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SCOTTISH BORDERS COUNCIL THURSDAY, 27 JANUARY, 2022

A MEETING of the SCOTTISH BORDERS COUNCIL will be held VIA MS TEAMS on THURSDAY, 27 JANUARY, 2022 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
20 January 2022

BUSINESS																												
1.	Convener's Remarks.																											
2.	Apologies for Absence.																											
3.	Order of Business.																											
4.	Declarations of Interest.																											
5.	<p>Minute (Pages 5 - 14)</p> <p>Consider Minute of Scottish Borders Council held on 16 December 2021 for approval and signing by the Convener. (Copy attached.)</p>	2 mins																										
6.	<p>Committee Minutes</p> <p>Consider Minutes of the following Committees:-</p> <table style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 60%;">(a) Planning & Building Standards</td> <td style="text-align: right;">6 December 2021</td> </tr> <tr> <td>(b) Executive</td> <td style="text-align: right;">7 December 2021</td> </tr> <tr> <td>(c) Teviot & Liddesdale Area Partnership</td> <td style="text-align: right;">7 December 2021</td> </tr> <tr> <td>(d) Coldstream Common Good Fund</td> <td style="text-align: right;">8 December 2021</td> </tr> <tr> <td>(e) Jedburgh Common Good Fund</td> <td style="text-align: right;">8 December 2021</td> </tr> <tr> <td>(f) Kelso Common Good Fund</td> <td style="text-align: right;">8 December 2021</td> </tr> <tr> <td>(g) Audit & Scrutiny</td> <td style="text-align: right;">9 December 2021</td> </tr> <tr> <td>(h) Pension Fund</td> <td style="text-align: right;">14 December 2021</td> </tr> <tr> <td>(i) Pension Board</td> <td style="text-align: right;">14 December 2021</td> </tr> <tr> <td>(j) Innerleithen Common Good Fund</td> <td style="text-align: right;">15 December 2021</td> </tr> <tr> <td>(k) Peebles Common Good Fund</td> <td style="text-align: right;">15 December 2021</td> </tr> <tr> <td>(l) Chambers Institution Trust</td> <td style="text-align: right;">15 December 2021</td> </tr> <tr> <td>(m) Civic Government Licensing</td> <td style="text-align: right;">17 December 2021</td> </tr> </tbody> </table> <p>(Please see separate Supplement containing the public Committee Minutes.)</p>	(a) Planning & Building Standards	6 December 2021	(b) Executive	7 December 2021	(c) Teviot & Liddesdale Area Partnership	7 December 2021	(d) Coldstream Common Good Fund	8 December 2021	(e) Jedburgh Common Good Fund	8 December 2021	(f) Kelso Common Good Fund	8 December 2021	(g) Audit & Scrutiny	9 December 2021	(h) Pension Fund	14 December 2021	(i) Pension Board	14 December 2021	(j) Innerleithen Common Good Fund	15 December 2021	(k) Peebles Common Good Fund	15 December 2021	(l) Chambers Institution Trust	15 December 2021	(m) Civic Government Licensing	17 December 2021	5 mins
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7.	<p>Scottish Borders Council Response to the Regional Transport Strategy (Pages 15 - 40)</p> <p>Consider report by Director Infrastructure and Environment. (Copy</p>	15 mins																										

	attached.)	
8.	Electric Vehicle Charging Infrastructure and the Introduction of a Tariff Structure (Pages 41 - 50) Consider report by Director of Infrastructure and Environment. (Copy attached.)	20 mins
9.	Consultation Response on Onshore Wind Policy Statement Update (Pages 51 - 66) Consider report by Director Infrastructure and Environment. (Copy attached.)	15 mins
10.	Open Questions	15 mins
11.	Any Other Items Previously Circulated	
12.	Any Other Items Which the Convener Decides Are Urgent	
13.	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.”	
14.	Minute (Pages 67 - 68) Consider private Section of Minute of Scottish Borders Council held on 16 December 2022. (Copy attached.)	1 mins
15.	Committee Minutes Consider private Sections of the Minutes of the following Committees:- (a) Pension Fund 14 December 2021 (b) Chambers Institution Trust 15 December 2021 (c) Civic Government Licensing 17 December 2021 (Please see separate Supplement containing private Committee Minutes.)	1 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
email lmcgeoch@scotborders.gov.uk

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SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL via Microsoft Teams on Thursday, 16 December 2021 at 10.00 a.m.

Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, C. Cochrane, G. Edgar, J. A. Fullarton (from paragraph 7), J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, J. Linehan, S. Marshall, W. McAteer, T. Miers, D. Moffat, S. Mountford, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston
Apologies:- Councillors K. Chapman, D Paterson.
In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director Finance and Corporate Governance, Director Infrastructure and Environment, Director Resilient Communities, Director Social Work and Practice, Director of Strategic Commissioning and Partnerships, Chief Legal Officer, Chief Officer Audit & Risk, Clerk to the Council.

1. **CONVENER'S REMARKS**

The Convener congratulated the following:-

- (a) Councillor Heather Anderson being awarded the SNP Councillor of the Year at their recent conference;
- (b) the Great Tapestry of Scotland being awarded 5 star status by VisitScotland which recognised it as a world class exhibit; and
- (c) Langlee Primary School which hosted the 2021 Christmas Card competition and the winners: Winner - Michal Tyton (P7), 2nd prize –Skye Finley (P5/6), and 3rd prize - Emily Robertson (P5/6).

DECISION

AGREED that congratulations be passed to those concerned.

2. **ORDER OF BUSINESS**

The Convener varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

3. **MINUTE**

The Minute of the Meeting held on 25 November 2021 was considered.

DECISION

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

4. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Local Review Body	18 October 2021
Eildon Area Partnership	11 November 2021
Executive	16 November 2021
Teviot & Liddesdale Area Partnership	16 November 2021
Chambers Institution Trust	17 November 2021
Community Planning Strategic Board	18 November 2021
Audit & Scrutiny	22 November 2021

DECISION

APPROVED the Minutes listed above.

5. LONG TERM FINANCIAL STRATEGY

There had been circulated copies of a report by the Director Finance and Corporate Governance providing Scottish Borders Council with a newly developed Strategy to support longer term revenue financial planning over a 10 year period, as detailed in Appendix 1 to the report. The report explained that since 2013/14 the Council had adopted a 5 year approach to medium term revenue planning and a 10 year timeframe for the Capital Plan. This Long Term Financial Strategy now extended the revenue planning period over 10 years aligning revenue with capital and allowing the Council to therefore plan more effectively over a longer period. The approach to longer term financial planning was advocated as good practice by Audit Scotland. This approach had allowed the Council to deliver balanced budgets in each year since 2013/14 and to plan effectively for the financial consequences of multi-year transformational change across the Council. Since adopting a longer term planning horizon the Council had successfully delivered £63m of savings on a permanent basis, assisting significantly with financial sustainability. Adopting a consistent 10 year revenue planning horizon would further assist the Council to plan service and strategic change appropriately and ensure the financial implications of the Corporate Plan were properly considered, affordable and reflected in future budgets.

DECISION

AGREED to:-

- (a) approve the development of the Long Term Financial Strategy, as detailed in Appendix 1 to the report, to assist revenue financial planning over a 10 year period from 2022/23; and**
- (b) note that the full Long Term Financial Strategy document along with supporting financial models would be presented to Council along with the suite of financial planning papers when setting the 2022/23 budget.**

6. SHARED INTERNAL AUDIT SERVICES AND PROPOSED WAY FORWARD 2022/23

With reference to paragraph 5 of the Minute of 29 November 2018, there had been circulated copies of a report by the Director Finance and Corporate Governance setting out an evaluation associated with the provision of Internal Audit services and proposing a way forward from 2022/23 onwards. The report explained that shared Internal Audit Services had been provided between Midlothian and Scottish Borders Councils since December 2017. Internal Audit assurance services were also provided by Midlothian Council's Internal Audit team to the Midlothian Integration Joint Board. The operating environment had changed significantly since the inception of the shared Internal Audit services arrangement, in particular over the past 20 months, which provided the opportunity for both Councils to evaluate the arrangement. The report provided details of the wider options of joint working that had been explored and the evaluation of the shared Internal Audit services arrangement. The proposed way forward for 2022/23 onwards was to opt out of the Shared Internal Audit Services at the end of 2021/22 and therefore provide leadership capacity for the application of the revised Risk Management and Counter Fraud Policies and Strategies 2021-2024, subject to their approval by Council. Members agreed that the Council would benefit from having a full-time officer going forward.

DECISION

AGREED to:-

- (a) note the wider options of joint working that had been explored since the 12 month pilot shared Internal Audit services arrangement and the evaluation associated with the provision of Internal Audit services; and**

- (b) endorse the proposal to opt out of the Shared Internal Audit Services at the end of 2021/22 and give an appropriate period of notice to Midlothian Council, which would provide the leadership capacity for the application of the revised Risk Management and Counter Fraud Policies and Strategies 2021-2024, as approved by Council below.**

7. RISK MANAGEMENT POLICY AND STRATEGY

With reference to paragraph 9 of the Minute of the Audit & Scrutiny Committee of 22 November 2021, there had been circulated copies of a report by the Chief Officer Audit and Risk presenting a revised Risk Management Policy statement and Risk Management Strategy 2021-2024 for approval. The report explained that effective Risk Management was one of the foundations of effective governance and was recognised in the Council's Local Code of Corporate Governance. Compliance with the principles of sound Corporate Governance required the Council to adopt a coherent and systematic approach to the management of risks that it faced every day. Better and more assured risk management would bring many benefits to the Council and the people it served. Management had the primary responsibility to systematically identify, analyse, evaluate, control and monitor risks to the achievement of the Council's objectives. Internal Audit was required to give independent assurance on the effectiveness of all internal controls and other arrangements put in place by Management to manage risk. On behalf of the Council, as set out in the Scheme of Administration, part of the Audit and Scrutiny Committee's role (Audit function) was to scrutinise the framework of internal financial control, risk management and governance throughout the Council to ensure its adequacy. A revised Risk Management Policy statement was contained in Appendix 1 to the report and 3-year Risk Management Strategy in Appendix 2 were included for approval by full Council, following their consideration and endorsement by the Audit and Scrutiny Committee on 22 November 2021. This would enable the Council to refine its approach to Risk Management and embed these key aspects into the management practices of the Council. Councillor Bell, as Chairman of the Audit and Scrutiny Committee, spoke in support of these documents and highlighted the need to remain eternally vigilant. The Chief Officer Audit and Risk emphasised that every elected Member had a role to play not just those who were Members of the Audit and Scrutiny Committee and that risk sections were included in every committee report.

DECISION

AGREED to:-

- (a) approve the revised Risk Management Policy Statement and Risk Management Strategy 2021-2024, as contained in Appendices 1 and 2 to the report; and**
- (b) acknowledge the role and responsibilities of the Audit and Scrutiny Committee, as set out in the Risk Management Policy, to provide Elected Member oversight on behalf of full Council.**

MEMBER

Councillor Fullarton joined the meeting.

8. COUNTER FRAUD POLICY AND STRATEGY

With reference to paragraph 10 of the Minute of the Audit & Scrutiny Committee of 22 November 2021, there had been circulated copies of a report by the Chief Officer Audit and Risk presenting a revised Counter Fraud Policy statement and Counter Fraud Strategy 2021-2024 for approval. The report explained that the Council was committed to minimising the risk of loss due to fraud, theft, corruption or crime and to taking appropriate action against those who attempted to defraud the Council, whether from within the authority or from outside. The primary responsibility for the prevention, detection and investigation of fraud rested with Management, supported by the Integrity Group. Internal Audit provided advice and independent assurance on the effectiveness of processes put in place by Management. On behalf of the Council, as set out in the Scheme of Administration, part of the Audit and Scrutiny Committee's role (Audit function) was to oversee the framework of internal financial

control including the assessment of fraud risks and counter fraud controls, and to monitor counter fraud strategy, actions and resources. A revised Counter Fraud Policy statement, contained in Appendix 1 to the report and 3-year Counter Fraud Strategy, contained in Appendix 2, were included for approval by full Council, following their consideration and endorsement by the Audit and Scrutiny Committee on 22 November 2021. This would enable the Council to continue to refine its approach to tackling fraud, taking account of reducing resources, with a focus on prevention and detection and promotion of a counter fraud culture across the Council to improve its resilience to fraud. Councillor Bell commented on the increased risk of fraud during the Covid pandemic and the importance of highlighting to officers frauds suffered by other organisations.

DECISION

AGREED to:-

- (a) approve the revised Counter Fraud Policy Statement and Counter Fraud Strategy 2021-2024, as contained in appendices 1 and 2 to the report; and**
- (b) acknowledge the role and responsibilities of the Audit and Scrutiny Committee, as set out in the Counter Fraud Policy Statement, to provide Elected Member oversight on behalf of full Council.**

9. GYPSY/TRAVELLER PROVISION IN THE SCOTTISH BORDERS

- 9.1 There had been circulated copies of a report by the Director of Social Work and Practice providing information in relation to the facilities and amenities for Gypsy / Traveller families in Scottish Borders. It had become apparent that the Council needed to review the arrangements in place for this group, specifically the provision of stopping places and sites that would ensure that there was compliance with Scottish Government guidance, a copy of which was appended to the report. Experience during the COVID restrictions had confirmed existing provision was neither adequate nor flexible enough to meet the requirements. For some time the designated site for Gypsy/Travellers in Scottish Borders had been an area at the Tweedside Caravan Park, Innerleithen. Prior to the pandemic there were ten specific pitches for Gypsy/ Traveller families. However, this was reduced to five pitches in line with COVID restrictions and updated fire regulations. It was also noted that this provision was a seasonal site with restricted access during the winter months and was therefore designated as temporary provision. In 2019, Scottish Borders Council formalised the approach to Gypsy/Traveller unauthorised encampments by appointing an officer in a support role as Gypsy/ Traveller liaison officer. Based within the Safer Communities Team, this role was to ensure a consistent approach and compliance with Scottish Government guidance, contained in Appendix B to the report. That member of staff had recently moved to a new post and officers were currently in the process of progressing recruitment into the now vacant post.
- 9.2 During the COVID restrictions in 2020/21 Scottish Government issued the *COVID-19 Framework for Local Decision Making on Gypsy/Traveller Support – June 2020*. This set out the need for access to sanitation, services and healthcare while minimising unnecessary travel. An update on the guidance had been expected for some time but to date this had not been published. The LiveBorders site at Victoria Park, Selkirk had been used to temporarily accommodate the families arriving/located within Scottish Borders in line with the need for compliance with the current government guidance. Officers had been investigating alternative longer-term options for a site/s for Gypsy/Traveller families in Scottish Borders, with a view to ensuring that the Council was compliant with national guidance and Members had already received a briefing in relation to this, which was followed by further information on potential sites.
- 9.3 The report detailed the scoping that had taken place, potential sites identified thus far and indicative costs for converting these sites into suitable provision. Of note was that sites and indicative costings were difficult to quantify because of the variables in potential work that would be required due to variations on each site location. For example, there was a significant difference between the indicative costs of converting an existing Scottish Borders

Council car park site compared to the cost of decontaminating a larger site that had previous industrial use. Members welcomed the report and discussed the issue in detail. Members highlighted the particular issues which had occurred in recent months, particularly in the Selkirkshire Ward, and the need for a permanent solution. Councillor Thornton-Nicol, seconded by Councillor Moffat, moved as an amendment that recommendation 2.1 (d) had the words “including researching smaller sites which would be able to accommodate six berths” added. Councillor Edgar, seconded by Councillor Aitchison, moved a further amendment that an additional recommendation be added - 2.1(g) “that subject to monies being available from the Gypsy/Traveller Accommodation Fund, the Council proceeds to implement the recommendation with a degree of urgency, and report back to Council on progress in 3 months-time”. Both amendments were unanimously accepted. Councillor Thornton-Nicol suggested that a Mr Donaldson who was a spokesperson for gypsy/travellers be invited to provide a briefing for Members and it was agreed that this should be facilitated before a final decision was taken.

