

Upper Liddesdale & Hermitage Community Council

Ordinary Meeting 11th January 2024

Draft Minutes

Meeting was held at Hermitage Hall.

Those attending:

Councillor Annette Smart.

Community Councillors - Geoffrey Kolbe (GK) Chairman, Rosie Webster (RW) Vice Chairman, Martin Steed (MS) Treasurer.

Members of the public - 10

Meeting started at 19:05hrs

1. Apologies for absence

Ian Hunter

2. Presentation by John Ogilvie of FLS on Wauchope West land management plan

John Ogilvie said the site is 4193 hectares in size and he started with a historic overview indicating that planting had started in the forest area back in the 1930s and how this has been added to almost continuously since then. Some of the oldest forest still standing is at Hell's Hole, which is a recreational area. John noted that the trails and bridges had now been fixed there and so it is a much better experience for walkers.

There are a number of concerns which are considered in the land management plan, not just the value of the forest as a commercial enterprise. There is the quality of the water (the area is in the catchment area of the Tweed and the Solway). There is wildlife with plentiful badgers, raptors and pine martins which are spreading quickly. Flooding is also an issue of concern, though John did not think their activities would contribute significantly to the flooding problems Newcastleton.

Pest and diseases are a concern and these are changing with time. In particular, phytophthora remorans means that all the stands of larch need to be felled and removed and this has caused significant alterations in their work timetable - as has Storm Arwen which blew down many trees which had to be removed.

The objectives of the plan are: a sustainable supply of softwood timber, mitigation of climate change risks by having a healthy forest, increasing biodiversity particularly riparian broadleaf planting near watercourses, improving the landscape for a more pleasant recreational experience and to protect heritage features (stells, dykes and old sections of railway).

John said they are "desperately" trying to find other species of trees that will fit in with the location and land type. But this is challenging due to the poor soils and exposed sites.

John said there were some proposed new roads, as the forest around Langburnshiels was inaccessible at present.

Jane Bower asked about the soil bio-diversity and if any research was being done to how the soil responded after a forest was planted on it after thousands of years with no trees? John did not think any

research was being done in Scotland, but there might be some in England and **asked for Jane's email details so that he could correspond with her on this.**

John Scott asked which takes precedence, the proposed Liddesdale wind farm or the forestry plan when considering the planning? John Ogilvie answered that FLS were a government organisation and the government had stated that they must be available for wind farm developments. So, if a wind farm was consented on the site then they would have to adapt the plan to accommodate the wind farm. To that extent, the wind farm came first.

Ian Graham noted that the felling operations would contribute to the timber lorry traffic travelling along the railway line and entering the B6357 via the single track road leading to Steele Road. He wondered if there was some other route that could be used through the forest instead? John Ogilvie thought this would not be possible, but suggested **we contact the Timber Transport Groups with any concerns we have about the timber lorry traffic entering the B657 via this route.**

3. Presentation by Dave Keir of Oxygen Conservation on the Hartsgarth farm planting plan.

Dave Keir introduced himself as head of operations at Oxygen Conservation. He described Oxygen Conservation as a company setting up land conservation projects that would never-the-less be profitable. Their main business would be selling carbon offsets to other companies, but they would not help in 'green-washing' for companies and would not do business with airlines or oil companies.

They do believe in renewables and do believe that a wind farm on Blackburn-Hartsgarth would be suitable. Their plans for the wind farm are very much in the preliminary stages though and have not got beyond the stage that a wind farm would be feasible. No detailed planning has been done.

Andrew Sheridan of Forest Story then gave a description of the planting plans. He said that carbon credits have a much higher value for native broadleaf trees than conifer, so that is what they would be planting. Timber production was not foremost in their thinking and there would be no clear felling and no thinning. This was a hundred year project to create a 'natural' forest. They intended to plant about 1000 hectares of the 4500 hectare site. There is a lot of deep peat and the ground is very wet, so a lot of the ground is not suitable for planting trees. They intended to plant with 1.5m - 2m separation, resulting in about 1.5m to 2 million trees. They need to create a plan to be approved by Forestry Scotland and this was an iterative process with several rounds of consultation. Because the area was a Special Conservation Area, due to the hen harrier, they would also need the consent of NatureScot for a planting scheme.

