

Upper Liddesdale & Hermitage Community Council

Ordinary Meeting 14th September 2023

Draft Minutes

Meeting was held at Hermitage Hall.

Those attending:

Councillor Annette Smart.

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

Members of the public - 10

Meeting started at 19:05hrs

1. Apologies for absence

Ward Councillor Jane Cox,

2. Approval of the Minutes of the Ordinary meeting on 13th July 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 13th July 2023.

3. Matters arising

GK said that he had written to Scottish Borders Council (SBC) about the damage due to verge cutting to Riccarton Burn Bridge and the plastic road edge markers along the road from the B6357 and Steele Road. The response was that the bridge had been looked at for damage, but none seemed apparent, and the matter was being investigated.

GK said he had written to Buccleuch Estates regarding the incidents of firearms being carried and used irresponsibly in the area. He had received a reply to the effect that there is a sporting lease on some land in this area and that investigations are ongoing to determine if certain people were there legitimately. Too, tenants were being warned of these incidents.

RW said he would pass to GK the number plate details of the vehicle of a suspicious person who, when he was questioned, stated that he was checking pheasant pens. **GK would contact the police.**

GK noted that supercar activities do not seem to have been reported recently

On defibrillator training, Penny and John Scott reported that Ian Riddle was prepared to do a basic training on first aid, CPR and use of defibrillators at Hermitage Hall. A tentative date of 26th of September had been proposed. The course would run from 10am to 1pm and would be for up to 15 people. The cost would be £60 + travel expenses and the CC was asked if it would pay for this. It was agreed that the CC would pay this sum. **GK said he would send an email to the residents to see how many people would like to attend. Names to be passed on to RW.**

4. Place Plan Survey Update

RW reported that there had been a Place Plan Committee Meeting to determine actions to take based on the survey over the 5 year period of the Place Plan. RW said she had spoken to Sarah Culverwell and Jes

Horton, who are SBC support for creation of place plans, and they suggested that more people were needed on the committee (which is currently is just the four CC members). RW asked for ideas from the public for schemes which would enable the ideals expressed in the Place Plan Survey to be taken forward - the more ideas the better as the best ideas can then be sifted out. SBC were willing to pay for printing of a flyer and postage to the community in order to promote the creation of the Place Plan. RW hoped to call another Place Plan committee meeting in a month or so and hoped to have ideas and more people on the committee by then. **GK said he would include an invitation for ideas in an email to residents.**

5. Report: Pines Burn Traffic Management Plan

GK reported that EnergieKontor (EK) were publishing weekly updates on the delivery of turbine parts to Pines Burn wind farm.

There is ongoing discussion with SBC and officials in the Scottish Government about the Traffic Management Plan (TMP) and the lack of consultation with affected residents.

There had been intense pressure on SBC Planning and this prompted SBC CEO David Robertson to write a letter to Community Councils setting out what he thought the duties and powers of the Council were in this situation. GK commented that there was no mention in the letter that EK were allowed to start work without the TMP being signed off. David Robertson attempted to convey the impression that the Council was limited by the terms of the TMP Condition in the Consent for the wind farm, but GK said that the Condition did not preclude the Council imposing their own Conditions to meet their obligations. Finally, David Robertson said that the Council Planners were experienced professionals who could work with the Developer on the TMP without the need to consult with the people who would be affected by the traffic movements. This was OK, he said, because we would be informed what the Council had decided which made the process 'transparent'. GK thought this was unacceptable. Further meetings with SBC and the Scottish Government were slated.

EK had sent affected Community Councils a draft Community Benefit funding agreement and invited the CC to agree to the terms. GK explained that the formula by which the Community Benefit was to be calculated was complex and based on the number of turbines, rather than the Scottish Government recommendation of £5000 per installed MW per year of the lifetime of the project. GK estimated that the EK formula translated to about £4200 per installed MW. Moreover, they would cap any inflation index at 1% per year, which is clearly not sufficient for the foreseeable future. GK recommended that the CC do not sign the agreement as presently drafted. This was generally agreed. GK further suggested that we allow Philip Kerr, Chairman of Southdean CC to lead in the negotiations for a more suitable offer. This was generally agreed.