**DECISION
AGREED:-**

- (a) to note the use of Victoria Park, Selkirk as the most viable option as a temporary Gypsy/Traveller site during the COVID response;**
- (b) the continued scoping of Ettrick Mill, Selkirk as an alternative site that may be more suitable in the short to medium term and allow for Victoria Park to be returned to a commercial site as early as possible next year;**
- (c) that the land at Galafoot, Galafoot Lane, Galashiels be subject to a full feasibility study regarding its suitability as a longer term option for the Gypsy/Traveller community;**
- (d) that officers should continue to scope alternative sites in the event that the Galafoot site costs proved prohibitive as a viable long-term option, including researching smaller sites which would be able to accommodate six berths;**
- (e) to progressing negotiations with the current tenant at Tweedside Caravan Park regarding the Scottish Housing regulators requirement for tenant rights for Gypsy/Traveller families on this site;**
- (f) to a consultation process with existing Gypsy/Traveller families and national Gypsy/Traveller representatives as part of the design process; and**
- (g) that subject to monies being available from the Gypsy/Traveller Accommodation Fund, the Council proceeded to implement the recommendation with a degree of urgency, and report back to Council on progress in 3 months-time.**

10. 20 MPH ROAD TO PERMANENCE

- 10.1 With reference to paragraph 12 of the Minute of 27 August 2020, there had been circulated copies of a report by the Director Infrastructure and Environment providing a review of the Spaces for People 20mph trial and proposing which roads within Scottish Borders settlements should remain at 20mph; which should revert back to 30mph; and which should be set at 40mph. The report explained that the Sustrans funded Spaces for People 20mph trial had been in place since October 2020, where all roads with a 30mph speed limit were reduced to 20mph. During that time Edinburgh Napier University’s Transport Research Institute had carried out an independent evaluation of the trial from 125 survey sites over 97 settlements. This evaluation concluded that vehicle speeds had reduced in almost all settlements, in some instances by 6mph, with an average reduction closer to 3mph. As part of the 20mph trial, Council Officers had also convened an evaluation group consisting of representatives from Police Scotland, Transport Scotland, SUSTRANS, Edinburgh Napier University, Road Safety Auditors as well as officers from East Lothian, West Lothian,

Dumfries and Galloway, Highland, Shetland and Argyll and Bute Councils who had shown keen interest in the ongoing trial. The original aim of the trial was to make active travel, i.e. walking and cycling, more attractive to residents as the restrictions resulting from the Covid 19 pandemic eased. This was extremely challenging to measure and as the trial had progressed Transport Scotland had published its delivery plan for their road safety framework which stated that “we will ensure all appropriate roads in built up areas have a safer speed limit of 20 mph by 2025”.

- 10.2 Officers had met with Local Members and there appeared to be a general consensus, with some site specific reservations, to retain all settlements at 20mph with some limited 30mph and 40mph speed limit buffers as detailed in Appendix 1 to the report. These 30mph buffers were recommended where it was particularly ‘painful’ to drive at 20mph taking into account the surrounding environs, for instance where there were not an abundance of houses on both sides of the road and it was not immediately apparent to drivers why 20mph was the appropriate speed. In these scenarios, compliance tended to be poor and could be to the detriment of the overall ethos of lower limits. A public consultation had been held via Citizens Space and all responses had been considered. Members discussed the report and paid tribute to Ms Gilhooly and her team for their work on this project. Councillor Bell, seconded by Councillor Laing, moved that an additional recommendation (d) be added to read “acknowledges that appropriate street furniture and additional traffic calming measures lead to self-enforcing driver compliance with speed limits, and endorses officer intentions to continue to support such improvements” to help encourage further speed limit reductions. Councillor McAteer, seconded by Councillor Marshall, moved as an amendment that recommendations (a) to (c) be replaced with “that Members note the progress made by officers and that officers further analyse the views expressed by those who participated in the Citizen Space Survey and bring a report to Council that represents those views, specifically identifying locations in settlements of Scottish Borders Council where 20mph limits are proposed to be introduced” as he considered the views of the people in his Ward had not been fully addressed by the proposals. Members unanimously accepted the amendment proposed by Councillor Bell.

Vote

Councillor Edgar, seconded by Councillor Rowley, moved approval of the report with the addition of Councillor Bell’s amendment.

Councillor McAteer, seconded by Councillor Marshall, moved as an amendment that recommendations (a) to (c) be replaced with “that Members note the progress made by officers and that officers further analyse the views expressed by those who participated in the Citizen Space Survey and bring a report to Council that represents those views, specifically identifying locations in settlements of Scottish Borders Council where 20mph limits are proposed to be introduced”

<i>Motion by Councillor Edgar</i>	-	<i>26 Votes</i>
<i>Amendment by Councillor McAteer</i>	-	<i>5 votes</i>

The Motion was unanimously carried.

- 10.4 Councillor Rowley commented on the abuse directed against Ms Gilhooly and her team on Social Media which officers should not have to face. Councillor Haslam supported this view and asked that the unacceptable nature of such comments should be recorded. The Convener formally thanked Ms Gilhooly and her team.

DECISION

AGREED to:-

- (a) approve the suggestion to move to a position where 20 mph is the default speed limit within settlements in the Scottish Borders;**

- (b) **approve limited 30mph exceptions as detailed in Appendix 1 to the report;**
- (c) **approve the changes for 40mph speed limits as detailed in Appendix 1 to the report; and**
- (d) **acknowledge that appropriate street furniture and additional traffic calming measures lead to self-enforcing driver compliance with speed limits, and endorse officer intentions to continue to support such improvements;**
- (e) **unanimously condemn the unacceptable comments on social media aimed at Ms Gilhooly and her team.**

11. **MOTION BY COUNCILLOR ROWLEY**

Councillor Rowley, seconded by Councillor Aitchison, moved his Motion as circulated with the agenda in the following terms:-

“Consequent to the resignation of Councillor Haslam last month from the role of Leader, I now propose that Scottish Borders Council approves the following reallocation of responsibilities:-

- The Executive Member for Economic Regeneration & Finance portfolio title is changed to the Executive Member for Finance and Budget Oversight
- The Scheme of Administration is amended to take account of the change in Portfolio title
- Further amending the Scheme of Administration so that the Chair of the Major Contracts Governance Group is the Executive Member for Finance and Budget Oversight
- That Councillor Haslam is appointed to the role of Executive Member for Finance and Budget Oversight, with responsibilities for Budget oversight and development.
- Establishes a new role, being the Executive Member for Homes and Housing. The role is not a Senior Councillor role as defined in the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and so does not affect the Scheme of Remuneration.
- Appoints Councillor Linehan to the role of Executive Member for Homes and Housing.
- Amends the Scheme of Administration to change the Constitution of the Executive Committee from 11 to 12 Members and adding to the Members list the Executive Member for Homes and Housing.
- Amends the Scheme of Administration by amending the Constitution of the Sustainability Committee from reading “Nine Members of the Council, being 5 members of the Administration and...” to read “Ten Members of the Council, being 6 members of the Administration and...”
- Appoints Cllr Rowley, as Leader, to be a Member of that Committee
- The Leader shall have responsibilities for Economic Development, Regeneration, Tourism, Inward Investment and Broadband & Digital Connectivity
- Appoints Councillor Rowley as a COSLA representative in place of Cllr Haslam.
- Appoints Councillor Aitchison to the South of Scotland Regional Economic Partnership in place of Councillor Haslam
- Notes that Cllr Rowley, as Leader, is now appointed to the Joint Committee of the Edinburgh and East of Scotland City Region Deal and agrees that he can appoint any Member of the Administration to be substitute as and when required as permitted by the Joint Committee Standing Orders.
- Notes that Cllr Rowley, as Leader, is now appointed to attend the Borderlands Partnership Board and agrees that he can appoint any Member of the Administration to be the substitute as required by the Collaboration Agreement.”

Councillor Rowley spoke in support of his Motion. Councillor Bell, seconded by Councillor H. Anderson, proposed the following amendment:-

Bullet point 8: change to read –

“Amends the Scheme of Administration by amending the Constitution of the Sustainability Committee from reading ‘Nine members of the Council, being 5 members of the Administration and...’ to read “Eleven members of the Council, being 6 members of the Administration and 5 members of the Opposition.”

Bullet point 9: change to read –

“Appoints Councillor Rowley, as Leader, and Councillor Thornton- Nicol to be members of that Committee.”

Councillor Rowley accepted this amendment.

DECISION

AGREED to approve the Motion, as amended and as detailed above.

12. **MOTION BY COUNCILLOR A. ANDERSON**

This Motion was withdrawn

13. **OPEN QUESTION**

The question submitted by Councillor Moffat was answered. In the absence of Councillor Paterson, his question was withdrawn.

DECISION

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

MEMBER

Councillor Marshall left the meeting.

14. **PRIVATE BUSINESS**

DECISION

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

SUMMARY OF PRIVATE BUSINESS

15. **Minute**

The private section of the Council Minute of 25 November 2021 was approved.

16. **Committee Minutes**

The private sections of the Committee Minutes as detailed in paragraph 4 of this Minute were approved.

17. **Bridge Homes Disposal Strategy**

Members approved a joint report by the Director Finance & Corporate Governance and Director Infrastructure & Environment.

The meeting concluded at 12.55 p.m.

SCOTTISH BORDERS COUNCIL
16 DECEMBER 2021
APPENDIX I

Question from Councillor Moffat

To the Executive Member for Sustainable Development

What action does Scottish Borders Council intend to take to reduce any pollution caused by log burners which have been identified as a significant source of pollution and a serious health hazard?

Reply from Councillor Aitchison

The Clean Air Act regulates emissions from commercial and residential premises in Smoke Control Areas. Many parts of the Scottish Borders are covered by Smoke Control Areas where you can't emit smoke from a chimney unless you're burning an authorised fuel or using exempt appliances (e.g. burners or stoves). A fine of up to £1000 can be issued if you are found to have broken this ruling. Scottish Borders Council's Environmental Health Team investigate all complaints of smoke nuisance, irrespective of whether the premises is in the aforementioned smoke control areas and offer advice to residents in respect of the law and good practice.

Additional Response

Councillor Moffat himself recognises that in rural areas in particular we have seen recently the benefits of these devices for heat, cooking and have arguably, in some areas, saved illness or worse during the prolonged electricity failures. This has also saved emergency services time. Many communities have no alternative to electricity and, until such time as there are alternatives must rely on such sources. Wood burning is not illegal although I have reservations around biomass as an alternative. Investment for such progress is required from both governments to allow these changes. I would also point out that we are working towards a "just" transition, which means the rural areas should not be adversely affected by changes to the law or availability of means of power. I have looked into the particular particle PM 2.5 referred to in correspondence. The 2.5 refers to the size of the particle in microns, which is small enough, if inhaled, to bypass human defences. Whilst studies show in Asia unfortunately this is a significant problem, in Europe levels have been falling in recent years due to various "clean air" measures and changes in old habits like e.g. the burning of heather in rural areas. In the UK, pollutant levels are monitored by the Department for Environment, Food and Rural Affairs. (DEFRA)

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Scottish Borders Council Response to the Regional Transport Strategy

Report by Director - Infrastructure and Environment

SCOTTISH BORDERS COUNCIL

27 January 2022

1 PURPOSE AND SUMMARY

- 1.1 The report proposes the approval of the consultation response to South-East of Scotland Regional Transport Partnership (SEStrans) in reply to the Draft Regional Transport Strategy. The response is required to be submitted by 11 February 2022.**
- 1.2 The Draft Regional Transport Strategy (RTS) for the South-East of Scotland has been prepared by the South-East of Scotland Regional Transport Partnership (SEStran) which was set up under the Transport (Scotland) Act 2005. It covers eight constituent Local Authorities:
 - Clackmannanshire
 - East Lothian
 - City of Edinburgh
 - Falkirk
 - Fife
 - Midlothian
 - Scottish Borders
 - West Lothian
- 1.3 This Act also set the requirement to produce a statutory RTS to provide a strategic framework for transport management and investment for the Partnership area.
- 1.4 The Draft RTS has been prepared to replace the Regional Transport Strategy 2015 -2025 Refresh published in July 2015. It replaced the original SEStran Regional Transport Strategy 2008 –2023 published in November 2008.
- 1.5 An Officers Group have reviewed the draft strategy in the context of national policy, local challenges and opportunities created through the establishment of SOSE and the regions involvement in two growth deals.
- 1.6 From this review it is clear that the draft strategy does not properly represent the Scottish Borders and should be significantly changed to reflect more rural challenges and solutions.

- 1.7 It is proposed that Scottish Borders Council submit a structured response through the SEStran consultation portal and a detailed response to clearly articulate the areas where change is required in the draft strategy. The draft responses are provided in Appendix 1 & 2. Without an honest and detailed response the final strategy will not reflect the challenges and ambition of the Scottish Borders, leaving the region without the leverage to support cross boundary and local transport projects that are vital for our communities.
- 1.8 SEStran also use the draft strategy to highlight the historic constraints that have hindered their delivery of cross boundary transport projects in the past and identify that there are discussions ongoing with Transport Scotland regarding further powers and funding for SEStran. Developments will be monitored by Officers and communicated back to Scottish Border Council at the appropriate point.
- 1.9 SEStran's programme for approval of the final Regional Transport Strategy indicates the ambition to seek approval from their board in March 2022. It is proposed that the Council requests a written response from SEStran on how they have actioned the Council's comments so that we can consider the Council's approach to being involved in the final approval process.
- 1.10 The Scottish Government will publish the draft Strategic Projects Review 2 on the 20 January 2022 (following the publication of this report) and it will inform transport investment programme in Scotland over the next 20 years (2022-2042). Any implications of this draft investment commitment on the Council's review of the Draft Regional Transport Strategy will be highlighted at the Council meeting.