There were no plans to introduce apex predators as the area by itself is far too small. Blue hares or black grouse were realisable options however.

They intend to surround the planted area with a deer fence to protect the trees against deer and goats. Sanda Murray said she did not want high fencing across the back of their property. Jane Bower commented that she had a very similar project just across the Hermitage valley at Gorrenberry where she had planted half a million native broadleaf trees and in her opinion a deer fence was a waste of money and a waste of time. The best method was to cull the goats and deer.

GK said he would get Andrew Sheridan's contact details

Councillor Smart commented that Scotland was bottom out of 28 countries surveyed with regard to biodiversity and she was very much in favour of working with NatureScot to increase biodiversity. There was some discussion about re-introducing beaver. Jane Bower commented that in conversation with the Tweed Forum, it would take 60 years from the reinstatement of riparian woodland until beaver could be re-introduced.

Jane Bower asked what the plans were for Hartsgarth House? Dave Keir said they were open to suggestions, but they would not be seeking to do anything themselves for another five years at least.

4. Approval of the Minutes of the Ordinary Meeting 9th November 2023

MS proposed that the minutes were a true and accurate record of the meeting of the 9th November 2023. RW seconded the motion. The motion was carried.

5. Matters arising

Defibrillator for Twislehope Farm entrance - Geoffrey Kolbe said that a resilience shed was necessary as a structure to support the PV panels, contain the batteries and support the insulated container for the defibrillator. He therefore proposed that funding should be sought from Pot 'B' to build a resilience shed and stock it with resilience items such as existed in the other two resilience sheds in the area. His estimated cost was £800. GK asked for approval for the Community Council to put in for a grant from Pot 'B' funds. This was agreed.

Info board signs - Penny Scott said she had a quote from Border Signs & Graphics for an infoboard at a cost of £745 + VAT (which we would install ourselves) She was informed that the best design for the board would be one third artwork, one third photographs and one third text. She proposed Gloria Hunter could do the artwork, GK could do the photography and she would do the text. Penny asked for suggestions on where to place infoboards, being mindful of safety where it was to go? She had thought that Steele Road would be a good site, but once the trees had grown up, you would not be able to see what the infoboard was indicating. **Penny asked for suggestions on where the info boards could be put.**

Area map on website - Geoffrey Kolbe said that he had now created a Graphical Information System (GIS) map with layers of information, using Google My Maps. This was now on the website (www.ulhcc.scot) with a number of layers of information. One layer had every property in the area, which was useful when delivery drivers were looking for a property. There were other layers of information including the boundary of the Community Council area, historic monuments, community locations such as the Hall and the defibrillator locations, tourist accommodation and sites of special scientific interest.

Whatsapp messaging for defibrillator - Rosie Webster said there had been no response to her asking for telephone numbers to create a Whatsapp general help group so that people could call for help in situations where they needed it. She said that Whatsapp was encrypted, so there should be no problem with information becoming public inadvertently. RW invited people to contact her on her number 07769977667

Untidy ditching work near Dinlabyre on B63357 - Geoffrey Kolbe noted that he complained to the Council and the ditches now seem to have been tidied up.

6. Treasurer's report

MS reported that there was now £329.40 in the account. He had now received an email from the Council about the insurance due and so that needed to be paid. On progress on Community Trust - Martin Steed said he did not know the details of who to contact at the Council on this matter. He had now been given paperwork on forming a trust by John Scott.

