

Heriot Community Council

Minutes of meeting, Wednesday 1st May 2019.

Present: H. Brinkworth, F. Connelly, S.Sharp, G. Whittaker, J. Williams (Chair), Cllr. Aitchison

Approx. 55 members of the public.

Apologies:, Cllr. Anderson. Cllr Scott

1. Minutes of the previous meeting: These had been previously agreed after significant discussion among the council, but following a request for more comprehensive coverage of the public discussion from K. Dun, they had been augmented to accommodate some of this, although some aspects were unanimously rejected. The modified minutes were agreed.
2. Wull Muir windfarm. Sue Sharp withdrew from the discussion. JW attempted to summarise the outline of the extensive details of the planning application using information taken from Energiekontor's documents, but was frequently heckled and interrupted from the floor. The summary of the information was as follows:
 - a. 8 turbines, approx. 130m to blade tip in height
 - b. Approx 5km of hardstanding and tracks to allow access to the turbines, of which 1.5 kms is existing.
 - c. 9 Ha of commercial forestry to be felled and equivalent area replanted elsewhere.
 - d. A list of viewpoints that would be impacted included Heriot Cleugh, Shoestanes, Falahill, Nettleingflat, Middleton and most of Midlothian.
 - e. There would be visual impact on the local landscape of the Moorfoots, Moorfoot plateau and Gladhouse reservoir.
 - f. Core paths would be visually impacted.
 - g. The ZTV, determined to a maximum radius of 20 miles, showed significant visibility on all high ground, along with significant visibility to the north.
 - h. Local valleys would not be visually impacted, visibility from the A7 in the Borders would be largely limited to blade tips.
 - i. There would be impacts on the local hydrology, ecology and bird populations.
 - j. One property in Heriot that would be affected by noise is Heriot Cleugh and, in a letter to the Chair, the residents there expressed serious concern that no residential assessment had been made on their property, or the effect of the inevitable felling of trees between the property and the turbines. The noise assessment at Heriot Cleugh indicated the levels would be in excess of the ETSU-R-97 daytime lower limit of 35dB, and the residents wished to ask the CC to press the developers for an independent noise assessment.

- k. No assessment had been made of the impact of the development on the domestic water supply for Heriot Cleugh. [It is noted that this statement was made in error. The hydrology report is Chapter 12 of the application]
 - l. There was concern about the cumulative impact of several proposed/consented windfarms
 - m. SBC's Ironside-Farrar landscape assessment considers the capacity of this area for further wind turbines in excess of 80m having very limited capacity and this has to be taken into consideration; and in addition to other proposed windfarms in the area. Other considerations are the economic and energy needs, along with grid capacity and constraints.
 - n. The Chair noted that, with a significant number of planned, consented and proposed windfarms in the area, the CC would welcome views on how Heriot should develop in the future, in particular how it should manage the potential large number of turbines. As noted in previous meetings, the CC has commenced a development plan for the community, which currently comprises largely factual information only. This will be uploaded to the website and the CC will seek community input into how the plan develops in due course. The point was made later in the meeting that this divisive issue risks splitting the community unless a plan is developed.
3. The discussion was opened up to questions but the ensuing discussion was heated, with frequent heckling and interruptions, with an atmosphere afterwards described as "intimidatory" by at least two attendees. However, the following relevant points were noted:
- a. The existing neighbouring turbines at Carcant are 109m high for comparison
 - b. A request was made for montages from Falahill. JW agreed to approach the developer about this.
 - c. A point was made about this being a question of landscape being over-ridden by perceived CO2 reductions.
 - d. The CC currently has no official position on the development
 - e. Community benefits from the scheme will total £168k per annum, but there is no certainty about how that will be split among neighbouring CC areas.
 - f. Concern was expressed about the high visual impact from Nettlingflat. Rob Sharp promised to visit to see for himself.
 - g. Grid constraints (limits on how much power can be transferred out of the windfarm via electricity transmission lines) have a significant effect on the operation of windfarms in the Borders, with many developments receiving a significant amount of their income via constraints payments.
 - h. In other developments, the height of the turbines has been increased after consent, and there is concern that the 130m proposed height could rise to 150m. With increased height, there is the need for increased lighting for aircraft.
 - i. One person stated that they would be happy to view the turbines from their house.
 - j. The felled trees will be replaced at a different location as the current site is unsatisfactory as too windy.
 - k. There is a need to protect the interests of the family at Heriot Cleugh, who will be severely impacted by the development.

- h. Raeshaw employs members of the community and has supported and funded other community activities. The estate objected to Gilston windfarm.
- i. A question as to whether it was possible to ratify a decision after the fact was posed, and it was stated that this *was* legitimate
- j. There were concerns again raised that Sue Sharp had been excluded from the decision-making process.
- k. SS contested that the CC may not be an appropriate body for the appeal and that Raeshaw or Scottish Borders Council would have been more appropriate.
- l. Some members of the floor repeated concerns that the decision had not been brought to a public meeting (it was, but the decision itself was taken in camera).
- m. Some members of the floor contested that there was a mandate to object to the application, but not to object to the reporter's finding.
- n. A question was again raised about the delay between lodging the appeal and notifying the community, and it was again explained that the legal advice had been not to release information until the action was served on all parties. Once that had occurred, information was placed on Facebook and the Heriot CC web site.

The Chair moved that the remainder of Item 5 be taken in private and members of the public excluded as the nature of the business was likely to involve disclosure of exempt information under Paragraph 12 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973, namely advice received, information obtained and/or action to be taken in connection with legal proceedings by or against the community council. The CC resolved unanimously to do so.

The public part of the meeting finished at 21:10

During the private session the community council, *inter alia*, voted on the following:

6. The resolution was proposed that:

- a. *“Resolved* that the community council, to avoid and doubt in the matter, ratifies (1) the action taken by the community council to appeal in its name and authority to the Court of Session against the decision of Mr Trevor Croft dated 7th April 2019 to grant planning permission for Gilston Wind Farm, and (2) the entry of the community council into the indemnity agreement with Raeshaw Farms Limited dated 20th March 2019”. This resolution was carried by a majority of 4:1.
- b. *“Resolved*, to avoid any doubt in the matter, that the Chair of the community council or his nominee shall have full power and authority on behalf of the community council to make and all decisions in relation to the Gilston Wind Farm appeal and incidental matters, and to instruct solicitors and counsel on the community council's behalf. This resolution was carried by a majority of 4:1.

Provisional dates of meetings in 2019:
(all at 7:00pm in the Macfie Hall)

June 19th

August 14th

October 9th

December 4th