2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council:-

- (a) Agrees that the finalised strategy should fully reflect the challenges and ambition of the Scottish Borders;**
- (b) Agrees that the finalised strategy should specifically address the comments identified in Section 4 of this report;**
- (c) Approves the online questionnaire responses provided in Appendix 1, for submission to SEStran on, or before 11 February 2022;**
- (d) Approves the detailed response provided in Appendix 2, for submission to SEStran on, or before 11 February 2022;**
- (e) Agrees that officers request a written response from SEStran on how Scottish Borders Council's comments have been incorporated into the next draft of the Strategy prior to the planned approval in March 2022;**
- (f) Agrees that a further update should be brought back to Council as the discussions develop regarding potential additional powers and funding being allocated to SEStran.**

- (g) Consider any implications on the Council's views on the Draft Regional Transport Strategy following the publication of the Scottish Governments Strategic Transport Review 2 on 20 January 2022.**

3 BACKGROUND

- 3.1 The Draft Regional Transport Strategy (RTS) for the South-East of Scotland has been prepared by the South-East of Scotland Regional Transport Partnership (SEStran) which was set up under the Transport (Scotland) Act 2005. It covers eight constituent local authorities:
- Scottish Borders
 - Clackmannanshire
 - City of Edinburgh
 - East Lothian
 - Falkirk
 - Fife
 - Midlothian
 - West Lothian
- 3.2 This Act also set the requirement to produce a statutory RTS to provide a strategic framework for transport management and investment for the Partnership area
- 3.3 The Draft RTS has been prepared to replace the Regional Transport Strategy 2015 -2025 Refresh published in July 2015. It replaced the original SEStran Regional Transport Strategy 2008 –2023 published in November 2008.
- 3.4 SEStran confirm that the Draft RTS has been prepared in accordance with RTS development guidance (Transport Scotland, 2006), the Scottish Transport Appraisal Guidance (STAG) and all relevant legislative and policy requirements. It is supported by a suite of evidence drawn from published policy documents, data analysis as well as stakeholder and public consultation. This has been set out in the documentation accompanying the development of the RTS:
- This includes a STAG Case for Change report which details the problems and issues that need to be tackled by the RTS as well as defining options to address them along with the strategy objectives.
 - The options which emerged from the Case for Change also underwent appraisal with the findings outlined in the STAG Preliminary Options Appraisal report.
 - A Strategic Environmental Assessment (SEA) and Equalities Impact Assessment (EqIA) processes have been undertaken, each of which has identified key environmental and equalities issues which need to be addressed in the new RTS.
- 3.5 The Draft RTS sits within and is being developed in the context of a policy hierarchy which spans the national, regional and local levels. It is being developed within the policy framework provided by the National Transport Strategy 2 which was published in February 2020. It set out four strategic priorities:
- Reduce Inequalities
 - Take Climate Action
 - Help Deliver Inclusive Economic Growth
 - Improve Our Health & Wellbeing

As well as defining a Sustainable Travel Hierarchy

1. Walking & wheeling
2. Cycling
3. Public Transport
4. Taxi's & shared transport
5. Private car

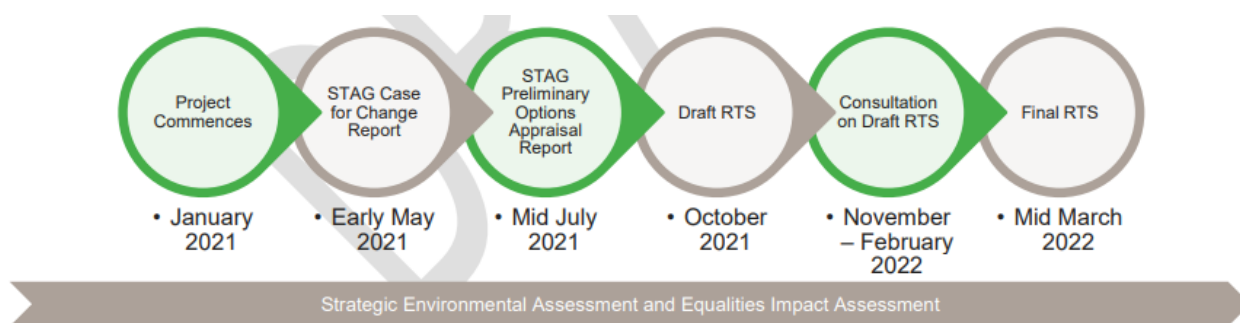
These four priorities and hierarchy have been used to guide the development of this Draft RTS.

4 CONSULTATION RESPONSE

4.1 Appropriate Officers across the Authority have undertaken a detailed review of the draft strategy and the following themes have emerged:

- There needs to be more differentiation between urban and rural areas. The document seems to be heavily skewed to urban challenges and solutions. There is no recognition of the role that rural regions make to the overall transport network, other than travelling into Edinburgh;
- The draft strategy needs to acknowledge the important linkages of the region to the south into northern England; west to Dumfries & Galloway, South Lanarkshire and Glasgow; and north into Perth & Kinross and beyond. These corridors and linkages provide important opportunities for the SEStrans region and the Scottish Borders;
- There needs to be support for the development/delivery of the Borders Railway extension, improvements on the existing line and action to maximise the integration of Reston Station into the east coast mainline so that it supports the community and a modal shift. There is a clear opportunity to support these strategically important infrastructure projects in sections 9.1 & 9.3 of the RTS;
- There should be more emphasis on the correlation between good transport and good digital connectivity. Digital equality across the region will support an integrated and connected transport network especially in rural areas.
- The final strategy should have significantly more emphasis on increasing public confidence in public transport following the national messaging to avoid public transport during COVID 19. Also there is a lead role to play in behavioural change and public education to support sustainable transport choices to help deliver the strategy vision.
- The 'Vision' and 'Objectives' need to have clear alignment with National Transport Strategy 2, the Just Transition recommendations and support the ambition of regional Economic Strategies and Growth Deals.
- The links back to the strategy 'Vision' and 'Objectives' needs to be clearly articulated throughout the document. The core linkages seem to get too lost in each section to accurately define how the actions will help deliver the strategy objectives. There also needs to be clear and measurable outputs for each action so that they are quantifiable and link to the Monitoring and Evaluation section of the strategy.

- There is a significant number of actions within the draft strategy without clarity on ownership, how they will be funded, delivered or programmed;
 - The document would benefit from being shortened, especially in comparison with other regional strategy documents such as the Regional Economic Strategy, the Indicative Regional Spatial Strategy for the South of Scotland and the Edinburgh & South East Scotland City Region Deal Regional Prosperity Framework;
- 4.2 These are all key themes that need to be addressed in the final strategy so the vision, objectives and actions respond to the challenges of the Scottish Borders and supports the ambition of the region. A detailed response has been produced by Officers (contained in **Appendix 2**) that suggest areas of the strategy that need to be amended to mitigate concerns and make the final strategy representative of the Scottish Borders.
- 4.3 SEStran have created an online virtual consultation portal with specific questions to be answered as a consultee. The questions on the portal provide an opportunity for a high level response to be submitted, so it is proposed that Scottish Borders Council respond via the portal with the answers in **Appendix 1**, but also provide a detailed written response to reflect comments across the whole document, as per the draft in **Appendix 2**.
- 4.4 SEStran indicates that following the consultation process, they will work to finalise the strategy in March 2022. It is Officer's opinion that we require written feedback from SEStran on their review of our comments, to confirm what has, and has not been incorporated into the final strategy document. This response should be brought back to Council for consideration and influence our approach for involvement in the final SEStran approval process.



5 SESTRAN'S USE OF STATUTORY POWERS

- 5.1 SEStran have highlighted key constraints for delivering cross boundary projects since 2008 as:

'This was largely attributed to difficulties with the existing delivery mechanisms and in coordinating cross-boundary and multi-partner schemes. In addition, given SEStran's position as a 'Level 1' Regional Transport Partnership and the limited statutory powers this conveys along with a lack of dedicated funding to support delivery of the RTS, it was highlighted that the current regional governance arrangements present a constraint to the delivery of cross-boundary schemes and interventions emerging from the RTS.'

- 5.2 In Section 3.2 of the Draft Strategy, SEStran has highlighted that an interim solution to this issue maybe:

'...the Transport (Scotland) Act 2005 (2005 Act) allows for arrangements and associated functions that could be developed for cross boundary or multi partner RTS schemes which can be agreed and brought into effect through the provisions of sections 10 and 14 of the 2005 Act. SEStran, in consultation with its constituent authorities and other stakeholders, will consider use of these powers as appropriate in relation to such schemes.'

- 5.3 The request for the use of Statutory Powers by SEStran will require detailed consultation with the LA partners and any recommendations will require approval through statutory process, following validation by each Local Authority. SBC will engage proactively with this consultation process, when it takes place, and bring any recommendations back to Scottish Borders Council at the appropriate time.

- 5.4 Section 3.2 also confirms that:

'As part of development of the National Transport Strategy 2 work to review transport governance was undertaken by the Roles and Responsibilities Group. The review also recognised this barrier (lack of statutory powers) to delivery. The Roles and Responsibilities group continue to consider this issue and until a decision or direction is given this barrier could continue to affect the ability for SEStran and its partners to deliver cross-boundary and multi-partner schemes that emerge from the new RTS.'

- 5.5 Council officers will continue to monitor the development of this issue through involvement in SEStran forums and provide any information and/or reports to Council committees as this topic develops.

6 STRATEGIC TRANSPORT PROJECTS REVIEW 2

- 6.1 The second Strategic Transport Projects Review (STPR2) will inform the Scottish Government's transport investment programme in Scotland over the next 20 years (2022-2042) and will help to deliver the vision, priorities and outcomes for transport set out in the National Transport Strategy (NTS2). It will align with other national plans such as the Infrastructure Investment Plan, National Planning Framework (NPF4), Climate Change Plan and the National Strategy for Economic Transformation.
- 6.2 The announcement for STPR2 is programmed for 20 January 2022 in advance of the publication of this report, so any implications on the key theme of our review of the Regional Transport Strategy will be verbalised at the Council meeting for consideration and approval.
- 6.3 A separate detailed review will be undertaken on the draft STPR2 and taken through the appropriate Council approval process.

7 IMPLICATIONS

7.1 Financial

There are no costs attached to any of the recommendations contained in this report.

7.2 Risk and Mitigations

- (a) It is important that we are authentic in our response to the Draft Regional Transport Strategy and clearly state that in its current form it is not representative of the Scottish Borders. Without an honest and detailed response the final strategy will not reflect the challenges and ambition of the Scottish Borders, leaving the region without the leverage to support cross boundary and local transport projects that support our communities.
- (b) The drafting of the current document is very city focused and doesn't acknowledge the importance of the Scottish Borders connections into northern England, Dumfries & Galloway and South Lanarkshire. This has been highlighted in the draft response and needs to be addressed in the final strategy to maximise the opportunities for the region.
- (c) There is currently no mention of the Borders Railway, whether it is improvements to the existing line or the proposed extension. This is a priority project for the region and needs to be addressed in the final strategy.
- (d) Absent from the draft strategy is the support required to develop the Reston Station proposals further to enable it to operate to its full potential for the region. SEStran should play a key role in this process to lobby Scottish Government and Network Rail to deliver facilities and timetabling that supports the Berwickshire communities' access opportunities, services and help reduce the reliance on the private car. This has been highlighted in the draft response and needs to be addressed in the final strategy.

7.3 Integrated Impact Assessment

No Integrated Impact Assessment required for this report. This report details the proposed Scottish Borders Council's consultation response to the SEStran Regional Transport Strategy. The proposed response does highlight that there needs to be a greater emphasis on rural areas, the challenges, ambitions and solutions for the benefit of our communities. SEStran have completed an IIA as part of their Strategy development process, it highlights positive and negative implications for the groups identified in this assessment. The SEStran IIA can be found at the link below:

<https://sestran.gov.uk/publications/sestran-2035-equalities-impact-assessments/>

7.4 Sustainable Development Goals

The finalised Regional Transport Strategy will positively impact the Sustainable Development Goals in the following ways:

- There will be a step change to the prioritisation of transport projects to reduce inequalities, improve wellbeing and inclusive growth. Local equity and accessibility will be regional priorities.
- Active travel sits at the top of the new transport hierarchy, so further investment and behavioural change will benefit the health & wellbeing of our communities.
- Building resilient infrastructure and transport solutions are at the core of the proposed strategy.

- The safety of users on the transport system is a fundamental principle of the draft strategy, which is specifically important for a transition to active travel solutions.
- All of the actions within the draft strategy are focused on delivering the national net zero targets.

7.5 Climate Change

The final SEStran Regional Transport Strategy will identify methodologies for reducing impacts, include direct and indirect greenhouse gas emissions, resulting from regional transport projects. This report provides a proposed consultation response to the draft SEStran Regional Transport Strategy to highlight the need for linking the actions back to the vision of carbon reduction. As this is just a consultation response to a new strategy being delivered by and external organisation, SEStran have already completed an Integrated Impact Assessment (IIA) and Strategic Environmental Assessment (SEA) as part of their Strategy development process. This will highlight positive/negative implications and mitigation for the actions identified in the Climate Change checklist. The SEStran IIA and SEA can be found at

<https://sestran.gov.uk/publications/>

7.6 Rural Proofing

The final SEStran Regional Transport Strategy will identify methodologies for reducing impacts and providing benefits for rural areas resulting from regional transport projects. This report provides a proposed consultation response to the draft SEStran Regional Transport Strategy to highlight the need for equitable benefits across the whole region. As this is just a consultation response to a new strategy being delivered by and external organisation, SEStran have already completed an Integrated Impact Assessment (IIA) and Strategic Environmental Assessment (SEA) as part of their Strategy development process. This will highlight positive/negative implications and mitigation for the actions identified in the Climate Change checklist. The SEStran IIA and SEA can be found at

<https://sestran.gov.uk/publications/>

7.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

7.8 Changes to Scheme of Administration or Scheme of Delegation

NA

8 CONSULTATION

8.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted on this report and comments received have been incorporated into the final report.

Approved by

Name: John Curry **Title:** Director Infrastructure and Environment

Author(s)

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Background Papers: NA

Previous Minute Reference: NA

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

Contact us at Jacqueline Whitelaw, PLACE, Business Support, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 0300 100 1800, email JWhitelaw@scotborders.gov.uk.

APPENDIX 1 – Draft Response to Online Questionnaire

1. In Chapter 3 the draft RTS has identified 29 individual transport challenges and problems, do you agree or disagree that these provide an appropriate focus for the RTS?

ANSWER:

Yes in part.

2. Do you feel there are any other transport challenges and problems which have been missed?

ANSWER: Yes

Additional challenges to be added should be:

- *The public transport travel information and ticketing landscape is too complicated and spread across multiple places so it makes it difficult for passengers to plan journeys and buy the best value tickets.*
- *The integration between operators and different modes of transport is not coordinated so it makes it difficult for passengers to plan journeys and buy the best value tickets.*
- *Data is not shared across commercial services so that there is better strategic planning of the transport network.*
- *The power network does not have the resilience to support the on-street EV charging ambition.*
- *The current model of Local Authority led EV charging infrastructure is not sustainable in the long term as the infrastructure created a high resources demand for operation and maintenance support, with regular technology updates and customer support. This has led to high instances of inoperable charging infrastructure that affects public confidence. With the anticipated growth in demand, the private sector delivery and operation model needs to be developed in urban and rural areas to facilitate a transition to companies that have the experience and resources to deliver a network to meet the future demand.*
- *The reputational damage caused to the public transport system during the COVID response have not yet been countered with positive encouragement to re-engage with the services. Public transport is only at 50-70% of its original patronage and to ensure longevity there needs to be sustained growth.*

3. The RTS vision is set out in Chapter 4. Do you agree or disagree that this should be the vision for the new RTS?

ANSWER:

Yes in Part. Additional themes to be added should be:

- *The inclusion of wording that reflects that all of our transport modes need to be fully integrated (physically and through information, ticketing and data sharing).*
- *Also the development of the strategy will support a 'Just Transition' toward Net Zero. A vision that ensures that the benefits of a transition to a net*

zero economy are shared widely, while also supporting those who stand to lose economically.

