

Upper Liddesdale and Hermitage Community Council Meeting 24th September 2018

Draft Minutes

Present

Community Councillors: Lawrence Scott, Robert Scott, Geoffrey Kolbe, Mary Howlett.

SBC Councillors: George Turnbull, Watson McAtear.

In addition there were 23 members of the public.

The meeting started at 7:00pm

1. Apologies for absence

PC Allan Patterson, Davy Patterson, Angie Graham.

2. Approval of Minutes

Approved by the meeting.

3. Police Report

Read by Geoffrey Kolbe (GK) in the absence of PC Patterson please see attached report.

4. Presentation by EnergieKontor about Community Benefit from Pines Burn windfarm

Duncan Taylor from Energie Kontor Wind Farm Company came to talk about the
"Community Benefit Fund" attached to the Pinesburn Windfarm.

Duncan Taylor (DC) gave the CC a copy of the Project Funding Agreement which is available to view.

EK are in the process of meeting the various CC's which are contiguous to Pinesburn windfarm and explaining how the fund will be distributed.

The Community Benefit would be £5k per installed MegaWatt or £180k per annum, inflation linked from the time at which the windfarm was commissioned (connected to the grid), for the 25 year lifetime of the windfarm.

£50,000 has been allocated so far to a Further Education Scholarship

Which leaves £130k which EK are proposing should be distributed equally to the seven affected CCs. So this means £18,000 p.a. for each of the CCs for the life of the development.

DC says that other CC's have suggested having a joint CC meeting to discuss how the money can be used to best advantage.

Jane Bower (JB) asked what happens if the windfarm is sold on?

DC explained that the community fund will be managed by a separate and independent company Pinesburn Windfarm Ltd which will be legally obligated to pay the community benefit. So the obligations and community fund account stay with the windfarm.

JB expressed concern about the strength of any guarantees attached to the community fund.
Concerns about the fund being at risk if the windfarm is sold on.

DT replied that problems in the past have been with the fund being attached to the parent company, he suggested that those problems will be overcome by setting up a separate account with responsibility for the fund and its distribution. (Like a trust fund)

Lawrence Scott (LS) asked if there will be any stipulations about how the annual £18,000 is spent. DC referred us to the project funding agreement for detail. The money has to be spent appropriately for the good of the community. Any proposed project for which the money was to be spent would have to be approved by Pinesburn Windfarm Ltd. It would not be possible to 'bank' the money and decide at a later date how the money was to be spent. Only 'appropriate' projects would be approved. For example, roads were the council business and so would not be approved.

Ian Graham (IG) with reference to the wind farm, asked if an independent survey will be done of roads affected by windfarm traffic to assess any damage done.

DT replied that a traffic management plan will be implemented in consultation with SBC.

IG also expressed concerns about future effects on the community when the windfarm is decommissioned again fearing that there will be problems with the country roads and bridges for which the windfarm company will not bear responsibility.

IG drew the comparison with the damage to roads done by forestry traffic which is not made good by the forestry companies but by SBC.

DT agreed that there will be disruption but the traffic management plan should ease that.

He urged people to see that the Community Fund is for the community to share in the benefits of the windfarm in addition to the beneficial effects of the production of green energy.

Barbara Elborn (BE) asked if all CC's have seen the draft copy of the project funding agreement.

DT replied that he is in the process of visiting all CC's concerned.

BE also asked who is organising the joint CC meeting to discuss the fund.

DT explained that the £50,000 bursary for further education is to be used for the educational needs of people within the catchment area of the 7 CC's affected.

BE said that the Newcastleton educational learning centre was in need of money and asked if that would be considered appropriate for the bursary.

DT said yes.

BE asked for an update re Windy Edge windfarm (WE) (EK also own rights to WE)

DT says plans for WE are being brought forward and details being sorted out with SBC.

BE asked if previous agreed terms for community benefit connected to WE would be honoured by EK? DT stated that EK would honour the community benefit arrangements negotiated with Infinis – though he did not know what they were. (BE stated that she had the papers for this agreement). GK asked if it might be possible to re-negotiate terms on WE community benefits if the community did not agree with previous terms. DT replied that it would.

JB asked how the project is being funded. DT replied the plans are financially viable but not fully financed yet.

EK have just started building the first subsidy free windfarm in Yorkshire.

Mrs Warburton asked about the effect of Brexit on EK as a German company and their plans in this country. DT replied that while the effects of Brexit were not known, it was not expected that Brexit would affect the Pinesburn project.

5. Presentation by Newcastleton & District Community Trust on managing the Community Benefit from the Pines Burn windfarm

Representing the N&DCT Barbara Elborn reminded the meeting that people in the upper Liddesdale area can be members of N&DCT. They have to be 16 or over. The membership is currently similar on the basis of a percentage of the N&DCC and the UL&HCC populations.

