



Newcastleton & District Community Council

Tuesday October 11th, 2022
Minutes of Ordinary meeting

PRESENT: Iain Crosbie (Chair), Barbara Elborn (sec), Jim Lewis, Rob Irwin, Ian Nichol, Cllr Annette Smart, 2 members of public.

APOLOGIES: Marcus Day, Keith Brough, Lyndsay Patterson, PC Allan Patterson, Cllrs McAteer, Cox

- 1) **Welcome & apologies:** IC welcomed all to the meeting advising MD had resigned from the CC with immediate effect due to personal commitments. There were now only 7 members with capacity for 5 more. Efforts would be renewed to try to recruit more members.
- 2) **Declarations of Interest:** BE declared conflict of interest in item 4C on the agenda
- 3) **Acceptance of code of conduct** –IN confirmed acceptance, accounts could now be forwarded to SBC to apply for the CC grant.
- 4) **Police report.** Monthly version available on the web site for all to review. Local version kindly provided by PC Allan Patterson: Good news, new body in the Community Office, PC Douglas Lindsay, (Dougie) From Hawick originally and good all-round spud, aiming to split rural sectors with Dougie taking Hawick and Denholm, and me keeping Hawick and Hermitage, giving more time to get down into the area.
 - 1) **September:**
 - a. Report of parts being removed from vehicles without owner's consent. No Police action at this time as possibly related to earlier reported civil matter.
 - b. Single vehicle damage north of village, no Police involvement.
 - c. Damage to Breathing Space bench, persons unknown damaging the securing bolts for the bench.
 - d. Two vehicle accident at Steel Road end, van and quad collided, no injuries, drivers exchanged details, no Police involvement
 - e. Report from Steel Road end of vans containing off road bikes parked on forest road overnight, riders off into forest next morning. Registration numbers taken; all vehicles were from Durham/Newcastle area. Telephone numbers acquired for two of the company vehicles, owners contacted/made aware. Both cases stated that their employees (possibly now X employees) had no permission to have the vans there and assured that they would not be back.
 - f. Concern for call received in relation to an elderly resident of village who could not be contacted. Traced and all was well.
 - 2) **October**
 - a. Report of possible vandalism to campervan parked in village, enquiries ongoing.
 - b. Report of vehicle travelling at excessive speed in Langholm Street, this is ongoing with non-compliance with the 20MPH limits.

Rural crime in other areas: Peebles and Berwickshire areas have had several incidents of several small outbuildings being broken into and hand tools stolen.

Main incident in our area: Theft of three Quads from Northouse Farm, near Teviothead. Quads, in a locked secure shed, door forced and removed. Enquiries ongoing, however there was a possible sighting of the Quads being loaded onto a vehicle and heading in Carlisle direction.

Monthly Police Surgeries He asked if the CC thought there would be support for these again utilising Buccleuch House. This was discussed and consensus thought this would be hugely valued by many, [particularly our agricultural sector who used to regularly discuss issues). Suggested day was the 2nd Tue of

the month coinciding with the evening CC meeting and youth club, time spent would be contained to one visit with 3 aims which might encourage the Inspector to support the initiative. The CC would seek local feedback and report back and follow up with PC Allan Patterson. He was thanked for taking time to provide his summary.

- 5) **Minutes of the last meeting** Sep 2022 previously circulated, there were no matters arising not on the agenda, they were accepted as true record of the meeting Proposed by RI, seconded by IN
- 6) **Matters arising:**
 - a) **AP dates update** SBC feedback suggested new date of Nov 16th so NDCC could attend. Clarity sought ref format; hybrid requested as part of the process.
 - b) **Admin support for CC** was required as BE had stepped back from her role as sec/treasurer due to other pressures. Budget would try to be secured to support an admin post, if this was forthcoming, she would remain on the team and work closely with the support person. £600 was required to set up easier comms so mgt of day-to-day issues could be shared more widely across the community to encourage wider engagement on issues (£600) as well as costs for time/facilities.
 - c) **Neighbourhood Support Fund update:** Approval sought for grant to support Community Team delivery of Copshaw Warmer Winters application; low & slow classes, energy advice and rural resilience support in conjunction with resilience team. Covers cost to reinstate visits for vulnerable/elderly in community and outlying areas. Unanimously agreed.
 - d) **Road surface at D'Main Holm Farm/Underburnmouth**, rapidly worsening only a matter of time before a major traffic event occurs. Cllrs urged to press for this to be sorted before weather worsens and it becomes an ice black spot given the serious damage to road surface. NDCC to write to SBC also reiterating previous comments about the state of the road and the now serious accident risk this posed.
- 7) **CCTV update riverside install** Wiring and hard landscaping done, awaiting return of Swansons to place equipment before end of month. Further premises requested investigation into having cameras to widen coverage. Apparent given recent break ins at the yard and bowling club that the village was still seen as a vulnerable target and more coverage was required to secure premises. Additional sites would be reviewed when Swanson were in the village.
- 8) **Planning**
 - 1) **Pines Burns proposed site changes**

Status Site being developed in 2 phases, 1 = 7 turbines est to deliver 33.6MW's expected to be commissioned Autumn 2023, 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.