4. The Strategy Objectives are outlined in Chapter 4. Do you agree or disagree that these should be the Strategy Objectives for the new RTS?

ANSWER:

Yes in Part.

5. Do you think any other Objectives should be considered for the new RTS?

ANSWER: Yes

Additional objectives to be added should be:

- A strategy objective that will support a 'Just Transition' toward Net Zero. An objective that ensures that the benefits of a transition to a net zero economy are shared widely, while also supporting those who stand to lose economically.*
- Also think an objective is required to support 'Inclusive' economic growth, aligning the strategy with NTS2 and to support the regional economic ambitions.*

6. We have identified 'Shaping development and place' as one of the key themes for the RTS in Chapter 5. How important is this theme to you?

ANSWER:

High Importance.

- Infrastructure first principles included in the draft NPF4. The Transit Orientated Development needs to align closely with the final NPF4 and be clearer in its ambition and practical delivery.*
- Putting the burden of cost on developers to deliver more solutions is of concern from a rural perspective, where developments are smaller and house prices are lower than central Scotland.*

7. We have identified 'Delivering safe active travel' as one of the key themes for the RTS in Chapter 6. How important is this theme to you?

ANSWER:

High Importance.

- The role that Active Travel takes in the future transport network is important to deliver the objectives of the RTS, but also other regional and national policies (health & wellbeing, carbon reduction etc). The barriers to the use of Active Travel, highlighted in the RTS can only be overcome with an approach to enhance the standards and investment in this vital form of infrastructure.*
- The delivery of Active Travel has to be undertaken in an overarching vision of how it fits within a connected network to support public transport, placemaking, rural and urban development. Each transport option has a role to play and it isn't a one size fits all across the SEStran region.*
- The role of Active Travel also has to acknowledge the seasonal variations in usage due to weather and darker winter evenings.*

8. We have identified 'Enhancing access to public transport' as one of the key themes for the RTS in Chapter 7. How important is this theme to you?

ANSWER:

High Importance.

- *'Physically accessible' should also cover having access to a bus in the first instance. As per the RTS Main Issues report, 5% of people across the region are without access to public transport and 9% in the Scottish Borders.*
- *Believe that this section does not fully respond to the 29 challenges in Chapter 3 and we need it to respond to the additional challenges identified in this consultation response.*
- *The role of Active Travel also has to acknowledge the seasonal variations in usage due to weather and darker winter evenings.*

9. We have identified 'Enhancing and extending the bus service' as one of the key themes for the RTS in Chapter 8. How important is this theme to you?

ANSWER:

High Importance. However:

- *This section again doesn't recognise the differences between urban and rural challenges.*
- *There is no reference to the data gathered and analysed through the Workforce Mobility project as validation of the regional differences and scale of the challenges.*
- *The role of Demand Responsive Transport is valuable in rural and urban contexts, but it is not a whole system solution for rural areas.*
- *Again, SEStran has a huge opportunity to lead the educational and behavioural change agenda for public transport, repairing public confidence from COVID and leading a generational change to make more sustainable transport decisions.*

10. We have identified 'Enhancing and extending the train service' as one of the key themes for the RTS in Chapter 9. How important is this theme to you?

ANSWER:

High Importance. However:

- *We would like to see a specific mention of the Borders Railway extension.*
- *We would like to see specific mention of improvement work for Borders Rail (Phase 1) i.e. more dynamic loops, more carriages and electrification.*
- *We would like to see more support for service provision at Reston Station.*
- *We see SEStran having an important role in lobbying Scottish Government and Transport Scotland for better integration of rail services into the wider transport network. This should include partnership working, shared information, shared ticketing and better active travel connectivity (more disabled and on train bike storage for example).*

11. We have identified 'Reallocating roadspace on the regional network' as one of the key themes for the RTS in Chapter 10. How important is this theme to you?

ANSWER:

Medium Importance.

12. We have identified 'Improving integration between modes' as one of the key themes for the RTS in Chapter 11. How important is this theme to you?

ANSWER:

High Importance. However:

- *We see SEStran having an important role in lobbying Scottish Government and Transport Scotland for better integration of rail services into the wider transport network. This should include partnership working, shared information, shared ticketing and better active travel connectivity (more disabled and on train bike storage for example).*
- *We see SEStran having an important role in lobbying Scottish Government and Transport Scotland for better integration information and ticketing across the region and Scotland. Obtaining clarity on a single Mobility as a Service solution to include multiple modes without adding to the ticket prices of the customer.*
- *Again, SEStran has a huge opportunity to lead the educational and behavioural change agenda for public Transport, repairing public confidence from COVID and leading a generational change to make more sustainable transport decisions.*

13. We have identified 'Decarbonising transport' as one of the key themes for the RTS in Chapter 12. How important is this theme to you?

ANSWER:

High Importance. However:

- *There is an opportunity for SEStran to help carry out further work to help LA's especially around EVs and hydrogen*
- *We see SEStran having an important role in ensuring the journey to Net-Zero is undertaken in a way that support a 'Just Transition' for the whole region and supports 'inclusive economic growth'.*
- *Again, SEStran has a huge opportunity to lead the educational and behavioural change agenda for public Transport, repairing public confidence from COVID and leading a generational change to make more sustainable transport decisions.*

14. We have identified 'Facilitating efficient freight movement and passenger travel' as one of the key themes for the RTS in Chapter 13. How important is this theme to you?

ANSWER:

High Importance. However:

- *This will be led by Transport Scotland on Trunk Road infrastructure. The local provision that are being proposed may not be deliverable in a rural context due to density of population and demand.*

15. We have identified 'Working towards zero road deaths and serious injuries' as one of the key themes for the RTS in Chapter 14. How important is this theme to you?

ANSWER:

High Importance. Further comment:

- *The policy on 20mph zones specifically mentions the urban environment but not rural. This need to be clarified, and it is suggested the SEStran review the SBC report on the regional pilot project that went to Council in December 2021 regarding the proposed approval of our 20mph schemes.*

16. We have identified 'Reducing car kilometres' as one of the key themes for the RTS in Chapter 15. How important is this theme to you?

ANSWER:

High Importance. However:

- *This section misses the point in terms of trying to deliver public transport improvements for rural areas to enhance the reduction in private car usage. Need rural solutions, where car will always form a large part of the transport jigsaw for rural communities. Need to focus on infrastructure first investment for the short journeys.*
- *There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits.*

17. We have identified 'Responding to the post-Covid world' as one of the key themes for the RTS in Chapter 16. How important is this theme to you?

ANSWER:

High Importance. However:

- *The final strategy should have significantly more emphasis on increasing public confidence in public transport following the national messaging to avoid public transport during COVID 19. Also there is a lead role to play in behavioural change and public education to support the right transport choices to help deliver the strategy vision.*
- *The better utilisation of data and information sharing will form a big part to the COVID recovery. Ideal location to mention the Edinburgh & South East Scotland City region Deal Workforce Mobility Project that is working with anchor employers to analyse employee postcode data to help optimize the transport network and enable the latent commuting demand to shift to sustainable transport options. Also, working with Government, employers and operators to identify incentives that make the change affordable and flexible compared to the private car.*
- *Only one paragraph referencing professionals working from home, I don't think this has been taken into account fully and how that working pattern HAS and WILL reflect on commuter passenger numbers into the future.*

18. In Chapter 17 the spatial strategy identifies two themes to direct where individual projects should be progressed. Do you agree or disagree that these themes provide an appropriate focus for interventions emerging from the new RTS?

ANSWER:

Disagree. Additional considerations to be added should be:

- *Overall this section should align with the principles of NPF4 and the ambitions in the various regional Economic Strategies and growth Deals.*
- *Also we need to remember that we need a focus on stronger links outside the SEStran region to the north, west and south into England.*
- *From a Scottish Borders perspective there are a significant volume of journey within the region or to non-SEStran's regions and these need to be better catered for within the Strategy. This will require cross regional working with other Regional Partnerships.*
- *Again, SEStran has a huge opportunity to lead the educational and behavioural change agenda for public Transport, repairing public confidence from COVID and leading a generational change to make more sustainable transport decisions.*

19. In Chapter 18 a set of Key Performance Indicators (KPIs) linked to the Strategy Objectives are set out. Do you agree or disagree that these KPIs provide an appropriate means to monitor performance of the RTS?

ANSWER:

Disagree. Additional considerations to be added should be:

- *The links back to the strategy 'vision' and 'Objectives' needs to be clearly articulated throughout the document. The core linkages seem to get lost in each section to accurately define how the actions will help deliver the strategy objectives. There also needs to be clear and measurable outputs for each action so that they are quantifiable and link to the Monitoring and Evaluation section of the strategy.*
- *The KPI's drafted in this section are not measurable as there is no baseline data and there is no objective to increase or reduce the baseline data by a prescribed value.*
- *The KPI's mentioned in this section are the means of monitoring progress and need defined targets to achieve, so that performance can be monitored and action taken to deliver the desired outcomes.*

20. If you have any comments to make on the Equalities or Strategic Environmental Assessment documents, please do so in the boxes below

ANSWER:

No

21. If you have any other comments regarding the RTS which have not been covered within the survey, please add them below

ANSWER:

A full list of comments will be provided separately, as per Appendix 2 of this report.

APPENDIX 2 – Draft Detailed Response Following Whole Document Review by Officer Group

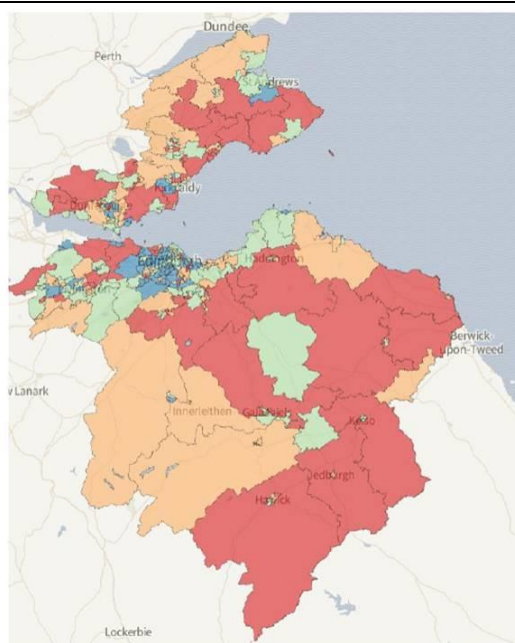
Section/page number	Comment
General	The document needs to include photos and graphic that reflect the whole region. The current selection supports the view that this document is predominately urban focussed and is not representative of all the SEStran partners.
Page 2	Don't like the reference that Scott Borders is the 'Hinterland'. Also the correct name is the 'Scottish Borders'.
Page 4	It should be noted that these projections do not reflect the potential impact of Brexit on net-migration which has been the primary driver of growth in recent years - This could have a big impact can assumptions not be made (based on reliable sources) and factored in?
	New Ways of Working (as a result of Covid) will impact where population growth occurs? Can assumptions be made (based on reliable sources) and factored in?
Page 7	Repetition from previous page. Word missing 'overview of the spatial strategy is shown in A...'
	IRSS diagram of page 7 is not finalised version (should not include green networks in SBC)
Page 8	The RPF is now approved and moving to a deliver plan. Need to mention SOSE & Regional Economic Strategy
Page 10	User perspective 'Complexity of transport information' is a barrier, so is 'lack of coordinated services and modes' and 'an overlay complex transport network'
SECTION 3	
Page 13	Need a regional and rural perspective in here. The region isn't just served by Lothian Buses
Page 13	Where does the reference "The majority of the most 'at risk' population was situated in urban areas" come from? There are high risk populations across the whole region.
Page 13	Who provided the passengers surveys? Is it reflective of the whole region?
Page 14	Mention of surveys again. What surveys? Can you reference where the surveys info comes from and is it representative?
Page 15	Good to see the below is included as a problem: 15. Combining cycling and public transport use is not possible: few buses and trains have facilities to carry bikes whilst those that do have low capacity which creates a degree of uncertainty for users. Finally, the further rollout of bike-buses presents an additional opportunity to improve integration between modes. These have been successfully introduced by Borders Buses with 23 bike friendly vehicles now available with space for between 2 - 4 bikes. These have enabled people to combine bike and bus journeys where previously this wouldn't have been possible. In the future similar provision should also be further extended on train services where practical f) Opportunities should be sought to expand the provision of bike-buses across the region to facilitate more integrated journeys. Actions Work with partners to deliver more buses in the region with the facilities to carry bikes.
Page 17	What was the public survey? How far reaching across the region was it?
	"Public Consultation: A public survey was undertaken online over a six-week period between Monday 8th March 2021 and Monday 19th April 2021. This explored pre-pandemic travel patterns, anticipated post-pandemic travel behaviour along with the reasons for these travel choices. In total 998 responses were received." – Would it be possible to share this data with the partner LA's and the Workforce Mobility Project and a full breakdown of the results?

Page 18	Charger problems/unavailability across the region from the burden of LA's having to operate and maintain has created a negative experience for users. Feedback from SBC
Page 19	The request for the use of Statutory Power by SEStran will require detailed consultation with the LA partners and any recommendations will require approval through statutory process, following validation at each LA. SBC will engage proactively with this consultation process.
SECTION 4	
	Should it be strategic objectives instead of strategy objectives?
Page 21	Could the regional mobility themes be related to urban-rural classification?
Page 22	Grey Box –Additional points required: - Coordinated Transport Network required - Simplifying information and multi-modal ticketing - Affordable transport to support NTS2 hierarchy
	Very little mention of working with other RTPs or cross Border relations with our colleagues to the South, Lanarkshire or D&G. SESTRANS maybe should look at more holistic view.
SECTION 5 – Shaping Development & Place	
Page 24	Transit Orientated Development (TOD) – Is there not already pressure on these corridors? These should be sustainable access corridors. How will this reduce inequalities across the region? Does it increase the gap between urban and rural? How does this support rural jobs and economy? it seems based on a hub and spoke model that all employment and opportunities are in Edinburgh, which is contrary to NTS2, RPF and SoS RES. The draft NPF4 supports a principle of sustainable infrastructure first, but also confirms that it won't accept the sub-urbanisation of rural areas. This creates a conflict in rural areas, but promotes wider/equitable investment. Can you please check and align this section with NPF4? Transit Orientated Development – Needs further exploration with Planning partners – lets simplify the language;
Page 24	20min neighbourhoods – acknowledgement that this is an urban solution which is good. What is the solution in rural areas? Do we look at key connections between Active travel with bus/train (including bike for first mile/last mile) Need to see a rural equivalent of the 20 min neighbourhood;
Page 24	Zero Car development – again this could be an urban solution only. How do you build the commercial incentive for this in the market for developers? The customer has to want this solution for the developer to deliver. What about rural areas? Car sharing communities? Again, getting in line with NPF4 in this section would be helpful.
Page 25	Developer contribution is already a heavily used mechanism in rural areas. Rural developers are already pushed on contributions and margins, based on lower house prices. Could this be assigned to TOD developments? Legislation should only be in relation to certain types of developments, phased graduation to the principles, as the market may not be ready for this yet? Again NPF4 coordination would be helpful
	I don't think LAs will welcome the request for audits for LDPs and other relevant strategies.
SECTION 6 – Delivering Safe Active Travel	
Page 27	Strategic Active Travel network misses the ambition from the SBC LATS Main Issues report in 2015. There is a more extensive ambition in the Scottish Borders. Berwickshire is not covered, neither is the Borderlands Destination