7. Place Plan update

Rosie Webster reported that there had been place plan meetings at the Chat in December asking for ideas on how to implement the core needs and directions of the area as determined from the survey. There had also been a wine and cheese event, but unfortunately not many people attended. Now she wanted to form a group to put together the place plan. She said there were plenty of ideas. She proposed the 1st Feb for a meeting of the group. **GK to email out to the residents asking for people who wanted to join the place plan group.**

8. Wind farm updates

GK reported that representatives of the various CCs, Denholm, Southdean, Newcastleton, Hobkirk, Hawick, Upper Liddesdale and Hermitage and Upper Teviotdale and Borthwick Water met on 10th January to discuss and agree on the creation of a legal contract with windfarm companies with regard to community benefit. The main negotiators on behalf of the group are Philip Kerr of Southdean and Barbara Elborn of Newcastleton.

First discussed was Teviot with the developer being Muirhall. The situation was left last August with the CCs being advised to seek independent legal advice in seeking a legally binding agreement with Muirhall for community benefit. Our wish to seek a legally binding agreement is necessitated due to the very poor record of wind farm developers in honouring previously agreed community benefit schemes, and also when selling on the wind farm there is no legal obligation for the successor to honour any community benefit agreement that was not legally binding, so invariably they do not.

We are seeking then to achieve an agreement whereby there is a legal obligation for the developer and/or the asset owner of the wind farm to pay the agreed community benefit over the lifetime of the wind farm. Also, if the wind farm is sold on, the legal agreement would remain attached to the wind farm and so the new owner would have to take on the liability of the community benefit payment.

The Scottish Government is giving grants for this legal advice through Local Energy Scotland, which is a consortium that administers and manages the Scottish Government's Community and Renewable Energy Scheme (CARES). CARES supports communities across Scotland to engage with, participate in and benefit from the energy transition to net zero emissions. Barbara Elborn has been seeking to get a grant to engage law firm Burness Paull to act on our behalf in drawing up the necessary documents. She has now got a grant of £3900 and so Burness Paull is ready to start. Burness Paull were chosen because they drew up the contract for the Cross Dykes wind farm, for which Muirhall are also the developer. The Cross Dykes scheme seems to be working satisfactorily and the local community are satisfied with it, so that seems a good place to start.

Once an agreement has been worked out for Teviot, the same template can be used for other wind farm developers such as EDF and Energiekontor.

It was stressed that we should be careful that any agreement on community benefit is not interpreted or portrayed by the developer as support for the wind farm.

For the funds to be conveyed from the developer to the various CCs, there needs to be a trust set up to accept and administer the cash. It was initially thought that this should be a SCIO, a Scottish Charitable Incorporated Organisation, but Barbara Elborn is now of the opinion that a Company Limited by Guarantee is a better route as a SCIO is not as flexible as it needs to be for shared ownership. While every CC has to agree to enter into and become a member of the trust in order to receive and/or allocate funds, the trust need only be run by a core group of members, to be agreed.

GK proposed that the Community Council agree that a trust be formed in order to receive community benefit funds from Teviot wind farm, to be administered by a core group to be determined. GK also asked that he be given signing powers to sign an agreement with respect to community benefits from Teviot wind farm. This agreement to be negotiated by Barbara Elborn and Philip Kerr on behalf of the group of affected Community Councils. It was so agreed.

GK continued that Muirhall seems to be anxious to enter into an agreement. This is probably because they are close to presenting a revised plan for Teviot wind farm and would like to be able to say they have agreed a community benefit scheme with the affected CCs.