Investment is front ended for Phase 1 to include infrastructure works to cover the whole site: necessitates the upgrade to the C29 (connects Bonchester Bridge to the B6399) to widen the road. Traffic Management Plan 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 concerns relating to the community use of the B6399 to Hawick, used daily to access services, schools, employment, and health services daily. Efforts need to be made by EK to ensure that disruption to school journeys were minimised and as importantly access to the community was maintained, particularly during peak seasonal times for day and overnight visitors. Two years of flood/covid and storm damage had severely impacted the economic wellbeing of the community and business was extremely challenging currently, further disruptions would be most unwelcome.

Community Benefit Fund was offered in relation to the phases; est as £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. Previous view of participating CC's was that education was already well supported from the public purse, the benefit of this investment would not be felt directly by the communities and the fund was small needing to cover a catchment of 8 CC's. EK confirmed that renegotiation with Borders College would be undertaken by them. 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 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 for community benefit of £5k pr MW. EK agreed to provide a written report outlining the reasons why the offer was so reduced from its original form when consensus was agreed previously by all participating CC's based on the government's guideline. '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 other 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 new proposals would require agreement by all the participating CC's.

Administration of the CBF Previously NDCC had undertaken much work to create a structure that allowed maximum funds to be awarded to the benefiting communities. A SCIO (Scottish Charitable Incorporated Organisation) would be used as the vehicle with the necessary legal entity to host the funds. Trustees (1 or 2 from each participating CC) would determine funding outcomes; 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.

The SCIO would need to be revisited once wider discussions with all communities had taken place needing to reflect the phased program and revised offer. It may or may not be appropriate to agree individual CBF contracts if views amongst the wider group were different now. NDCC explained to EK that 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, particularly as EK confirmed that no discussions had taken place with the host community (Hobkirk) who were acknowledged previously by all other CCs as being a core beneficiary of the CBF. A copy of the last agreed version of the SCIO was emailed to EK post the meeting.

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.

- 2) **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 report these updates at its next 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.

3) **Leahaugh and Roan Farm Forestation proposals:**

Buccleuch had provided details of proposed scheme at both locations for comment. Land at Powisholm had also been sold, value achieved suggest this was also likely to be planted for forestry. Many concerns and frustrations were raised about the helplessness of being able to stop any of this development particularly as there was no community gain from any of the proposals and more valuable landscape was being lost immediately surrounding the community. Key issues noted were:

- a) Another swathe of productive farming land being removed and longer-term impact on food security
- b) No community gain or opportunity to exploit; extending leisure pursuits to enhance community and tourism assets as an example
- c) Green washing in context of potential flood issues as these proposals would both have run off impacts on the Hermitage and Liddel waters. Planting mix should be biased to broadleaves to overcome this.
- d) Forthcoming proposed Land Reform changes necessitating degree of urgency of planting proposals and a short-term flurry of activity by landowners
- e) Current legislation and demand by absent landlords were outpricing land for local agricultural usage
- f) Carbon capture/accounting values used for offsetting carbon footprints being sold to potential corporations was an additional 'financial bonus' of the current scheme. Large corporations should be made to take corrective actions themselves and not support land exploitation to cover over their carbon emissions.

These points, and any further issues raised by the community would be referred to Buccleuch's agents and formally commented on once the planning application had been submitted to Forest Land Scotland.

Additional concerns were voiced about FLS's apparent disregard toward any community or residential comment in considering forestation proposals, particularly in respect of flooding and inspecting sites to ensure they did meet the required standards.

Cllr Smart advised that legislation was in place to protect communities. It was the CCs views that Forest Land Scotland, who reviewed forestation planning applications, did not apply the same rigorous methods to planning approvals as local authorities. Consequently, community voices were not acknowledged readily in their consultation methods, an ongoing concern and one that the Scottish Government should address. Newcastleton had previously raised these matters with the minister and discussed them at the recent Land Reform session on Langholm proposing a levy of 1p per tree be considered by the Scottish Government in much the same way as a community benefit fund is for wind farms. IF this method was adopted then budget would be created to provide community gain and a levy applied to any planting to create an environmental policing service much like the Strategic Timber Transport Fund is levied on timber processing sector to support roads repairs in timber regions. This could be made available to police sites ensuring that they were planted to standards with drains/gullies regularly maintained by owners over the duration of the planting not just the initial 5–6-year period to secure the grant payments.