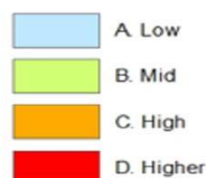
	Tweed, national cycle routes or the Coast 2 Coast development etc..
Page 27	The phase 2 developments are already in place, so all programmed for phase 4 & 5 in the region. Can we have some clarity on the rationale for the phasing please?
Page 27	Why is there no apparent alignment with SUStran design standards? Widths, segregation, lighting etc. The key rule from SUStran is, can a 12 year old safely use the route unaccompanied?
Page 28	Fully supportive of the role of active travel. Bike storage in housing and business developments is key to help adoption. Again, this could be fed back into the NPF4 consultation from SEStran. It would also be more representative if there were more example pictures from across the whole region. GO ebike is another urban solution, how can we roll out equitably across the region?
	Barriers to bike ownership, cost, storage, safety, personal safety, instruction, weather, lack of parking at workplace, lack of welfare facilities at workplace for cyclists. eBikes are a distraction from the real problems not a solution, the public will still need to store, park and use them safely.
Page 29	Is the picture representative of the user? How do we get multiple generations and backgrounds using the bikes? How do we make it equitable? Do we involve the 3 rd sector, NHS etc
Page 29	A comment for all of this section – There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed this theme and action.
	More funding for feasibility would be really useful for LAs;
	Would like to see more action on E-bike infrastructure and how this links to mobility hubs and EV charging, possibly more feasibility work;
SECTION 7 – Enhanced Access to Public Transport	
Page 31	Physically accessible should also cover having access to a bus in the first instance. As per the Main Issues report 5% of people across the region are without access and 9% in the Scottish Borders.
Page 31	Information – agree with the text, but it doesn't go far enough. The information where there is more than one services provider or transport option is difficult and complex to access. A single place for all transport information is required in multiple formats.
Page 31	RTI is great where it works and is installed, but there is not 100% network coverage. Commitments around this and improving digital connectivity across the whole region is essential. The first step on the Transport Hierarchy should be digital connectivity and avoiding the need to travel in the first place.
Page 32	Affordability is a key barrier for both the customer and the operator. The English BSIP's are moving away from a commercial orientated approach to bus transport and looking at investment of profits in the wider network to reduce inequalities and increase the level of services. The network is still provided by the private sector whether through a JV or Franchise. The status of bus services and funding for Local Authorities needs to be protected to allow investment & growth to encourage more passengers, thus reducing subsidies in the longer term and helping to deliver Net Zero
Page 33	Good case study, but Greater London has a fully coordinating role, which isn't the case out-with Edinburgh. Forced car ownership point good. Fully integrated travel information and ticketing essential.
Page 33	A comment for all of this section – There is no action about reversing the trend from COVID. There should be a communication exercise prioritised to re-assert public confidence in using the bus. There is no priorities around education and generational shift in view. A big part

	of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
	Overall it doesn't mention MaaS but it does come later in the report. We need better services, frequency versus price, high volume commuter flows need to be identified, shake up of bus timetables to meet peak demand, rail services need to integrate with the bus, integrated ticketing.. SESTRANS to lobby and influence industry please
	SEStran should be concentrating on working with Scottish Government and other Regional Transport Authorities to deliver improved ticketing arrangements for the whole of Scotland;
SECTION 8 – Enhancing and Extending the Bus Service	
Page 35	Overview – Why not mention that buses transport 4x as many passengers as rail but receive ¼ of the funding. This should help build the argument for further investment.
	BRT – doesn't really reflect the rural barriers of long distances and multiple settlements to services to be commercially viable. Need cross referencing with the whole tool box of transport options in a coordinated way. Not a one size fits all solution for the region.
Page 36, 37, 38,	<p>There does not seem to be recognition of rural issues in the report or in the workforce mobility the Workforce Mobility Deprivation Index developed for the City Region Deal Edinburgh & South East Scotland. Overview of the Workforce Mobility Deprivation Index has been shared with the Improvement Service.</p> <ul style="list-style-type: none"> • To have a context by which to identify areas where there are challenges for workforce mobility. • Working with intermediate zones (IZ) for each of the local authorities within the City Region Deal Edinburgh & South East Scotland. • Each of the 4 components impact on workforce mobility <ul style="list-style-type: none"> ○ People living in 15% most 'access deprived' areas –rurality/ transport / digital ○ Population income deprived –reflecting income challenges ○ Working age population employment deprived –reflecting employment challenges ○ Educational attainment of school leavers –reflecting the potential challenges for young adults <p>Would be helpful if the RTS uses information from the WFM Interim Baseline Report, or the final report to be published in April 2022.</p>

Workforce Mobility Deprivation Index



Workforce Mobility Deprivation Index (WMDI)



The report could also reference the Scottish Access to Bus Indicator – available for each data zone in Scotland reference year is 2019
<https://spice-spotlight.scot/2021/11/19/where-can-i-get-a-bus/>

Extract from report:

About the data

The Scottish Access to Bus Indicator (SABI) gives a score for the accessibility of bus services in each data zone (around 7,000 small areas in Scotland with roughly equal populations) and provides an objective measure of accessibility to public transport by bus in Scotland. This score is worked out by finding all the bus stops within 400 metres of the of the centre point of each 2011 Census Output Area, which are made up of at least 50 people and 20 households. Then they work out the average number of buses per hour within each area.

The indicator provides separate scores for weekday and weekend services. The output areas are aggregated to data zones using a population weighted average. The data zones are then ordered from least to most accessible by:

- quintile, where the data is split into five parts of equal size
- decile, where the data is split into ten parts of equal size.

Page 39	DRT has its place across the region, but it is not the whole solution within rural areas without significant funding, as it is an expensive solution in areas with low populations and limited commerciality. If funded properly for the merits of net zero, wellbeing, reducing inequalities and inclusive growth then a wider adoption across the region would naturally happen.
	Good to see BSIP and franchise models mentioned
Page 39/40	How are these actions to be delivered and funded?
Page 40 – 8.3	Ideal location to mention the Edinburgh & South East Scotland City region Deal Workforce Mobility Project that is working with anchor employers to analyse employee postcode data to help optimize the transport network and enable the

	latent commuting demand to shift to sustainable transport options. Also, working with Government, employers and operators to identify incentives that make the change affordable and flexible compared to the private car.
	Overall it would be helpful to provide case study here about what partners are undertaken across the wider region.
	Overall most of the solution in here are urban. What about sub-urban, sub-rural and rural solutions? This would help the overall connectivity of the region and deliver the priorities of NTS2 and each LA's ambition for reducing inequalities, increasing wellbeing and opportunities for all.
	Bus corridors should mean no private cars, bus priority measures advanced signalling, bus gates at peak hours, and it just needs the support to put the measures in place. Modal shift needs to be more attractive, SESTRANS to lobby Scottish Gov and lead on Communications.
	There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
	DRT provision for rural areas requires more financial support and resourcing;
SECTION 9 – Enhance and Extend the Train Service	
	I would like to see a specific mention of Borders Rail Extension;
	I would like to see specific mention of improvement work for Borders Rail (Phase 1) i.e. more dynamic loops, more carriages and electrification;
	I would like to see more support for service provision at Reston Station;
	We have looked at Edinburgh Cross Rail before and the service was really poor because of constraints at Waverley and the length of route travelled. The service runs much better now although you do require to change at Waverley. SEStran should be working with key partners to try and help resolve the constraints at Waverley such as the Calton Tunnel and the reworked Portobello Junction which has been promised for years;
Page 42	Good clear opposition to reducing rail services and frequencies
	Would also like to see hydrogen trains mentioned, as it would help generate hydrogen demand across the region that maybe helps create the critical mass for local production, thus generating economic benefits.
Page 43	9.2 Policies – Not strong enough. SBC needs clear support for the Borders railway extension and potentially new stations. This should be within this regional strategy despite what may be the position through the SPTR2 process
	9.2 f) – This is potentially counterproductive and could lead to less stops and a reduction in rural services. This needs to maybe be changed that the region wants to benefit from HS2/3/4. This again supports the East Coast Mainline and extension to the Borders Railway (especially with recent announcements about changes to HS2 commitments in the North East of England)
	9.2 h) – Agree with the principle. Can't be done in isolation. It has to be undertaken with bus transport so it is comparable, joined up and not creating more competition for passengers between the two modes. This also needs to be clear on the need to spare information and joint ticketing, rather than the rail network continuing to operate in a silo to the detriment of the vision of a fully integrated transport network.
	9.3 – Need to be a Borders Railway Extension action to lobby and provide support for the extension.
	9.3 – is this list fully representative of the ambitions of the region? Or does it just align with SPTR2
	SEStran should lead the change to get better partnership working and sharing of information from rail to other transport modes.
	Why do train services charge more at peak times, when we should be encouraging an increased use of trains rather than deterring travel and pushing

	<p>people back into cars. If there were more carriages to take commuters it would remove the overcrowding issue that higher charging is meant to control. This could also help reduce car Km's. Is a rethink of the old peak time models required? Is our infrastructure actually resilient enough to support a modal shift (both train and bus) in its current form?</p> <p>What is the long term effect of flexible working on commuter habits?</p>
SECTION 10 – Reallocating Roadspace on the Regional and Local Network	
	I am not sure we actually need this chapter. It is inherent in the NTS and the just transition and just feels an add-on here and doesn't really add anything
	Overall, this seems to be a section (like a number of others) where 'behavioural change' initiatives should be lead and supported/led by SEStran.
	There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
	explore 'Golden Hour' of regional distribution, get the trucks on and off major transport corridors overnight, early morning before commuter services begin, HGV embargo during rush hour, off peak deliveries only.. SESTRANS to lobby LA's and the Freight sector to determine solutions.
SECTION 11 – Improve Integration Between Modes	
	There is an opportunity for greater integration between bus and rail when ScotRail becomes a public company and SEStran should be lobbying on this issue on our behalf;
	Agree the 'Hubs' concept is scalable. Again very reliant on good digital connectivity.
	Completely supportive of Maas. Need the aspiration to be a single Scotland wide solution so you can plan your trip on one site from Langholm to Lerwick
Figure 11.2	Not sure I would agree that Bus is a low cost option in a rural setting (is for those with concessions but not other users/potential users) Unless it's subsidised, DRT will be high cost for users in a Rural context
Page 50	Disagree with the spare capacity statement to accommodate DRT with existing fleet. The fleet in the Scottish Borders is utilised across fixed routes services and school services to sweat the asset. The fixed routes are running all day. The key here from an SBC perspective is to look at the fleet specification. Moving to smaller buses that are fully accessible provides the flexibility to optimise the fleet across fixed routes (where patronage number allow), school services and DRT. Again this shouldn't be done in isolation as requires the sharing of patronage data across commercial and subsidised services to optimise the network, and the Workforce Mobility project data analysis to respond to the untapped demand of the car travelling workforce. (if we can get 10% of the car travelling workforce to move to public transport it could be a significant boost to services and help target subsidies to harder to reach areas through DRT)
	Bike on bus infrastructure should be mandatory across the region, especially on through routes (first mile/last mile support)
	More bike storage provision on trains (first mile/last mile support)
Page 52	There are a lot of positive items in 11.3 – How are you going to support LA's deliver these actions and how are they going to be delivered equitably across the region?
	Need to re-inforce the vision of a fully coordinated transport network, with better collaboration, information sharing, single point of information and ticketing for the public across all modes in Scotland.
	How are we going to fund this ambition?
	There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the

	long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
SECTION 12 – Decarbonising Transport	
	There is an opportunity for SEStran to help carry out further work to help LA's especially around EVs and hydrogen;
Page 54	Need to explain the following statement further ' <i>There is some debate about much less carbon intensive an EV is over its lifecycle compared to a fossil fuelled car, but there is little doubt that where a car trip has to be made, it is better made in an EV.</i> ' How do you justify the statement? Not saying it is wrong, but what parameters is this measured against (whole life carbon?) What are the benefits?
	What are the Local/regional incentives to replace Gov Funding for EV cars & Chargers? There are a number of feasibility studies looking to deliver solution aligned with NTS 2 Delivery plan through commercial models for charging infrastructure. What is happening elsewhere in the region? There are various approaches being investigated across the region. SEStran role to share best practice across the region is a key priority on this topic and find urban and rural exemplar.
Page 55	Should this section not have more on hydrogen and link with economic strategies across the region? Again linking with Private sector providers to help deliver urban and rural solutions
	This section should include a strong position on 'Just Transition' and links to wider policies across nationally and regionally. This agenda has the potential to minimise transport costs across the region, attract new users, increase accessibility and make our environment clear for our health and wellbeing.
	Need a better balance between EV, Hydrogen and anything else that is developed in the next 10 years. This section need flexibility and needs to be open to new technologies emerging. Still a bit prescriptive at this point. The recent storms highlight the vulnerability of a fully electric system for transport and heating.
	No mention of coordination with NRSWA and the implications of private supplies in public spaces
	Should Ferry and planes be mentioned in this section?
	How do we incentivise operators to change when the prices are high and the technology is developing so quickly? In two year's time the fleet could be out of date and inefficient. Difficult position until we know if hydrogen is going to be a solution for >3.5t vehicles.
	There is no priorities around education and generational shift in views/habits. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
SECTION 13 – Facilitating Efficient Freight Movement and Passenger Travel	
Page 57	Why don't we use congestion 'hot spots' to help change public perception and accelerate a modal shift? If you get the modal shift then the 'hot spot' is removed.
	The rest area commitments need strengthened.
Page 60	Need to strengthen commitments to increase rail provisions to take freight
	13.2 a) why are we trying to increase capacity if we want a modal shift, except where there is a safety issue?
	How are these elements going to be delivered and financed
	Consolidation Centres and Rail Freight require double handling of goods, adds to time and cost and not suitable to FMCG's and Parcel sector. liability for handling product, security and safety all a concern. SEStran to lead engagement with the sector?