6. Report National Park

Jane Bower (JB) (Chair of the Campaign for a Scottish Borders National Park) reported that SBC officers Sam Smith and Ian Aitkin had asked for a meeting with the Campaign and she was hopeful that this signalled a move towards a recommendation for the Council to approve a new National Park (NP) in the area. The Scottish Government timetable for the creation of new NPs is such that proposals are to be called for in October, so there is certain need for urgency.

There is currently consultation on a new Environment Bill with lead Minister Lorna Slater introducing some bits which would tighten up the powers of the NP such that they have to be supported by other governing bodies in the endeavours of the NP within the NP boundary. However, there is now very little time left for primary legislation to make its way through all the stages before any new NPs are enacted, so this legislation will probably not have any impact on the creation of any NPs in this Parliament. Meantime, the Campaign will carry on with its work consulting with the public.

The Campaign is raising the issue of local churches for whose upkeep the Church of Scotland is discontinuing. New purposes need to be found for these churches - which are not suitable for conversion

into homes. The churches of concern are Bedrule, Teviot Head and Southdean. The Campaign is looking for ideas - preferably with a social or community context - for which these churches could be repurposed.

There is a new magazine called Borders Magazine and the Campaign has reserved a page in each issue to give news and raise issues.

7. Scoping Application Liddesdale Wind Farm ref: ECU 00004833

A draft response had been publicised on the CC website and GK asked if there were any changes or amendments anyone wanted to make? There being no response, GK proposed that this draft be adopted as an official response by the CC and this was agreed

8. Planning Application: Variation of Condition 11 of Windy Edge wind farm, 23/01253/FUL

GK summarised the Application. Condition 11 for the consented Windy Edge wind farm (18/01456/FUL) required that any turbine which fails to supply electricity to the grid for a continuous period of 12 months must be dismantled and the land must be restored within 12 months of the removal of the turbine. The Applicant, EnergieKontor, wishes the periods of 12 months in each instance to be replaced with a period of 11 months.

GK said that we must assume that the original condition was put in place for good reason and with appropriate time scales by the Planning Authority, who are a professional body. We should expect that the Applicant would supply a good reason why the Condition should be altered as requested, so that we might be persuaded to support this Application. No reason is given in the Application or any supporting documents.

GK made repeated attempts to contact Eliza Tyrrel, who submitted the Application on behalf of the Applicant, in order to elicit a reason why this proposed variation was reasonable and why we should support it. However, no response was forthcoming.

GK thought Applicant should not assume that its reasons for requesting this variation are self-evident, nor it is the business of this Community Council to speculate on what those reasons might be.

GK proposed that since there is no reason given why Condition 11 should be altered as requested and we have no reason to suppose that Condition 11 is not reasonable as it stands, we should object to the proposed variation of the Condition. This was generally agreed.

9. Financial Report

MS reported that the bank balance currently stood at £3806.71 of which £1421.67 is unrestricted and available for UL&H CC activities.

GK noted that John Scott in capacity as Treasurer has started to set up a Community Trust before the Pandemic and now that the issue of the Community Benefit from Pines Burn was being negotiated, it was appropriate that MS pick up the threads of forming the Community Trust so that this community would be able to receive its share of Community Benefit. MS and John Scott agreed to progress this matter.

10. Co opting a new member on the Community Council

With the departure of Del Tucker as a Community Councillor, the possibility of co-opting another person onto the CC had been raised. GK read from the Constitution the relevant section about co-opting another CC member. It was agreed that it was constitutionally valid to do so in this instance. It was agreed that the CC would make the effort to co-opt another member.

11. Meetings attended

GK noted that the Area Partnership meeting he had been going to attend before the meeting had been postponed until after the meeting. There were no other meetings attended.

12. Any Other Business

John Scott wished to thank Councillor Watson McAteer, and SBC officers Graham Irwing and Fiona Cameron for facilitating the 'go slow' traffic signs and other road markings on the approach to Hermitage Hall, and for the new park bench to replace the one destroyed as a vehicle strayed off the road whilst travelling too fast.

IH talked to a leaflet from Citizens Advice Bureaux to raise the awareness of this organisation for people who might need it, and to say that more volunteers and advisors were needed. **GK said he would put this information in an email to the residents.**

Meeting ended at 20:30