The Trust was created in 2015 with three main concerns, namely;

Broadband/mobile phone services in the area.

Fuel; re-opening the fuel pumps in the village.

Education.

BE made the point that unlike CC's, Community Trusts can hold commercial assets eg the fuel pumps and Buccleuch House. A Trust can have more practical application than CC's which are not allowed to be commercial in any way.

She went on to say that the intention is to increase community assets for the good of the community. Decisions about spending are made by the membership. There may be some link up in the future with the Windfarm Community Fund's.

GK asked how the N&DCT decided how the funds would be allocated. BE replied that it was the members who decided.

GK asked if the fact that the N&DCT has specified an area of activity which included the UL&HCC area would prohibit the UL&HCC starting its own Community Trust, BE couldn't see why we would want to pointing out the "District" element of N&DCT.

6. Report on Scottish Land Commission Meeting

GK read out a report on a recent "meet and greet" meeting with representatives of the Scottish Land Commission. Some of us from UL&HCC went to the meet at Kelso. Please see attached report.

7. Position statement by UL&H CC on blanket forestry

UL&HCC have a policy statement on the planting of blanket forestry, written with contributions from GK and JB also Toby and Lady Emma Tennant.

GK read the Statement. Please see attached.

The Statement aims to point out how the Scottish Government policy of promoting mass forestry planting is contradictory with its stated hope for a balanced use of Scotland's land and countryside specifically in the 2016 Land Reform Act.

GK said that Sitka spruce plantations are not a good way to reduce Co2 emissions, in fact there is negative carbon capture when trees are cut down.

JB said the Statement on forestry should be circulated among other CC's.

Mary Howlett (MH) said that at Area Forum meetings other CC's had expressed concern about their countryside being saturated with trees.

BE noted that there seem to be no protocols about planning in connection with forestry even though plantations affect the community.

Lawrence Scott (LS) was asked about the NFU position on forestry he replied that the NFU would be reluctant to upset large landowners who see the value of their land increased by the Government incentives to increase afforestation.

8. Report on the Area Partnership Meeting

MH stated that she found the new format of the AP meeting frustrating and a waste of valuable time.

There was general agreement with these sentiments, Watson McAteer SBC Councillor said the format of "themed meetings" were not working out and other CC's had expressed irritation.

George Turnbull SBC Councillor said that the Localities Bids which are connected to the Area Partnership are also being revised.

9. Any Other Business

Request from John Scott (JS) that SBC look into potholes that have appeared in Steele Road.

10. Date of next meeting

3rd December 2018

11. Resignation of UL&H CC prior to the statutory quadrennial re-election of the CC to take place forthwith.

UL&HCC committee has been in place for 4 years and the statutory requirement is that it should now stand down.

Nominations will be open for new candidates the period for nominations will finish on 17th Oct 2018.

Nomination forms available from Judith Turnbull SBC.

LS declared the meeting closed

Police Report

Hermitage Community Council, 24th September 2018

JUNE

Three alarm calls to Primary School, unknown reason for the activations.

Attempt theft at money box on toilet block, person was seen and filmed, however Police were not contacted, it was reported by Council staff.

Report that the rear door of a car parked in North Hermitage Street was dented overnight, there were no witnesses and to date the responsible person has not been traced.

Report of a dog being left in a car during the very hot weather, owner was traced and spoken to.

Music Festival weekend, which as far as I am aware went without any major hitches.

Report of a male trapped within his boat in Square, he had climbed inside and door closed behind him.

Complaint about a group within the rear garden of a house being rowdy, they were spoken to and made aware of the complaint.

Claim by male residing for weekend in Moss Place that on the Saturday night of Festival weekend his car had been opened and items removed, when spoken to on the Sunday he had found his items.

JULY

Several calls received regarding possible travellers parked on riverside, using the area as a toilet.

Report of possible bogus caller at local farm, no further incidents, and no trace.

Reported theft of tractor spares from Clerkleap.

AUGUST

Single vehicle VA at Kershope Foot, vehicle reported to be on roof, no other damage or injury.

Advice requested from Landlord of local house at Whisgills after his tenants left leaving damaged property.

Call regarding another caravan encampment on Riverside, they were spoken to and appeared to be genuine holidaymakers. Call regarding two young children playing on South Hermitage Street unsupervised. Youths were traced and mother made aware.

Call from a resident of Frank Coutts Court about a possible attempt to gain access. On attendance the front cover had fallen from the key safe, no attempt to break in.

AUGUST

Call to Moss Place regarding a large fight with mention of a knife and baton.
On Police attendance two males were arrested and later cautioned and charged with various offences.

Call to Singdean area regarding a single vehicle VA, a motorcyclist had fallen from their machine.

Call regarding children finding an old tub containing a suspect substance in woods behind Railway line in Newcastleton. Tub was collected and contents field tested appears to have contained some inert substance.