9) **Correspondence**

- a) Waverley Line blocked access Cllr Smart updated meeting on her visit to site at Steele Road and reported that there were many more obstructions on the route. It was uncertain which were legitimately allowed, and which had been placed to block access. She intended to review the site again with SBC paths ranger and report back. NDCT confirmed that the Waverley Line route was being considered as part of the current work being undertaken to review the community cycling and

walking routes. It made complete sense to exploit the railway line and to encourage 'connections' with communities north and south of the village to widen destination appeal and provide more facilities locally for all to use.

- a) Rural Land Use community discussions Series of consultation getting underway late Oct/early Nov to review Holm Hill and other land issues like flooding. Young people and landowner focus, then extended to include all once initial sessions concluded. Consultants would be used to scope Natural Flood Management opportunities in upland areas, it was hoped that landowners would respond positively and consider working with SBC and the community trust to review what might be considered upstream to slow down waters and provide potential energy generation opportunities – water turbines etc. which might also provide new income streams for the farming sector. More details would be provided once the program was finalised.
- b) **Douglas Square pedestrian crossing:** NDCC welcomed SBC suggestion about providing traffic lights to create a proper crossing. There were mixed views about what and how it might work, but consensus that a scheme was needed. NDCC would ask SBC to provide more details/draft outline of layout/plan to be reviewed ref placement and width illustrating how far the build out would come, width between each side for vehicles to pass through etc. It was expected that HGV's/wood waggons would need to give way but traffic would flow normally for cars/vans. Initial information wasn't sufficient to provide the confidence needed to make a considered decision; distance from edge of corners and sightlines were of particular concern as well as the impact of parked vehicles on the setts. Wood lorries/HGVs parked up blocking drivers' vision dramatically when entering the square from any of the adjoining side roads. Providing clear line of sight for drivers was a real concern. Greater details would enable further community discussion so that views could be sought more widely. It was accepted that once works were completed it would become a permanent feature of the village, it was important that everyone knew about it and had opportunity to comment on it.
- c) **EVENT:** Queens Canopy volunteer planting – Holm Hill Nov 5th: Bangers, Burgers & Sparklers afterwards at the Golf course

10) **SBC Cllrs Feedback/updates comments** Ettleton cemetery would be c/f

11) **Public forum/Community issues**

- a. **Riverside bund;** steps, barriers abuse. Signage would be erected to stop people crossing the bund until it had greened fully and matured. Damage was being caused to it by walkovers, cycles, and cars. No walkovers or seats being replaced or installed until Spring. **Barriers** – only recycled plastic bricks likely to be provided by SBC when Hawick scheme not needing them. Any other defence measures need likely to be managed by the community, SBC confirmed that no funds were available to provide barriers, these were not part of the original consideration for the scheme. Discussions between Resilience/Fire Service protocols for implementation need to be managed once a timeline was known. It was unlikely that anything would be provided this winter. **Drains** – placements identified; 5 drains would be installed enabling waters to escape from the roadside. This was in progress and was expected to finish shortly.
- b. Reports of garden waste and ash being dumped at the end of Buccleuch Terrace. Cllrs were asked to take this forward.
- c. Reports of a horse box causing access issues nears the garage. The owner would be spoken to alert them of the issue.
- d. Concern raised by several people about the 'gap' for vehicles entering Union Street given the ongoing presence of a boat on a trailer and the distance it was parked from the corner. There were many occasions when not enough space was left for vehicles to safely navigate the bend.

- Oil delivery was observed when the driver needed to mount the kerb to drive down. This had previously been reported to police, but concerns persist that any guidance given is being ignored.
- e. Reports of speeding on the riverside was becoming regular and concerning given the regular presence of locals, walkers, children, and cyclists. Police would be informed and asked to observe.

There was no further business to discuss the meeting closed @ 8:50pm

Key Dates: Teviot Windfarm meeting **Oct 26th** JL/BE in attendance

Queens Canopy new woodland/Sawmill Plantation walk – **Nov 5th 1:30pm**, afterwards at Golf Club

Date of next CC meetings – Tuesday **Nov 8th** and **Dec 13th**

Date of next AP meeting – expected to be moved to Wed **Nov 16th** hope for hybrid options to avoid travelling to Hawick