

## Administrative Area Boundary Anomalies

### Purpose

1. The Commission is invited to consider an update to Paper 2492 and the proposal to review the administrative area boundary between Midlothian Council area and Scottish Borders Council area; and to make a decision on whether to conduct an administrative review of the four areas highlighted in Paper 2492.

### Background

2. At its meeting of 23 July 2019, the Commission considered Paper 2492 – Administrative Boundary Anomalies. Paper LGBCS 2492 highlighted four areas where an administrative boundary either cuts across a building/ dwelling or no longer follows physical ground features.
3. The Commission asked the Secretariat to write to Midlothian Council and Scottish Borders Council to seek further clarification on their position regarding planning permission for Creon Cottage, near Leadburn.
4. Planning permission was declined by Midlothian Council for a dwelling to be built within Midlothian Council area. Planning permission was approved by Scottish Borders Council for a dwelling to be built within Scottish Borders Council area. However the dwelling was built a few metres north of the original plans and now sits on the administrative area boundary.
5. Scottish Borders Council suggested that revising the administrative area boundary to follow the property curtilage would assist with the retrospective planning application for both the property owner and Council.
6. The occupants of the dwelling pay council tax to Scottish Borders Council and are registered on the Scottish Borders electoral register.
7. The other three areas where an administrative boundary either cuts across a building/ dwelling or no longer follows physical ground features are at Netherton (Glasgow), Dundee and Loch Doon (south of Dalmellington).
8. Prior to being notified of the anomalies, none of the Councils had raised issues with the Commission regarding their administrative area boundaries in these areas.

### Update

9. The Secretariat have sought further information from the Scottish Government Planning Department regarding planning permission for dwellings crossing an administrative boundary. Section 4.68 of the *Scottish Government Guidance on the requirements in relation to applications for planning permission* states:
  - “4.68 Where an application is for development straddling local authority boundaries, the local authorities involved should inform the Local Government Boundary Commission Scotland ([lgbcs@scottishboundaries.gov.uk](mailto:lgbcs@scottishboundaries.gov.uk)). This is to allow the Commission to consider the need to re-align the boundary to ensure clarity about which local government area the resulting development is located. This is especially an issue with housing developments as regards council tax, education provision and other services.

10. Section 4.68 offers no further guidance for the Commission but it assumes that the Commission considers whether to amend the local authority boundaries in such circumstances.
11. The Scottish Government have further explained that “a planning authority can only grant consent for development within its area. Therefore if a development lies across a boundary then the application has to be made to both authorities. Potentially there could be situations where an application lies in three planning authority areas and that would require three applications. Rather than pay two fees though, the applicant pays one and a half times the fee for the application. This is paid to the planning authority that the larger part of the development is situated in.”
12. The Secretariat have asked both Midlothian Council and Scottish Borders Council to comment on the advice from Scottish Government.
13. Scottish Borders Council have not responded.
14. Midlothian Council advised it could consider a retrospective planning application for Creon Cottage if the boundary does not change but did not want to comment on amending the local authority boundary.
15. Appendix A shows the position of Creon Cottage and the boundary between Midlothian Council area and Scottish Borders Council area.

#### **Other areas with local authority boundary anomalies**

##### **Dumfries and Galloway and East Ayrshire Council areas**

16. At Loch Doon, south of Dalmellington, the boundary between Dumfries and Galloway and East Ayrshire Council areas no longer follows the edge of Loch Doon, see Appendix B.
17. Since the creation of Muck Burn dam the boundary no longer follows physical features or edge of the loch. From consideration of historical maps (Ordnance Survey 1955–61 map from pastmap.org.uk) it would appear that the Muck Burn dam was built in the early part of the twentieth century. Therefore the boundary in this area has remained unchanged during several local government boundary re-organisations.
18. Neither Dumfries and Galloway Council or East Ayrshire Council have raised issues with the Commission regarding their administrative area boundaries in this area.

##### **Dundee City Council area**

19. On the Dundee waterfront, the newly completed V&A Museum extends beyond the boundary of Dundee City Council area, see Appendix C.
20. The ground-level of the museum building is within Dundee City Council area but the roofline extends beyond the administrative area boundary and protrudes into the Firth of Tay.
21. Although the V&A Museum roofline extends beyond the administrative area boundary Dundee City Council advise that the museum sits within their

administrative area boundary and there is no requirement for the Commission to revise the boundary on the Dundee waterfront.

**Glasgow City and East Dunbartonshire Council areas**

22. At Netherton, south of Bearsden, there are two areas where dwellings cross the boundary between Glasgow City and East Dunbartonshire Council areas. These are at 2 and 4 Netherton Farm Lane and 213 Maxwell Avenue, see Appendix D.
23. The dwellings at Netherton Farm Lane form part of a recent housing development, built c2000. The dwelling at Maxwell Avenue is a semi-detached dwelling, built c1930s.
24. By considering historical county boundaries between Dumbarton County and City of Glasgow County, it appears that 213 Maxwell Avenue was originally built on the county boundary, now the administrative area boundary. Therefore the boundary in this area has remained unchanged during several local government boundary re-organisations.
25. The occupants of 2 and 4 Netherton Farm Lane and 213 Maxwell Avenue pay council tax to East Dunbartonshire Council and are registered on the East Dunbartonshire electoral register.
26. Neither Glasgow City or East Dunbartonshire Council have raised concerns with the administrative area boundaries at Netherton.