In contrast, Energiekontor seems very loath to enter into a workable agreement with regard to Pines Burn wind farm. Since they made their first offer for community benefit, they changed the model of the wind farm and consequently changed their offer, so that the amount paid was based on the number of turbines rather than the usual formula of a set amount per installed megawatt per annum. In doing the conversion, the amount comes to substantially less than the £5000 per installed MW per annum as recommended by the Scottish Government. (Muirhall, by contrast, are offering £7000 per installed MW). Energiekontor have also removed the offer of shared ownership, which was in the original offer. While we may or may not be interested in shared ownership of a wind farm, (which GK said would definitely not recommend), the Scottish Government has set up the CARES system in such a way that we cannot receive a grant for legal advice unless there is an offer of shared ownership. However, there are other aspects of their community benefit offer which make it unworkable and in view of the fact that the Scottish Government is actively seeking to clarify the whole process of community benefit payments, Barbara Elborn is hopeful that Local Energy Scotland will give a grant for legal advice in dealing with EK with respect to Pines Burn. She wants a “legal review” of the EK offer on Pines Burn so that they cannot persist with their “take it or leave it” stance which Lambert Kleinjens of EK is currently taking.

It should be noted that Duncan Taylor of Energiekontor wrote to Barbara Elborn last month stating that they were prepared to offer £5000 per installed MW per annum for their revised Windy Edge plan. GK said he has invited Duncan Taylor to come to the next CC meeting on March 14th to inform the community about their plans for Windy Edge and he has agreed.

It was reported that a number of businesses in Hawick have been severely financially inconvenienced by the traffic movements of the Pines Burn turbine blades through Hawick and are seeking compensation for business disruption. However, there is no agreement for any such compensation in place. Energiekontor is only the operator of Pines Burn wind farm and the owners, Capital Dynamics, are reported to have said that, “We don’t do compensation”.

The Fawside wind farm has been refused by the Scottish Ministers. The main reason for refusal was on landscape grounds and this has possible implications for Teviot, as the main view points on which the Fawside refusal hinged are also affected by Teviot Wind Farm.

After a mauling by the SBC landscape officer last year, Muirhall went away to have a re-think about the Teviot wind farm plan and they will probably come back with a revised plan by April this year.

The Scoping Opinion for the Liddesdale wind farm very strongly recommended that EDF heed the call by most of the consultees that they should submit three applications for the three distinct developments in Wauchope East, Wauchope West and Newcastleton forests. Andrew Bennett of EDF has ‘long Covid’ and is not responding to any of my emails inviting him to come and tell us what they plan to do now.

9. Report on Scottish Borders National Park

Jane Bower reported that the Campaign was filling in the seven questions required by the Scottish Government from those nominating an area for a National Park. The seven questions had to fit within a restricted word count, but appendices could be - and are being - provided to fill in the detail.

She reported that the Scottish Borders Council had been given a report by CEO Sam Smith and head of planning Ian Aikman three days before a Council meeting in December, in which it was stated that they had attempted to get the Campaigns for the Scottish Borders National Park and the Galloway National Park to sign up to a ‘Borders wide’ National Park. Neither Campaign agreed, nor did Dumfriess & Galloway Council. The report claimed that the plan for the Scottish Borders National Park did not have sufficient on Carbon Zero and bio-diversity to satisfy the Scottish Government and recommended that the Council not support the bid. The Council rejected supporting the Campaign’s bid 28 votes to 2.

Jane Bower thanked Councillor Smart for her support and asked her what she thought was going on, as she knew more than two Councillors supported the idea of a National Park? Councillor Smart said she did not know, but she had thought it not correct that the Council was being asked to vote despite not knowing the details of the Campaign's plan, and without having canvassed their electorate. She reported that most contributions to the debate were personal views about National Parks in general and not about the Campaign's plan in particular. She had put forward a motion to defer any vote until they had more information and more time to seek the views of their electorate, but this motion was defeated. 27 votes to 2.

Jane Bower noted that the Scottish Government had wanted proposals to come from community groups and not from local councils. Given that this was not a SNP area or Council, she thought the vote would probably not have much negative effect on the bid - and may even be a help!

10. Any other business

It was noted that the first aid kits in both resilience sheds were now out of date and needed replacing. GK suggested that an application be put for Pot 'A' funding for the replacement of the kits. This was agreed.

11. Date of next meeting - 14th March 2023