SECTION 14 – Working Towards Zero Road Deaths and Serious Injuries	
	This section should also link with supporting a modal shift and reducing traffic volumes
	I may have missed it, but what about police enforcement?
	The policy on 20mph zones specifically mentions the urban environment but not rural. This need to be clarified, especially with an SBC report going to Council next week regarding the proposed approval of our 20mph scheme;
	I am curious that SEStran is proposing to develop Route Action Plans?
SECTION 15 – Reducing Car Km	
	This section misses the point in terms of trying to deliver public transport improvements for rural areas to enhance the reduction in private car usage;
	There is also the issue of equipping people adequately so that they do not need to travel as much as they used to do;
	There is still the question regarding EVs in rural areas, are we supporting or are we not supporting?
	Need rural solutions, where car will always form a part of the transport jigsaw for rural communities. Need to focus on infrastructure first investment for the short journeys, but be open to shared transport and different mass transport models
	How do 'LEZ's' impact Just Transition and equalities? Need to consider the wider implication out with the urban areas that introduce these
	The actions should be delivered equitably across the region
	Digital improvements across the region as an alternative to travel in the first instance
	There is no priorities around education and generational shift in view. A big part of this strategy should be education, communication and encouragement of the long term sustainable change to daily transport habits. Sorry if I have missed these themes and actions.
SECTION 16 - Responding to the Post Covid World	
	Great opportunity here to commit to regional communications to get people back using public transport. Hopefully the U22 roll out will help raise the profile of public transport but it needs to be undertaken for all ages.
	The better utilisation of data and information sharing will form a big part to the COVID recovery. Ideal location to mention the Edinburgh & South East Scotland City region Deal Workforce Mobility Project that is working with anchor employers to analyse employee postcode data to help optimize the transport network and enable the latent commuting demand to shift to sustainable transport options. Also, working with Government, employers and operators to identify incentives that make the change affordable and flexible compared to the private car.
	one paragraph referencing professionals working from home, I don't think this has been taken into account fully and how that working pattern HAS and WILL reflect on commuter passenger numbers into the future
	Could be opportunities as workplaces now more flexible on working hours (where appropriate) so peak congestion could reduce? What is the impact on traditional morning and evening peaks?
	Should think about referencing current inflation which could impact the cost of using public transport which is already a barrier for many.
	Bus driver shortage impact service and potentially increasing ticket prices? And transport availability? How are SEStran representing the sector with key employability agencies?
SECTION 17 – Spatial Strategies	
	Overall this section should align with the principles of NPF4 and the regional Economic Strategies
Page 74	Does this information not suggest that we should de-centralise the employment and develop the working pattern shift that has taken place as a reaction to

	COVID19?
Page 75	This regional car travel could help better inform our public transport system if we can get origin destination data and shift patterns (as per the workforce mobility project)
Page 76	It would be good to get some number behind the % figures. What number and percentage of each area don't commute into Edinburgh? What are the percentages that community within their own region? What are the percentages that commute to other SEStran regions.
	We need to remember that we need a focus on stronger links outside the SEStran region to the north, west and south into England also.
Page 79	You don't seem to have picked up all the Border Buses connection out with the region, which are important to the Scottish Borders. We can't just focus on all corridors leading to Edinburgh.
	Overall this section needs to align and reflect the ambition of the Regional Prosperity Framework and the SoS Regional Economic Strategy
	The section highlights the huge investment needed to get people out of cars and using Active Travel and mass transit options. How can this be delivered?
Page 91	Theme 2 – Where is the detail behind this statement? Sorry if I have missed it in the Section
	Is the spatial strategy correct? Does it not need to reflect how we connect between corridors



ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND THE INTRODUCTION OF A TARIFF STRUCTURE

Report by Director Infrastructure & Environment

SCOTTISH BORDERS COUNCIL

27 January 2022

1 PURPOSE AND SUMMARY

- 1.1 This report provides details of progress to date with the installation of public facing electric charging points within the Scottish Borders. The report provides information around the introduction of a pricing structure for new and existing SBC maintained electric vehicle charging points throughout the region.**
- 1.2 A feasibility study has been commissioned, successfully funded through the Community Renewal Fund to look to undertake a region wide, cross sector assessment of supply, demand and commercial opportunities to create a strategic delivery model for EV charging infrastructure. This will provide direct strategic support to all sectors across the region, which will lead on maximising the commercial opportunities for the region and minimising the expenditure for the public sector, business and residents. This project is expected to conclude later in 2022.

2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council:-

- (a) Notes the progress made with the introduction of charging points as part of the Transport Scotland initiative to establish a county wide charging network;**
- (b) Notes that the charging infrastructure is currently free at the point of use and the financial implications of continuing with the current arrangement;**
- (c) Endorses the recommendation to apply a tariff for the use of electric vehicle charging points;**
- (d) Delegates the authority to vary the tariff rate associated with the electric vehicle charging network to Officers to allow for any variation in future transaction or energy costs; and**

- (e) Notes that a further report will be forthcoming on the CRF funded EV feasibility study later in 2022/23.**

3 BACKGROUND

National Context

- 3.1 In 2013 the Scottish Government outlined its vision for Scotland in Transport Scotland's 'Switched on Scotland: A Roadmap to Widespread Adoption, of Plug-in Vehicles', September 2013.
- 3.2 The Roadmap sets out a vision that 'by 2050 Scottish towns, cities and communities will be free from the damaging effects of petrol and diesel fuelled vehicles'. The strategy document outlines a series of goals and measures including the need for policy frameworks to have plug-in vehicles embedded in all relevant areas of policy.
- 3.3 To sustain the EV charging network, some Local Authorities throughout Scotland, including neighbouring East Lothian and Dumfries & Galloway, have implemented a charging tariff. This allows Councils to support and maintain the service, making them more accessible and financially sustainable as part of a commitment to reducing use of fossil fuels and contributing in achieving Net Zero by 2045.

Local Context

- 3.4 Scottish Borders Council's promotion of Electric Vehicles sits firmly within the Scottish Borders Climate Change Route Map agreed on 17 June 2021. The following milestones are relevant:
 - TU2 Enhance modal shifts for passenger transport services, including new transport modes, alternative energy sources including electric and potentially hydrogen powered vehicles, through programmes such as the Switched-on Towns and Cities Programme.
 - TU3 Help decarbonise how we get our goods by infrastructural improvements including a wider electric vehicle charging network and 'last mile' delivery for the South of Scotland

Specifically, TU3 commits the Council to 'Increase number of EV Charging Stations and to explore opportunities around Hydrogen Fuel Cell Charging'.

- 3.5 SBC currently follow Government and Transport Scotland guidelines. The funding from Transport Scotland is determined and allocated by population size of the local authority. The level of funding for and proposed locations of our EV infrastructure are agreed through negotiation based upon the authority's proposed activity for the financial year and the resources available to them.
- 3.6 The installations undertaken by SBC on behalf of Transport Scotland are linked to the National ChargePlace Scotland network through wireless communication. This back office function provides a website, a 24 hour customer service helpdesk, can fix minor faults remotely and also allows drivers to charge their vehicles using a CPS card. Other connections are installed in the region for private/business use, with a small proportion of these also connected to the national network.

- 3.7 Scottish Borders Council's EV charger network was installed to aid onward travel through the installation of predominantly rapid chargers in larger towns and villages in the region. Through continued communication with Transport Scotland and their EV host ChargePlace Scotland, insights are shared on a broad number of themes relating to the network including investment, installation and commissioning, operations and maintenance that will allow the Council to continue to allocate future investment in line with demand.
- 3.8 The implementation of an EV charger network throughout the region aligns with the principles laid out in the SBC Climate Change Route Map helping the Scottish Borders progress towards net-zero.
- 3.9 Initial discussions have taken place with partners in the South of Scotland with a view to providing a co-ordinated EV charging offering. These discussions are currently ongoing.
- 3.10 A feasibility study has been commissioned, successfully funded through the Community Renewal Fund to look to undertake a region wide, cross sector assessment of supply, demand and commercial opportunities to create a strategic delivery model for EV charging infrastructure. This will provide direct strategic support to all sectors across the region, which will lead on maximising the commercial opportunities for the region and minimising the expenditure for the public sector, business and residents. This project is expected to conclude later in 2022.

SBC Charge Point Network

- 3.11 SBC's current public facing EV Infrastructure consists of 22 chargers across 16 different towns and villages; of which the majority are rapid chargers. The charging network is varied to include different types of charging infrastructure, operating to provide for a range of charging needs.
- 3.12 There is currently no dedicated SBC revenue or capital budget allocated to EV infrastructure and any repairs that need to be carried out require to be assessed and funded along with other competing priorities from the Street Lighting budget. Over the last 2 years £9,509.28 has been spent repairing chargers that were faulty. This is projected to increase as chargers progress further into their service life.
- 3.13 A recent switch over of the back office management at Chargeplace Scotland, from BP Chargemaster to Swarco, has resulted in some existing chargers no longer being compatible with the public facing web site. Some units no longer function with the operating system which oversees the public network. Therefore, these units will be removed from the public network and will no longer appear on the website or be able to communicate with Chargeplace Scotland. As these chargers begin to fail, they are being decommissioned and removed from site.
- 3.14 In addition to public facing EV charging infrastructure, work to electrify fleet and provide workplace charge points have been implemented by Fleet Management.

4 TARIFF INTRODUCTION

- 4.1 A condition of earlier Transport Scotland grant funding for EV charge points was that they were free at the point of use to encourage the uptake of electric vehicles. This condition has now been removed and SBC, like other Local Authorities, should consider introducing a charging regime.
- 4.2 Whilst free at the point of use did encourage the uptake of electric vehicles, there is an equality concern that this model disadvantages members of the community with older vehicles who pay fuel costs directly whereas those EV users get access to free charging.
- 4.3 Taking into account the potential increases in costs to provide electricity, maintenance and back office services a review of infrastructure costs needs to be undertaken. Viable models and technological challenges should be explored in order to provide a robust business case for the introduction of charging and tariff recommendations provided.
- 4.4 Charging infrastructure can be separated into one of two categories, Journey (Rapid) and Destination (Fast/Standard) chargers.
- 4.5 Journey chargers can supply up to 43kW AC and up to 50kW DC, can provide a full charge in around 30mins and are typically used to aid onward travel.
- 4.6 Destination chargers vary in charging time depending on the size of the charger, 3.7kW units are used for overnight charging and 7.4kW units typically take 6-8 hours to fully charge a vehicle. This type of infrastructure is typically used once drivers arrive at their destination and plan to remain in one place for a prolonged period of time.
- 4.7 Journey chargers are significantly more expensive to purchase and install therefore alternative charging rates should be considered depending on which type of charge point is being used with a premium rate being implemented for Journey charging.
- 4.8 Destination charging tariffs should be kept comparable to domestic tariffs to encourage people who do not have access to private parking to regularly charge their EV.
- 4.9 Care must also be taken to create an environment where commercial operators are encouraged to invest and the commercial price structures are not undercut.
- 4.10 Tariffs should be structured to encourage drivers to charge their vehicles at home, where they have the means to do so. This will also help further private sector investment in EV infrastructure across the region limiting future investment needed by local authorities.
- 4.11 Demand on the national grid and the impact of large scale charging at peak times may potentially affect the future installation of EV charging infrastructure. Early consultation with the Distribution Network Operator regarding grid capacity and potential expansion or modernisation of their infrastructure will allow for capacity issues to be addressed. In order to

spread the load a surcharge for each connection to EV chargers could be implemented at peak times.

4.12 The minimum costs that would need to be covered are:

- Electricity
- Metering and Administration (Chargeplace Scotland) Fees
- Ongoing Maintenance of charge points (Including bollards, signage and road markings)

All SBC maintained chargers are still covered by a maintenance warranty. Some are still within the first 5 years of installation and the others have had the maintenance warranty extended through Transport Scotland grant funding.

4.13 Costs associated with the ongoing running of SBC owned EV chargers once current warranty and maintenance agreements expire:

- £20,000 - £35,000 per year in electricity costs (depending on usage)
- £140 yearly ChargePlace Scotland access cost per charger, £3080 total for all chargers.
- £565 yearly Warranty/Maintenance costs per charger, £12,430 total for all current chargers
- £39 yearly electricity meter standing charge per charger, £858 total for all sites

As all chargers are currently free to charge all electricity; costs are currently paid by SBC, as are all electricity meter standing charges. ChargePlace Scotland access and warranty/maintenance costs are currently paid through initial grant funding

4.14 Neighbouring Local Authorities in Scotland have already introduced tariffs for EV charging:

East Lothian: 30p per kWh for Journey charging, 16p per kWh for Destination charging with a £1 minimum Charge

Midlothian: 30p per kWh for Journey charging, 16p per kWh for Destination charging with a £1 minimum Charge

Dumfries & Galloway: 25p per kWh for all chargers with a £1.50 minimum charge

4.15 Accordingly, it is proposed to apply the following tariff:

- 30p per kWh for Journey (Rapid) charge points (over 43kW)
- 16p per kWh for all other (Destination) Charge points
- An overstay charge to discourage overstaying
- A minimum charge of £1 per session, which would be waived if the session is interrupted through no fault of the vehicle owner
- 50p connection surcharge between 4 – 7pm to ease demand on the electricity grid at peak times

The proposal differentiates between Journey and Destination chargers due to Journey chargers being significantly more expensive to purchase and

maintain while also aligning closely with neighbouring authorities to provide a level of continuity.

The proposed pricing structure will encourage people who have the ability to charge at home to do so while also helping to ease pressure on the public charging network. It will also help to create an environment that encourages commercial operators to invest in the installation of charging infrastructure within the Scottish Borders.

Based on usage figures for 2020 this gives a potential income in the region of £75,000 a year, creating a surplus of around £22,000 a year to contribute towards maintaining the current infrastructure. This excludes overstay charges which would also generate additional surplus and would also allow scope to absorb any small increases in energy prices without the need to constantly alter the tariff.

5 PARKING RESTRICTIONS

- 5.1 SBC owned charging places on the public road or in SBC car parks should be subject to parking restrictions through the introduction of a Traffic Regulation Order restricting parking in charging bays to plugged-in EVs only.
- 5.2 The parking policy should differentiate between Journey (Rapid) and all other (Destination) charge points, Journey charge points should not be treated as parking spaces due to the high turnover of users. Drives will be expected to stay for 20 minutes or less (80% charge), until they have enough charge to complete the next stage of their journey.
- 5.3 Journey charge points should have a maximum stay time of 45 minutes with a 90 minute no-return period. A £1 per minute overstay charge (after a 10 minute grace period) should be administered alongside the charging tariff. The maximum overstay charge should be set to be equal to the local Penalty Charge Notice.
- 5.4 Destination charge points differ as they can complement a driver's daily business with stays of up to 4 hours or more and in some instances overnight stays. Therefore, they should be treated as parking spaces.
- 5.5 Destination charge points should have a maximum 4 hour stay between 8.30am – 5.30pm with a 90 minute no-return period. There should be no restrictions for overnight charging.
- 5.6 Consideration should also be given to the implementation of over stay charges and penalty charges for drivers who park in electric vehicle bays without charging a vehicle.
- 5.7 Clarification on the steps and timescales involved in the implementation of a tariff to the chargers on site is currently being discussed with ChargePlace Scotland and SWARCO.
- 5.8 As EV charging provision expands this needs to reflect the differing needs of the community and visitors to the Scottish Borders, specifically with regard

to accessibility, this will be a key consideration in upgrading and the siting of new EV charging points.

6 IMPLICATIONS

6.1 Financial

Usage figures for 2020 show that charging sessions were predominantly carried out via Rapid Chargers with relatively small numbers of Fast and Slow charging sessions taking place. Consumption figures show electricity used at public facing SBC chargers in 2020 cost SBC in the region of £33,296; as all SBC chargers are free to charge.

6.2 Risk and Mitigations

(a) As future levels of grant funding are unknown, the responsibility for maintaining and replacing infrastructure will fall to the relevant local authority. In light of this, priority should be given to considering a mechanism for the use of electric charge points to ensure continuation of future service. Without introducing a means to recover costs, electricity charges will continue to increase resulting in an ongoing financial pressure for SBC.

(b) Until tariffs are implemented, it is difficult to determine to what extent usage figures will be affected, making it difficult to gauge whether current supply will meet future demand.

6.3 Integrated Impact Assessment

An Integrated Impact Assessment has been undertaken in regards to the content of this report and no adverse findings have been observed requiring a fuller IIA to be undertaken.

6.4 Sustainable Development Goals

It is not envisaged that the introduction of a tariff for EV charging will impact on any of the UN Sustainable Development Goals.