**Summary**

27. In recent history the Commission has only conducted administrative area boundary reviews where the boundary has crossed through a property or where a large number of local residents submitted a strong reasoned argument in support of a review.
28. Prior to being notified of the anomalies, none of the Councils had raised issues with the Commission regarding their administrative area boundaries in these areas.
29. None of the areas under consideration contain more than 500 electors and reviewing the administrative area boundaries in these areas would result in no changes to the respective electoral registers.

**Scottish Borders/Midlothian**

30. Scottish Borders Council had suggested that revising the administrative area boundary to follow the property curtilage would assist with the retrospective planning application for both the property owner and Council.
31. The guidance from Scottish Government suggests that retrospective planning could be granted without revising the administrative area boundary. A retrospective planning application could be made to both Councils. Payment would be made to Scottish Borders Council because a larger area of Creon Cottage sits within that council area.
32. Neither Midlothian or Scottish Borders Council have confirmed if they would grant retrospective planning permission if the administrative area boundary remains unchanged. Scottish Borders Council have stated they would grant

retrospective planning permission if the administrative area boundary is amended to follow the curtilage of Creon Cottage.

**Netherton, Dundee and Loch Doon**

33. The boundaries at Netherton and Loch Doon have remained unchanged during several local government boundary re-organisations and there seems no pressing need to alter them now.

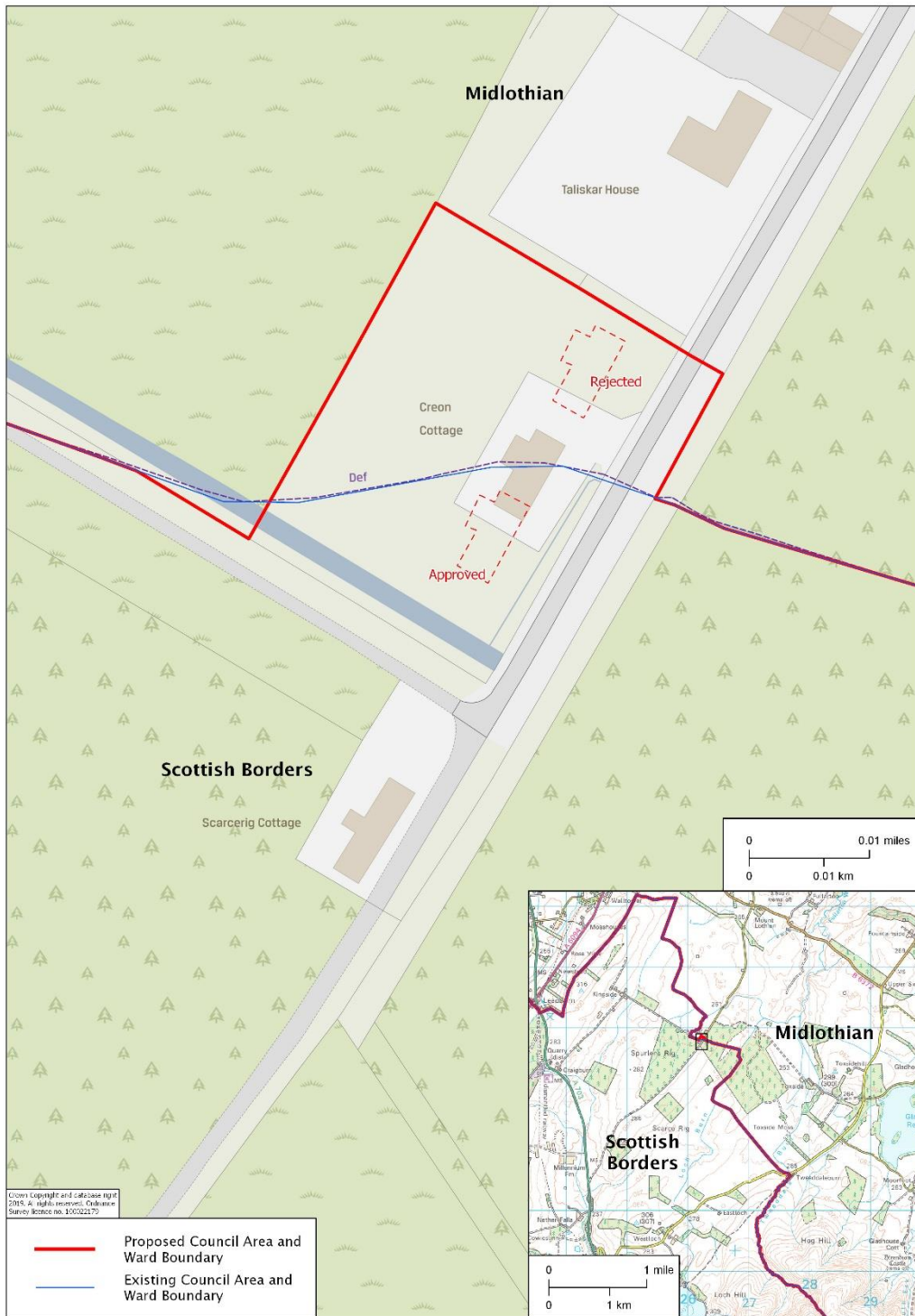
34. Dundee City Council advise that the V&A Museum sits within their administrative area boundary.

**Conclusion**

35. The Secretariat invites the Commission to consider whether it wishes to undertake an administrative area boundary review between Midlothian and Scottish Borders Council areas; and at Netherton, Dundee and Loch Doon.

**Secretariat  
September 2019**

Appendix A  
Creon Cottage, near Leadburn



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# Appendix B Loch Doon





# Appendix D Netherton, Glasgow

