

From: [Barbara Elborn](#)
To: [Kleinjans, Lambert](#)
Cc: ["jimlewis305@gmail.com"](mailto:jimlewis305@gmail.com)
Subject: Pines Burn Wind Farm discussion
Date: 05 October 2022 05:35:00
Attachments: [Pines Burn Community Benefit Fund Agreement SCIO final draft 7CC's 6-3-19.docx](#)

Morning Lambert

Thank you for your time last evening, good to catch up on issues which are noted below as a ref/minute of our discussion. Please come back to me if I have misinterpreted anything you said, it is important given the sensitivities surrounding this issue that what is reported publicly is correct.

Status

Site being developed in 2 phases.

phase 1 = 7 turbines est to deliver 33.6MW's and is expected to be commissioned by Autumn 2023

phase 2 = 4 turbines est to deliver 16.4MWs, heights of up to 149 metres, new application about to be submitted to planning

total = 11 turbines/50MW's

EK Investment is front ended for Phase 1 to include infrastructure works to cover the whole site; this necessitates the upgrade to the C29 (connects Bonchester Bridge to the B6399) to widen the road

TMP submitted outlines arrivals of large items coming from Edinburgh via the A68 entering the site via Bonchester Bridge using the enlarged C29 and onto the B6399.

NDCC stressed the issues relating to the community use of this access to Hawick, it was used by all to access services, schools, employment, and health services daily. Efforts need to be made to ensure that disruption to school journeys were minimised and as importantly, access to the community was maintained particularly during peak times for day and overnight visitors. 2 years of flood/covid and storm damage had severely impacted the economic wellbeing of the community and business was extremely challenging. Jobs were at risk if things deteriorated further.

CBF

Was offered in relation to the phases; £180k in total. This includes the proposed sum awarded to Borders college, it wasn't clear how much was allocated to support Hobkirk community directly in energy payments/related issues. NDCC stressed that the decision to award sums to Borders College without engaging the communities has caused upset, the majority CC's felt that education was already well supported and that the benefit of this investment would not be felt directly by the majority of CC's. Clarity was sought to confirm the sums, but these were given as:

Phase 1 = £87.5k pa/30years/33.6MWs = £2.625m/30yrs = £2.6k pr MW

Phase 2 = £50k pa/30years/16.4MWs = £1.5m/30yrs = £3.0k pr MW

Total = £137.5k/30 years/50 MWs = £2750 pr MW

These sums would need to be revisited once the allocations to Borders College/Hobkirk had been concluded (assumed to be £12.5k: £180k less sums above)

NDCC voiced its concern over the reduced offer given this was substantially below the Scottish Government guidelines of £5kprMW for community benefit. EK agreed to provide a written report outlining the reasons why the offer was so reduced from its original form (£5kprMW). 'Losses' to the communities totalled £112.5 pa/30 years = £3.375m, this would impact dramatically on overall community gains, and it set a precedent for others developer discussions ongoing currently. This was unwelcomed and challenging given the financial sums involved and the growing need to leverage local investment in community development across the wider catchment. NDCC explained that any agreement would be determined by all the participating CC's.

SCIO

A copy of the last version of the SCIO is appended for ref, this would need to be updated once wider discussions with all communities had taken place needing to reflect the phased program and revised offer once agreed. It may or may not be appropriate to agree individual CBF contracts if views amongst the wider group were different now. Communities within the Teviot & Liddesdale Area worked collaboratively on these matters, it wasn't appropriate for NDCC to support any proposal without wider discussion with its neighbours.

Administration of the CBF

Previously much work had been put in to create a structure that allowed maximum funds to be awarded to the benefiting communities. NDCC had proposed creating a SCIO (Scottish Charitable Incorporated Organisation) as the vehicle with the necessary legal entity to host the funds. Trustees (1 or 2 from each participating CC) would determine the funding outcomes, but these were based on the standard grant funding principles which allowed much scope for many/all potential funding uses. EK reiterated their support for the communities to continue to consider using a SCIO as the administrating vehicle. This would provide one set of accounts and one set of reporting which would be beneficial to the functioning of the organisation.

Ownership

NDCC expressed concerns about transparency and ownership of the site stressing need to understand clearly who signed the cheques and what the relationship was with commitments to payments of the CBF going forward. Communities locally had previous experience of developers reneging on agreements with the subsequent loss of large previously agreed sums. Any vehicle needed to be legally binding and transferable with any change of ownership ensuring that the CBF was awarded without issue. EK explained that the CBF would be administered through Pines Burns Wind Farm LLP and any contract would be binding.

Windy Edge

NDCC sought update from EK on progress (it has been in discussion since 2009). EK advised that new studies were in the field to assess wind speed/viability and that initial results were not encouraging ref the site/location. Significantly higher turbine heights would be required to make the site financially viable.

Next Steps

NDCC would discuss report updates at its next Community Council meeting (Oct 11th) and it was hoped that the matter would move forward swiftly given the time already invested in this project. EK would respond on issues in the coming weeks engaging with the other communities to move things on.

Thank you again for your time, we look forward to working towards a successful outcome for all parties.

Regards

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Barbara Elborn, Secretary & Treasurer (temporary)
Newcastleton Community Council
Buccleuch House, 4 South Hermitage Street, Newcastleton, TD9 0QR
E: barbara.elborn@newcastletoncommunitytrust.co.uk
M: 07989 968 756 W: 01387 375 273