6.5 Climate Change

There are no significant impacts on the Council's carbon emissions or climate change contribution that are additional to current operation.

6.6 Rural Proofing

There are no rural proofing issues arising from this report.

6.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

6.8 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.

7 CONSULTATION

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

Approved by

Name

John Curry

Title

Director of Infrastructure & Environment

Author(s)

Name	Designation and Contact Number
Alex Young	Street Lighting Team Leader

Background Papers: N/A

Previous Minute Reference: N/A

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CONSULTATION RESPONSE ON ONSHORE WIND POLICY STATEMENT UPDATE

Report by Director - Infrastructure & Environment

Scottish Borders Council

27 January 2022

1 PURPOSE AND SUMMARY

- 1.1 This report seeks endorsement of the response set out in Appendix 1 to the Scottish Government consultation relating to the on-shore wind policy statement update.**
- 1.2 The consultation, which opened on 28 October, had an initial deadline for response by 21 January 2022 and it had been thought necessary that, in the limited time available to assess the proposed changes, Officers would have to lodge a provisional holding response to the consultation. However, in recent discussion with Scottish Government officials, the timescale has been extended to 31 January to accommodate Committee consideration of the consultation response. This report seeks agreement of this response, which is set out in Appendix 1.
- 1.3 The consultation highlights the significant role Scottish Government sees being played by On-Shore wind in the delivery of its net zero and climate change targets for 2030. The Scottish Government is considering ways it can strengthen its support for Onshore Wind deployment in Scotland, and are specifically consulting on the ambition for an additional 8-12 Gigawatts to be installed by 2030, how to tackle the barriers to deployment, and how to secure maximum economic benefit from these developments.

2 RECOMMENDATIONS

- 2.1 I recommend that the Committee approve the consultation response set out in Appendix 1.**

3 BACKGROUND

- 3.1 The report seeks views on an update to the Onshore Wind Policy Statement, which was originally approved in 2017. The consultation looks to obtain the views of as many organisations, groups and individuals as possible to help inform and shape Scottish Government policy for onshore wind.
- 3.2 The statement sets out a new target for delivery of installed on shore wind capacity in Scotland. It highlights that the UK has 14.1 GW of installed onshore wind capacity of which 8.4GW is in Scotland. Scotland has a further 9.7GW of capacity approved, under construction or in planning. However, with the increasing future demands for green energy resulting from the electrification of transport, industrial processes and heating of homes and buildings means that we will need a substantial increase in installed capacity across all renewable technologies year on year.
- 3.3 The consultation notes many existing windfarms will be nearing the end of their operation life and decisions will be needed between repowering, life extension or decommissioning. The Scottish Government strongly supports repowering in principle but accepts that not all developments will be considered appropriate for repowering. It is also notes that repowering alone won't meet the capacity needed and that significant volumes of new development will also be required.
- 3.4 The consultation seeks views on the ambition for an additional **8-12GW** of onshore wind be installed in Scotland **by 2030**.
- 3.5 The Borders has already made a significant contribution through the approval and development of windfarms and turbines in the past 15-20 years. However, it is clear there is an expectation that the region will deliver further capacity through repowering and new windfarm site development to contribute to meeting this new objective. The challenge is the many of the best sites have been developed and there are landscape capacity concerns about larger turbines sizes and developing into previously undeveloped and more sensitive and populated parts of the Borders.
- 3.6 The consultation touches on the potential for onshore wind farms to support the development of hydrogen production infrastructure. This could be an opportunity the Borders to exploit windfarm development by requiring that windfarm developments be developed as energy hubs where hydrogen production capacity is an established part of the energy proposal. This could be supported by analysis to established demand and markets for local and national provision which would help decarbonise transport/fleet/freight.
- 3.7 The consultation continues to highlight the importance of communities in the development of projects and promotes the best practice guide in respect of community benefit (£5k per installed MW per year) turbine and the potential for local generation and shared ownership. This is far from straight forward and there will need to be enhanced support for communities to develop capacity, skills and knowledge and the means to de-risk their involvement such projects.

- 3.8 In Chapter 3, the consultation focusses on the technical and reserved matters barriers to deployment including Eskdalemuir Seismic Array and aviation operations. It asks for views on the creation of an Aviation and Renewables Collaboration Board, aviation lighting, grid networks, how to align policy and regulation, dealing with network charging, network investment and planning, security of supply and storage potential.
- 3.9 Chapter 4 focusses on what is describes as environmental barriers to deployment regarding noise, net zero and other land uses (land use, peatland and carbon rich soils, forestry), Biodiversity, landscape and visual impacts.
- 3.10 Chapter 5 focusses on the Economic opportunities related to supply chain, Contracts for Difference (CfD) and Supply Chain Plans, benefits to Scotland, Refurbishment and Recycling, skills, Promoting a Diverse, Inclusive Industry: Equality and Onshore Wind, Tourism and Cultural Economics.
- 3.11 There are also 4 annexes that relate to Eskdalemuir, the creation of an Aviation and Renewables Collaboration Board, Community Benefits Case Studies and information on how to respond to the consultation.
- 3.12 The issues posed by these matters – and the recommended feedback on them – are set out in further detail in the consultation response in Appendix 1.

4 IMPLICATIONS

4.1 Financial

There are no costs attached to any of the recommendations contained in this report.

4.2 Risk and Mitigations

The approval of the consultation response will not have any immediate implications for the Council in terms of risk.

4.3 Integrated Impact Assessment

There are no direct adverse equality implications arising from this report.

4.4 Sustainable Development Goals

The UN SDGs comprise 17 interlinked goals. UN SDG 13: 'Take urgent action to combat climate change and its impacts' is clearly the most relevant to the proposals contained in the consultation.

However, it will also support delivery against other UN SDG through pursuit of a 'Just Transition', namely: Goal 1 – to end poverty, 7- Ensure access to affordable, reliable, sustainable and modern energy for all, 8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and 9 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

4.5 **Climate Change**

The purpose of this report is to provide feedback and advice to Scottish Government on its proposals to deliver a significant increase in onshore wind development to assist in meeting its climate change targets for 2030. The Council is supportive of the drive towards development of energy from non -carbon sources, such as on-shore wind, and its response seeks to encourage appropriate development in the Borders (the right turbine in the right location) but also take advantage of the potential economic and community benefit from such develop and seek alignment with the Council's own aspiration in delivering its on Climate Change Route Map.

4.6 **Rural Proofing**

Not required.

4.7 **Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

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

There are no changes required to the Council's Scheme of Administration or Scheme of Delegation as a result of this report.

5 **CONSULTATION**

- 5.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted on this report and comments received have been incorporated into the final report

Approved by

Name

John Curry

Title

Director – Infrastructure & Environment

Author(s)

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Background Papers:

Previous Minute Reference:

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Onshore Wind Policy Statement update consultation

Current Position - Consultation Questions

1. Does this chapter provide a fair reflection of the current situation faced by Scotland's onshore wind industry?

This seems a fair reflection of the current position in terms of legislation and deployment.

It is noted that National Planning Framework4 (NPF4) has now been laid before Parliament and that policy 2a states that when considering all development proposals "significant weight should be given to the Global Climate Emergency". It also gives emphasis on sustainable places and Southern Sustainability in the spatial strategy. NPF4 will become part of the Development Plan and will also incorporate Scottish Planning Policy.

The justification for the proposed delivery target is far from clear. There does not appear to be a clear fit between NPF4 and the Policy Statement Update in this regard. There is a need for a holistic and planned approach to onshore wind policy and strategy which must be clearly articulated and aligned in both documents.

Scottish Borders Council shares the commitment of the Scottish Government to addressing climate change. The Council declared a Climate Emergency on 25 September 2020 and committed itself to signing the Edinburgh Declaration on Biodiversity on 28 October 2021. It is clear that climate, biodiversity and human wellbeing are fully interdependent. They are not unrelated crises, but facets of a unified crisis precipitated by humankind's unsustainable and unequal use of planetary resources.

The complex interrelationship of climate, biodiversity and human wellbeing is also evident in the tension intrinsic within the process of planning to respond to the crisis and balancing the different interests of climate action, nature and people generally with landscape, visual, residential and other environmental impacts in the planning of wind farm developments specifically.

This is a challenge with which the Scottish Borders is both familiar and fully experienced. On the one hand, we are committed to action. On the other, we recognise that developments to respond to net zero objectives are sometimes in conflict with environmental aspirations and the interests and wishes of our communities. The Scottish Borders has played a significant role in meeting current deployment levels and has approved 394 turbines in windfarms over 5 MW with an estimated total installed max capacity of 892.77 MW and 156 turbines in schemes under 5 MW with an estimated total installed max capacity of 10.93 MW within its administrative area. This means that the most obvious and suitable sites have already been developed and there are landscape capacity issues with the development of further new sites and in respect of the scale of potential repowering proposals.

The consequences of this are obvious in the heightened concerns of residents, community and environmental bodies, which have increasingly accompanied applications for wind farms. The challenge is reconciling our strategic ambition with local consequences and experience. This is all part of the just transition: if communities are to accept the implications of meeting the climate/nature crisis and the need to race to net zero, then a real sense of the burdens and benefits of responding needs to be felt by those communities. This requires both education and a clear threshold of acceptability of impacts of development; it requires tangible benefit and cost

sharing. For example, impact on amenity is a cost, and we need to find appropriate means of meeting that cost or, where that is not possible, to be able to confidently say why that is so and to be able to robustly defend that position.

The consultation takes very little recognition of consented capacity or why such consented capacity is not being implemented and the real reasons for this. It needs to be acknowledged that the failure to proceed with consented schemes is a major contributing factor in the failure to meet the targets. It is not simply that not enough schemes are being approved.

Whilst the good practice guides for community benefits and shared ownership are welcome and helpful, there are still major concerns relating to the realisation of those benefits and the capacity of communities to engage with the industry. This is even more acute in respect of shared ownership. The knowledge, skills and ability to take advantage of these opportunities and the capacity to secure financial support and take on such risk, means that few such proposals have been taken forward in the Borders. It is not simply sufficient to create a context. If a just transition and a successful onshore wind policy as one of its components are to be delivered, then Scottish Government will need to prioritise the resourcing of delivering community benefits and shared benefits at the local level. This cannot simply be a matter of prescription in addition to myriad other tasks and responsibilities. It must be reflected in real resource support. Ultimately, thought should be given to formalising the process of community development to obviate the risk of more scarcely resourced communities losing out, and to introduce greater certainty for all participants.

2. How can the maximum number of developments be enabled to buildout without finance acting as a barrier?

This is more a question for the industry to respond to than a local authority but we agree that a wide range of financial mechanisms should be investigated to support the development of renewable technologies including onshore wind in Scotland, with sufficient access to mechanisms which support a range of development sizes and types.

As indicated above, there is the need to provide the means for communities (and potentially local authorities) to take advantages of shared ownership, where appropriate.

3. Can more be done to support the use of PPAs/Private Sector Finance? Is there a need for more policy signals from SG, and/or UKG, to provide investment security/surety?

No comment on the mechanisms but there are significant policy directives, which NPF4 strengthen, from Scottish Government.

4. This section also underlines the Scottish Government's strong commitment to the role of community energy, and to community benefit and shared ownership. In what ways can we maximise the benefits of these policies as onshore wind development and repowering increases over the coming decade?

See answers to 1, 2 and 3 above regarding the challenges of community benefit, energy and shared ownership. There is the need to ensure that there is a clear policy and regulatory position that ensures repowering schemes provide adequate Community Benefit and support to communities to take an ownership role in a windfarm. The provision of a community power toolkit and financial and professional support to such groups would be essential to enable them to participate in this process. Local authorities or other institutions could play a supporting role in

the development of community benefit, although the distinction between regulator and facilitator would need to be very clearly defined (and mutually exclusive) in order for the integrity of the planning process to be maintained. For them to do so, however, will require resource support as explained in our answer to question 1.

This could be strengthened by the clear expectation that developer must engage and support communities rather than just give them “new opportunities”.

5. What more can be done to ensure that financial mechanisms are available to support development at differing scales?

This should be set in legislation and subject to periodic review, which could include research into case studies and sharing of good practice.

Future Position and Net Zero - Consultation Questions:

6. What are your views on the installed onshore wind capacity that will be necessary over the coming decade, recognising the ambition Scottish Government have proposed for 8-12GW? Please share any evidence.

It is clear that the on-shore capacity required will not be provided by repowering alone. Not all sites will be suitable or capable of being repowered and repowering, when acceptable, will only provide for a residual increment in capacity over the existing scheme. This will not make the substantive leap in capacity that is required. Repowering will still be controversial and it is not accepted that most communities will be ambivalent to the proposals. However, the Scottish Planning Policy position regarding the materiality of the fact that they are generation sites already, that have been subject to renewables development/disturbance, means that they should be considered first before the promotion and development of new sites.

Logic dictates that, if this capacity is to be delivered and this has to be provided on-shore, then a large number of turbines of greater output (and size) will be needed and this will have a potentially significant impact on our landscapes, their qualities and the communities in the Borders and throughout Scotland. The principle of the right development in the right place should continue to apply and that the environmental and landscape qualities of the Borders should not be adversely prejudiced. That is as relevant to repowering proposals as it is to new sites. Within the Scottish Borders, considerable effort was made in negotiations with developers to amend schemes – through reductions in numbers or heights of turbines or through their repositioning – to ensure that developments were acceptable and appropriate to their setting. Even allowing for changes in targets, it may be challenging to justify arriving at a different view and – in the eyes of the community – so undo all of the work undertaken to make a proposal acceptable.

There is a strong argument that, as the complexity and cost of provide turbines off-shore is reducing, that is where the most significant gains in capacity could and should be delivered. However, it is acknowledged that such sites are more likely to be developed post 2030 and will contribute to the later targets to 2045. An active acceleration of the off shore programme would help reduce the need for such extensive onshore provision.

The ability of existing consented sites (or sites in the planning process) to connect to the grid network would be a major influence in the extent of new sites required. The delivery of sites that have already been through public scrutiny and detailed evaluation should be prioritised over the provision of extensive new sites.

The development of other generating technologies must be developed to avoid overreliance on wind power. This includes solar, tidal and hydrogen (accepting that wind has a significant role here). There is also importance to be attached to the resilience and investment in the existing infrastructure network, as the impact on the National Grid of the recent Store Arwen acutely demonstrated.

7. What more can be done to capture the potential and value of hydrogen production from onshore wind and how best can we support the optimal integration of these technologies?

There is great potential to develop hydrogen production in association with windfarms. It would be possible to require that windfarm developments be developed as energy hubs where hydrogen production capacity is an established part of the energy proposal. This could be supported by analysis to established demand and markets for local and national provision which helps decarbonise transport/fleet/freight.

There is the potential for the Council to bring forward the development of a hydrogen fleet for the region, if we bring in the likes of Energy companies (or other hydrogen producers) and our other fleet owners in the Borders together.

With the remote nature sites for employment opportunities, we need to consider workforce mobility. There may be the ability to improve public transport to this area through windfarm support and use by employees. Demand Responsive Transport would be a great solution for this area and flexible enough for communities and the employees.

Operation and maintenance of the windfarm will require a fleet of vehicles so they could be hydrogen or EV. Is there the possibility to build this into the EV feasibility study the Council is currently undertaking as part of the Community renewal Fund project? This could also include the supply of energy from such energy hubs.

