%
Hawick	44	60%	20	27%	9	12%
Kelso	34	47%	26	36%	13	18%
Melrose	27	37%	33	45%	13	18%
Peebles	34	47%	28	38%	11	15%
Selkirk	29	40%	32	44%	12	16%

4 To what extent do you agree with the following statements? - use CCTV for - preventing and detecting crime

Neither agree or disagree	6	8%
Disagree	1	1%
Agree	11	15%
Strongly Agree	54	74%
Not Answered	1	1%

To what extent do you agree with the following statements? - use CCTV for - preventing and detecting antisocial behavioui

Neither agree or disagree	6	8%
Disagree	3	4%
Agree	12	16%
Strongly Agree	52	71%

To what extent do you agree with the following statements? - use CCTV for - increasing public safety

Neither agree or disagree	6	8%
Disagree	3	4%
Agree	12	16%
Strongly Agree	52	71%

5 To what extent do you agree or disagree with the following statements? - about CCTV - SBC has the right level of public space CCTV coverage

Neither agree or disagree	20	27%
Disagree	24	33%
Strongly Disagree	15	21%
Agree	11	15%
Strongly Agree	3	4%

To what extent do you agree or disagree with the following statements? - about CCTV - Public space CCTV is an effective tool in reducing crime

Neither agree or disagree	4	5%
Disagree	5	7%
Strongly Disagree	2	3%
Agree	32	44%
Strongly Agree	30	41%

To what extent do you agree or disagree with the following statements? - about CCTV - Public space CCTV is an effective tool in increasing public safety

Neither agree or disagree	6	8%
Disagree	4	5%
Strongly Disagree	2	3%
Agree	29	40%
Strongly Agree	32	44%

To what extent do you agree or disagree with the following statements? - about CCTV - Public space CCTV is beneficial to our region

Neither agree or disagree	4	5%
Disagree	3	4%
Strongly Disagree	1	1%
Agree	27	37%
Strongly Agree	37	51%
Not Answered	1	1%

6 Do you think that crime and disorder in public areas in your community would increase if public space CCTV cameras were removed? - increased crime

Yes	49	67%
No	13	18%
Not Sure	11	15%

Do you think that crime and disorder in public areas in your community would increase if public space CCTV cameras were removed? - CCTV - safe - comment

Free Text Answers

7 Do you think that you or your organisation benefit directly from the provision of public space CCTV in the Borders? - do you benefit

Yes	36	49%
No	24	33%
Not Sure	12	16%
Not Answered	1	1%

8 In your opinion, are members of the community aware of the public space CCTV cameras in the Borders? - public aware

Yes	25	34%
No	19	26%
Not Sure	29	40%

9 Please tell us which of the statements below you agree with. - camera type

Fixed	5	7%
Mix	56	77%
Moveable	11	15%
Not Answered	1	1%

10 Please tell us which of the statements below you agree with. - Please explain your answer

Do you think that the Council should continue to provide public space CCTV in the following towns?

Duns	46	63%
Eyemouth	47	64%
Galashiels	54	74%
Hawick	58	79%
Kelso	49	67%
Melrose	45	62%
Peebles	48	66%
Selkirk	48	66%
No Towns	4	5%

11 Where do you think the Council should prioritise any future spending in relation to public space CCTV? - where prioritise

Free Text Answers

12 To what extent do you agree with the following statements? - partnership - A CCTV partnership involving all relevant stakeholders should be considered

Agree	24	33%
Strongly Agree	14	19%
Neither Agree or Disagree	18	25%
Disagree	13	18%
Strongly Disagree	3	4%
Not Answered	1	1%

To what extent do you agree with the following statements? - partnership - All relevant stakeholders should contribute to the funding of public space CCTV as part of a consortium/partnership

Agree	16	22%
Strongly Agree	9	12%
Neither Agree or Disagree	24	33%
Disagree	15	21%
Strongly Disagree	9	12%
Not Answered	0	0%

To what extent do you agree with the following statements? - partnership - SBC should be the sole contributor to the provision of public space CCTV in the area

Agree	10	14%
Strongly Agree	26	36%
Neither Agree or Disagree	21	29%
Disagree	12	16%
Strongly Disagree	3	4%
Not Answered	1	1%

13 Do you have any additional comments that you would like to make about public space CCTV in the Borders? - Other comments

Free Text Answers

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