

# Upper Liddesdale & Hermitage Community Council

## Ordinary Meeting 13 July 2023

### Draft Minutes

Meeting was held at Hermitage Hall.

#### **Those attending:**

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

Members of the public - 20

Meeting started at 19:00hrs

#### **1. Apologies for absence**

Ward Councillors Jane Cox, Annette Smart and Watson McAteer.

GK reported that Dell Tucker had given his resignation as a Community Councillor with immediate effect for family reasons. On behalf of the Community Council, GK thanked Dell Tucker for the service he had given to the CC and wished him well.

#### **2. Approval of the Minutes of the Ordinary meeting on 11th May 2023**

IH proposed that the minutes be approved as a true record of the meeting. RW seconded the motion. It was agreed that the minutes were a true record of the meeting of 11th May 2023.

#### **3. Matters arising**

GK said that he had contacted Buccleuch Estates and they denied any involvement with the incident related by IW at the previous meeting. However, Gary Cooper reported that last year, he had met a deer stalker who said he was from Yorkshire and had a contract with Buccleuch Estates to control deer in the area. He showed a "Buccleuch" badge. He was shooting from his car on the public highway. He had been up for a day visiting a friend in Langholm. Gary Cooper also reported an incident this year where he met another man walking down the road with a covered rifle, also from Yorkshire, who knew the previous man, who also had a "Buccleuch" badge, and who had been in conversation with a Buccleuch shepherd about where to shoot. It was notable that these incidents took place in the daytime, not the early morning or the late evening. **GK said he would contact the police and also contact Buccleuch estates about these incidents.**

RW reported that the "Upper Liddesdale & Hermitage CC" Facebook page was now up and running. She hoped it would reach more people with the Agenda for CC meetings and news. She hoped there would be crossover with the Newcastleton groups, but that a distinct group would form around this Facebook page.

On the deer gralloch, heads and feet that walkers dogs - in particular Lynda Graham - have been finding, RW reported that she had contacted Buccleuch, FLS and Tilhill. They all stated that their deer controllers were not guilty of leaving deer parts within 30 feet of the forest tracks. Coleen Wright reported that deer gralloch had just been tipped over the cliff edge of the road to Wormsleuch and that her two boys had been told by Tilhill employees that they should not be in the area. Forestry Scotland asked to be given map references of any findings so they could follow up and Tilhill agreed to follow up complaints with the contracted keepers/stalkers.

#### **4. Presentation: Place Plan Survey**

RW gave a PowerPoint presentation of an analysis of the place plan survey that had been conducted earlier in the year. She compared the demographics with the 2011 Census, when there had been 211 residents in 97 households, of which 36 had been children. Now, the average age was older than in 2011 and the number of children was now down to 4 or 5. RW wondered how we could increase the number of young families in the area? She showed a list of what was seen as the most attractive qualities in the area (peace and tranquility) and the worst things (log lorries, Sitka spruce forests, wind farm application).

It was agreed that RW be Chairman of a committee to put together a place plan document based on the survey. GK, IW and MS agreed to be on the committee. This would establish "what we have, what we want and what we need".

(The Powerpoint presentation, the 2011 census data for this area and the original survey form have been put on the UL&H CC website.)

#### **5. Report: Pines Burn Traffic Management Plan**

GK reported that EnergieKontor were now sending regular updates to the schedule for the delivery of turbine parts. These emails were being passed onto the community via email.

#### **6. Liddesdale Wind Farm**

GK introduced the proposed wind farm, explaining that there would be four 'host' Community Councils and we would be one of them, albeit with only three of the 80 turbines in our area. The other CCs would be Hobkirk, Southdean and Newcastleton. GK explained that planning applications were in two parts. The first part was the Scoping Application, where the Developer set out how the Environmental Impact Assessment (EIA) in the planning Application was to be done. The Planning Authority - in this case the Energy Consents Unit (ECU) of the Scottish Government, would then give a Scoping Opinion, based on the responses received for the Scoping Application. The Applicant would then put in a Planning Application which would include an EIA.

GK explained that the response to the Scoping Application was possibly more important than the response to the Planning Application itself, but since the Scoping Application was quite technical and based on planning law this was often not given the attention it should. This was the chance to influence the Scoping Opinion and so force the Developer to spend more effort than they otherwise would want on various aspects of the Application.

There was a question about the fact that the transmission line connecting the wind farm to the grid was not described in the Scoping Application. GK responded that this was usual custom and practice on wind farm applications, but that the law actually required the EIA of both parts to be considered at the same time. John Campbell KC had put a question on this matter to the ECU but had yet to receive a response. There was ample caselaw to support the view that the wind farm and the transmission line should be considered at the same time.