SEPTEMBER

Call regarding four males cold calling, they were passing their religious beliefs.

Call to Whithaugh farm house regarding unknown persons walking on grounds.
Males not traced unknown why they were in area, does not appear suspicious.

Following a recent spate of Flytippings in Hawick near to the Hassendean and Southfield areas, a male has been identified and charged with 4 offences.

A further 4 involving garden waste, there is a suspect however to date not enough to charge.

In Denholm area a gamekeeper had to shoot a dog after it was found within his Pheasant release pens killing Pheasants, once again a warning to dog owners of the possible consequences of their dog being loose on agricultural land.

Scottish Land Commission

On August 16th, a meeting at Kelso was arranged by the Scottish Land Commission (SLC) to explain their work and their objectives. The SLC was created in 2016 as a result of the Land Reform Act (2016). In a series of slides, SLC Chairman Andrew Thin described the aims of the Commission, which are:

- Drive towards land reform
- Raise awareness and lead change
- Investigate and gather evidence
- Publish guidance and codes of practice
- Recommendations to Government

The purpose of land reforms would be to maximise the sustainable productivity of the land for the community as a whole. Also to ensure accountability and responsibility by those who use (own) the land to the community who live on the land. See their website:

<https://landcommission.gov.scot/>

It became clear in the subsequent discussion that all the concepts in the Land Reform Act already exist in Planning Law in one way or another. What is new is that in matters of land use, the community now trumps the individual when it comes to what an individual does - or does not do - with his land. The land must be productive for the community as a whole, not for the (few) individuals within that community who own the land. There are many consequences and ramifications of this which there is not room here to detail, and indeed are still being explored by the Scottish Government, the SLC - and the courts! Andrew Thin mentioned several times how the SLC had investigated the handling by Buccleuch Estates of negotiations with agricultural tenants over their farm leases and the report produced by SLC is available on their website here:

<https://landcommission.gov.scot/2018/07/tenant-farming-commissioner-publishes-buccleuch-report/>

One possible consequence for us locally was highlighted when Andrew Warburton (Burn Brae Cottage) related how Larriston Farm, the prize sheep farm of the Liddle valley, was now given over to forestry and the wishes of the community - both on the layout of the forest or whether there should be a forest there at all - had been ignored. Moreover the benefits accruing from this change of use of the land were going to investors who did not live in this community, or even in this country. Andrew Thin became quite animated at this and stated that this was something that the SLC should definitely look into.

The residents of this area have long been concerned about the gradual transformation of the landscape from rolling hills, grazing sheep and stone walls, into a desert of monoculture forestry which is of little benefit to the local community. The SLC may prove to be a wedge we can use to promote a more balanced use of the landscape, which is what most people in this community would like to see.

Position Statement on Forestry

Upper Liddesdale & Hermitage Community Council Position Statement on Blanket Forestry

Draft Position Statement

1. *This Community Council is deeply unhappy about the blanket forests which are steadily taking over the hill sheep farms in the Upper Liddesdale and Hermitage valleys*
1. *This Community Council is doubtful that blanket forestry can be shown to conform to the Land Rights and Responsibilities Statement in the Land Reform (Scotland) Act (2016) or to the current Land Use Strategy*
1. *This Community Council believes that there is a need for an integrated land use policy where forestry, farming and tourism can co-exist in a beneficial and mutually productive way, to the benefit of the community, in accordance with the Scottish Government's Land Use Strategy.*
1. *This Community Council notes that that the planting of productive conifer forests is wholly funded by the taxpayer. Surely the Scottish Government would require that this activity is properly integrated with other rural activities (farming, tourism, etc.) in accordance with the Land Use Strategy?*
1. *This Community Council applauds the Scottish Government's Climate Change Plan, however we are sure that the Government would agree that it is necessary to have a proper science based approach to climate change mitigation.^[1]*
1. *This Community Council would echo the Rural Economy and Connectivity Committee who called on the Scottish Government to, "...improve the levels of community engagement in order to mitigate any objections or complaints concerning new forest developments and land-use changes."^[2]*

[1] It should be noted that the potential to sequester carbon by improving grassland practices or rehabilitating degraded grassland is substantial - of the same order as that of agriculture and forestry sequestration. See, for example; Conant R.T. "*Challenges and opportunities for carbon sequestration in grassland systems*", Integrated Crop Management **9**: 1-67 (2010). Technical Report FA0 ISBN 978-92-5-106494-8.

Also that the widespread clear-felling system used in commercial conifer forests results in virtually no long term carbon sequestration at all. See for example; Ingolf Profft, et al "*Forest management and carbon sequestration in wood products*", European Journal of Forest Research, **128**: 399-413 (2009)

[2] Climate Change Plan, The Third Report on Proposals and Policies, Written Statement, page 24, Scottish Government REC Committee, February 2018