8. In what way(s) can we maximise the benefits of repowering over the coming decade?

See replies to Q1, 4 & 7.

There is the ability to reuse some of the existing infrastructure serving the existing windfarm. It is understood that it is possible to “supertune” smaller turbines or refurbish them with more efficient blades that would mean the avoidance of new foundations and larger turbines in inappropriate locations

There has been limited ability to take advantage of community benefit in terms of shared ownership. As stated in earlier responses, SBC has been able to develop an off- set scheme that provides biodiversity benefits and we are keen to see the development of hydrogen production in in repowered scheme. As a matter of course, the same provision and requirements should apply to repowered site that would apply to new windfarm development in these regards.

Barriers to Deployment: Technical and Reserved Matters - Consultation Questions

9. We would be grateful for comments on the issue of aviation lighting and suggestions for the focus and outputs of the Aviation Lighting Working Group – what are your views on the assessment of aviation lighting and how this should be undertaken?

As the majority of new turbines are likely to trigger the need for aviation lighting, the provision of guidance from the working group at the earliest is critical to the consideration of new windfarm developments. Scottish Borders Council has refused one application on the basis of potential lighting impacts and this has been tested at appeal. The determination did not fully clarify the position in terms of impacts and mitigation and this amplifies the need for national guidance on this issue.

This was a section 36 at Crystal Rig IV (18/00768/S36) and the link to the case files is:

[18/00768/S36 | Erection of 11 turbines, 4 No turbines up to 149.9m high to tip, 3 No turbines 174.5m high to tip, and 4 No turbines 200m high to tip and associated works | Crystal Rigg Wind Farm Cranshaws Cranshaws Duns Scottish Borders TD11 3SR \(scotborders.gov.uk\)](#)

Aviation lighting on windfarms in Scotland is a relatively new introduction following the increase in turbine height and, as yet, is untested in the Scottish Borders. This is a new area of assessment and up to date guidance is required for future windfarm developments and repowering with turbines over 150m. Aviation lighting in rural locations can have a disproportionate visual effect given their presence in an otherwise dark, and therefore 'featureless' landscapes, reducing the sense of remoteness and the experiential qualities of dark sky landscapes. They can also have a negative effect on landscape and visual amenity during hours of dawn, dusk and low light levels when the red aviation light may be seen in addition to turbines and in the context of landscape features. They have the additional potential of being a collision risk to birds. (The Effect of Aviation Obstruction Lighting on Birds at Wind Turbines, Communication Towers and other structures. NatureScot. 2020).

It is within the control of developers and the CAA to develop and utilise aviation lighting that minimises landscape and visual impacts and impacts on wildlife and there should be a much greater urgency for these solutions to become embedded into all schemes. Alternative technologies should be considered for example, the use of infrared lighting as this is not visible to the naked eye. Implications for visibility of lighting is dependent on exact technical specification of the lights and methods of mitigation to reduce intensity (including shielding). In addition to updated guidance on designing with large wind turbines and lighting, technology and specifications require testing and standardising to minimise landscape and visual impacts.

10. We would also be grateful for your views on network charging and any of the other aspects set out under section 3.4.

There is a need to ensure that connections costs are fair and proportionate and do not form a barrier to development and investment. The progress to meeting targets will not be met (even if sufficient planning permissions are granted) unless there is a means to effectively and affordably connect to the grid. This needs to be delivered at pace and significant investment in the network is required on a short period of time. This needs collaboration between agencies and UK and Scottish Governments if the required transition is going to be delivered in time.

Barriers to Deployment: Environmental Factors - Consultation Questions

11. What are your views on the integration of taller turbines in forested areas?

There is not a fundamental objection to this proposal, it depends on the site and the landscape context. We feel there is the potential to undertake keyhole insertion of larger turbines into woodland/forestry areas through discrete and limited tree felling. The impacts of tree loss can be

addressed through plantation management schemes and on-site replanting. Where this is not possible then there is the potential to do this off-site and link to our Biodiversity/Forestry Off – Setting scheme.

In practical terms, the height of present-day turbines relative to retained forestry may make them more efficient on account of the potential for reduced turbulence, but this has to be offset against the increasingly limited landscape and visual mitigation that would have been provided by the retention of the trees.

12. Can you provide best practice examples for effective peatland restoration (with carbon benefits) alongside the development of onshore wind?

There is information about peatland restoration in the consultation but little about peatland loss as a result of schemes or what weight that carries in refusing development or re-designing layouts.

13. What, if anything, is not currently reflected in the good practice guidance for constructing windfarms, in relation to building on peat and other carbon-rich soils?

This guidance is relatively up to date having been published in 2019 but, as with other guidance, the potential for it to be kept under regular review with updates as required, would undoubtedly have merit.

The protection of peat from renewables should be strengthened. Modified peatlands are less well protected as habitats. (the carbon calculator is still used to calculate loss of C from development of the windfarm v C emission reductions through operation of the wind farm The modified peatlands are the most investable for the carbon markets, as they sequester more carbon than peatlands in good condition). It is to the detriment to biodiversity and the environment if any peat/peatlands are lost through renewable development.

14. From your own experience what can wind farm developments offer in terms of protecting and enhancing the natural environment, in particular through the planting of trees to compensate for those lost during windfarm development and through peatland restoration?

Windfarm developments can deliver positive effects for biodiversity. It is important to ensure that renewable developments do this, as set out in draft NPF4. Habitat Management Plans and offsite delivery (where appropriate) are ideal means of achieving this through enhancing local nature networks and providing mitigation & adaptation to climate change (carbon sequestration, NFM, water flow regulation (droughts)).

The Council has developed an award winning Woodland/Biodiversity off-setting scheme which has sought, where appropriate, to off-set developmental/ environmental impacts and provide opportunities for enhanced habitat development off –site. The Projects have included:

- two black grouse projects
- natural flood management in the Gala water catchment
- two projects for blanket bog restoration being managed by SBC, which we have been working on with LBAP partners and developers

The details of this can be viewed at:

[Biodiversity projects | Biodiversity | Scottish Borders Council \(scotborders.gov.uk\)](#)

This is highlighted and used as an example in the RSPB/CIEEM/RTPI guidance: Biodiversity net gain. Good practice principles for development: Case Studies (p51/61)

<https://cieem.net/resource/planning-naturally/>

The guidance illustrates twelve principles of good spatial planning and the SBC case study is used to illustrate principle 7- Alternative options should be considered, particularly alternatives that are less damaging to the environment, and the reasons for rejecting any options should be made public. The Scottish Borders biodiversity offsets scheme shows that a range of detailed options for mitigation or compensation can successfully be considered at the project level.

It is essential in the view of the Council that a considered view of the wider environmental impacts from development is taken. It is self-defeating, if we develop wind farms in places which damage species, ecosystems and/or landscape types. There is still some sense that biodiversity is viewed as a subservient consideration. However, it remains the case that we must ensure the right development in the right place, both from a landscape and biodiversity standpoint.

However, understanding of these interactions is still nowhere near as developed as it needs to be. Wind energy can have adverse impacts on some species, including direct impacts to birds and bats from turbine collisions, and the loss and fragmentation of species' habitat. Scottish Government needs to do more to commission nature impact studies, so that competing objectives in pursuing planning/repowering of sites and so on are set against a strong strategic understanding of the issues.

15. Can you provide best practice examples of encouraging biodiversity protection and enhancement, including connectivity between natural areas in wind farm sites?

See answer to 14 above.

16. What is your organisation doing to go above and beyond when it comes to biodiversity protection, conservation and enhancement in wind energy development sites?

See answer to 14 above.

17. How can habitat management plans better balance protection of the environment with connectivity and the operation requirements of a site?

Habitat Management Plans and offsite delivery (where appropriate) are an ideal means of achieving enhanced biodiversity through enhancing local nature networks and providing mitigation & adaptation to climate change (carbon sequestration, NFM, water flow regulation (droughts)). Offsite delivery can assist with easing the operational requirements of a site.

Biodiversity Net Gain should be embedded into all HMPs.

Economic Opportunities - Consultation Questions

18. What support do Scottish companies need from Scottish Government and agencies in order to successfully bid for and win contracts?

This question is perhaps one more for the onshore windfarm industry to respond to. However, in broad terms, it should be expected that there is fair and level playing field for Scottish/UK supply chain companies to bid for contracts and that as projects develop, there should be a binding requirement for early engagement with local supply chain companies to ensure they have the best possible chance to compete and develop their capabilities in this field. There should be Scottish Government support to develop the capacity of local supply chain companies.

19. Should government consider options for introducing a sector deal similar to that of the Offshore Wind sector and if not, why is that your view?

This approach is supported. Whether it is called a sectoral deal or spatial framework etc; if it is something similar to ScotWind this makes some sense and gives certainty to communities and developers.

20. How can individual organisations (including onshore wind developers, tier 1 suppliers, and the domestic supply chain) work collaboratively to ensure that key manufacturing projects for Scottish onshore wind stays in Scotland?

This question is perhaps one more for the onshore windfarm industry to respond to. However does this need a change to the terms of the contract award under the Act to insist that such opportunities are taken/made available? Scottish Government, enterprise agencies, local authorities and other public third sector and private bodies have a role. Scottish Government needs to continue the momentum in seeking to create the business ecosystem to develop the wind renewables industry.

21. Circular economy and zero-waste are core principles that the Scottish Government are promoting. Where do you see the economic opportunities in relation to these policy issues lying with onshore wind? And are there any practical issues you think need to be addressed in order to maximise the benefits?

As noted earlier, the Scottish Borders already provides a significant contribution to national renewable generation. We expect this to increase, and the region is firmly committed to playing its part. Yet, hoped-for socio-economic benefits to the region have not materialised thus far. This is concerning and disappointing, given that previous energy transitions have been catalysts for sustained periods of national and regional development: coal in the Central Belt; hydropower in the Highlands; and oil and gas in the North East. The permissive nature of community benefit developer contributions has failed to garner significant benefits and what it has achieved has been on a sporadic ad hoc basis, very often dependent upon the commitment, resources and enthusiasm of the communities concerned. The Council believes that delivering benefits for consumers (domestic and business) should be an explicit aim of strategic policy as a counter to the challenges which emerge from the region's rural context. This should take the form of guaranteeing a resilient and well-integrated regional supply network, and in pricing benefits to consumers. Moreover, there is a need to convert the combination of national decarbonisation ambitions and our local transition assets into employment and enterprise creation within the Green Economy, supported by the development of a training infrastructure, which generates increased socio-economic benefits for our region and the country.

At the same time, the Council and partners such as South of Scotland Enterprise are committed to a Regional Economic Strategy for the South of Scotland, 'where natural capital propels green growth.' This means more, higher skilled and better paid jobs associated with the renewables

industry; new sources of revenue for landowners and farmers and an increased local tax base. It must mean, however, wider shared community benefits like those described in answer to previous questions.

Furthermore, we can increase prosperity in our local economy (as well as the national economy – it is right that the South of Scotland should be expected to make a bigger contribution to national prosperity) through circular economy principles and practice - making better use of materials, components and products by minimising the amount of resources taken from the natural environment, maximising the prevention of waste and optimising their economic, social, technical and environmental values throughout consecutive lifecycles. Scottish Government has an indispensable role in creating the necessary ecosystem with the Council and other protagonists also playing a vital part: e.g. through eliminating avoidable waste; and strategies which promote designing for durability, repair, reuse and remanufacturing of components and products, and lifetime extension and, we might add, repowering of wind farms.

22. How can the Scottish Government best support skills for the future of the onshore wind sector? Specifically we would be interested in oil and gas transition, apprenticeships and entry-level positions for young people, as well as any other experiences you can share.

No comment.

23. Do you have any views on the impact of wind farms on tourism?

The impact on tourism has been a longstanding matter of debate and one that arises whenever proposals are tested through the appeal process. The challenge is that there are a number of studies, surveys and reports produced over time which provide a very confused and conflicting picture. As a consequence, reports will be used to suit whichever argument is being presented. It would therefore be helpful – indeed, necessary – for there to be a definitive study into this issue.

At a very high level, the fact that the emerging NPF4 continues to state that wind energy proposals should not be allowed in National Parks – areas recognised for their recreational and landscape value – does seem to suggest a policy recognition that turbines and tourism are not entirely compatible.

Of course, much will depend on the location and circumstances of a proposal, but it would be wrong to conclude that there is no impact on tourism, rather the question is whether that impact is tolerable on a case-by-case basis, which returns us to the point about acceptable or tolerable thresholds for landscape, visual and residential amenity impacts.

Of concern in this consultation is the relatively light touch given to these impacts; it is striking to make the comparison to the space attributed to peat restoration when compared to landscape impacts, for example. Within the Borders, the latter has been a far more significant issue for the decision-making process than the former and it is important that this is given full and proper consideration, even if to establish the Government’s position on what the acceptable tolerances are likely to be at a national level.

Having been subject to wind energy developer interest consistently since the early 1990s, Scottish Borders Council has invested significant time and resource in producing landscape capacity studies as a means of both directing developments to appropriate locations and protecting our most important landscapes. As part of this exercise, heights of turbines have been were established as being appropriate to particular settings, including in long-range views. As stated

earlier in this response, even allowing for the greater impetus to meet targets, it may be difficult to now arrive at a view that conflicts significantly with previously agreed impact thresholds.

24. What is your organisation doing specifically to promote diversity and inclusion in the onshore wind sector?

This is a question for the wind energy industry.

25. Given the significant contribution onshore wind is expected to make to our net-zero ambitions, and the structure of the ScotWind process for offshore development, should Supply Chain Development Plans be introduced for onshore wind developments in Scotland?

This seems a sensible suggestion and is supported.

Annex 1: Eskdalemuir working group and policy proposals – consultation questions

26. Does the above accurately reflect the current position in relation to the Eskdalemuir Seismic Array and the barrier it presents to deployment in Scotland?

The stated position is a fair and accurate reflection of the situation.

27. Acknowledging that the Scottish Government require further evidence before taking a policy decision, at this point and reflecting the options outlined above do you/your organisation have any thoughts?

Option 2 still places strong the emphasis/responsibility on the MoD. It would be concern that this could cause challenges providing effective, reasonable and enforceable conditioning of consents as there is no guarantee a solution will be found. Some clarity as to the weight of the MoD position in the overall planning balance is required particularly if the research suggests that the MoD are being cautious.

8. If Option 2 or Option 3 were to be selected, how could we best achieve or calculate an acceptable level of impact? (One example being an agreement of a standard noise budget to MW generated proportional allocation i.e., for X MW generated = X amount of budget allocated).

This is likely to be a technical matter for the MoD to provide commentary on.

29. Do you/your organisation have any thoughts on how the EWG might be restructured to ensure continued engagement for interested parties whilst maintaining the core purpose of the group?

The constitution of the body is not something that the Council is familiar with and therefore this is not a matter upon which it can meaningfully comment.

Annex 2: Aviation and renewables collaboration board – consultation questions

30. We are clear on the value and importance of strategic and productive collaboration between the aviation and wind energy sectors. What are your thoughts on our proposed restructuring of the current effort and activity in this area, and the proposed Aviation and Renewables Collaboration Board?

There is certainly logic to this suggestion.

31. The work of the Aviation and Renewables Collaboration Board may identify and agree the need technical or strategic investment to achieve specific goals or outcomes. What are your views on how work of this kind might be financed?

This should be financed jointly by the renewables and aviation industries.

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