Another point was the scope of the environment in the EIA. Wind farms usually only consider the environment within the planning site. But there is nothing in the planning law which limits assessment to the wind farm site. There would be about 100 tonnes of rare earths in the turbine magnets, for example. The rare earths are mined in the Congo and China and the poor working conditions of the rare earth miners has been well publicised. There will be significant environmental impact somewhere due to the mining and processing of the rare earths, but there is no indication that an assessment of this will be included in the EIA.

Community benefit has been a bone of contention for communities which host wind farms. There needs to be a legal commitment by the developer to pay the promised community benefit of £5000/MW installed power for the working life of the project. There were questions too about the index linking of the community

benefit, and what is meant by “working life” and “project”. Wind farm turbines are usually replaced at the end of their working life in a process called ‘repowering’ and it could well be argued that there is no liability for community benefit after repowering as this would be a new “project”.

Kate Baxter noted that the noise from the turbines affect bats and there was no mention that studies of bats would be included in the EIA. GK asked Kate Baxter to forward him a reference where this was described.

Another question was whether the dark sky status of the Kielder Forest Park would be affected? GK thought it would and the relevant people needed to be contacted to give a response.

GK noted that an extension had been given for us to respond to 29th September.

## **7. Report: National Park**

Jane Bower, Chairman of the Campaign for a Scottish National Park, gave an update on the process by which the Scottish Government (SG) is creating a new National Park (NP) as promised by the end of this Parliament. She noted that there is an ongoing consultation on the criteria for selecting a new NP, but this consultation seemed to heavily weighted to promotion of wildlife (which is important to the minister in charge of the process, Lorna Slater) but has very little about the social environment or local economy as required by the National Parks (Scotland) Act (2000). Indeed, that Act is not mentioned anywhere in the consultation. Civil Servants are trying to push to the Minister to stick with what the 2000 Act states rather than alter the legislation which will take up time and will probably mean there will be no NPs created in the time available.

IH asked about whether wind farms were allowed in NPs? GK answered that National Planning Framework 4 states that wind farm developments in a National Park would not be supported.

## **8. Report: First Responder update**

RW reported that she had now completed the radio training required for First Responders and so was now one of a number of First Responders in the area who respond when a 999 call is received. This is not 24/7 as it depends on the availability of First Responders. In addition to RW, there is Michelle at Cleughhead cottage, Chris at Burnmouth and Marie at Canonbie.

## **9. Financial Report**

MS reported that the bank balance currently stood at £3806.71 of which £2205.84 is ringfenced for various projects and £1600.87 is unrestricted and available for UL&H CC activities.

## **10. Meetings attended**

Dell Tucker was due to have attended the Area Partnership meeting, but he was now not available to give a report. GK noted that a replacement was needed for Dell Tucker to chair the Panel A for applications for Scottish Borders Council Community Funds and to be part of the Panel B assessing applications to the Area Partnership for funds. RW agreed to take on that role.

## **11. Conversations:**

### **a. Public Toilets.**

GK noted that a third of the public toilets in the SBC area had been closed and regretted that there were no Councillors present to take back our dismay on this matter. It was reported that the toilets in Newcastleton, which had been under threat, were to remain open - principally because of the showers which had been installed for campers and mountain bikers.

### **b. Closure of the Bank in Newcastleton**

GK reported that he had asked the community via the email list how important the bank was to them and had had only two replies. There was some discussion during which it emerged that the real problem with the closure of the bank was depositing cash, particularly from businesses. The post

office in the Spar might be able to take on this role and John Scott would test that by trying to deposit cash from the CHAT next Tuesday.

### **c. Holiday Lets**

GK lamented once again that Councillors were not present to take on board the burdens placed on holiday lets (short term rented accommodation, B&Bs etc.) by the new registration requirements for holiday lets. This was on top of new national requirements for minimum EPC ratings and other requirements, which were taking a lot of time to implement and were very expensive. This was very unhelpful to local efforts to diversify into tourism as a way of trying to improve the fragile local economy.

## **12. Any Other Business**

GK asked for funds from UL&H CC to replace the two noticeboards, which were now disintegrating. The estimated cost would be about £150 each. GK said he would undertake the work to replace the boards himself. There was unanimous agreement that the CC should fund the replacement of the noticeboards.

Ian Graham pointed out that the grass cutting of the road verges had resulted in damage and destruction of the plastic posts by the side of the road from the B6357 to Steele Road which warned of a deep ditch by the road side. GK also related that a large stone had been dislodged from the Riccarton bridge on the B6357 in the course of cutting the grass verges, leaving it as a traffic hazard in the middle of the road. **GK said he would write to SBC Roads Department about this.**

Gary Cooper noted that an electric fence had been placed by the side of the Hermitage Road to keep cattle fenced in. He thought the fence was too close to the road and there were insufficient signs warning of an electric fence. **GK said he would look into this.**

Norman reminded the meeting about TV licensing scams which were current at the moment, in which people were being invited to pay again on a website which looks very similar to the TV licensing website.

Date of the next meeting is 14th September.

Meeting ended at 21:00