

NOTE OF MEETING 17 AUGUST 2021

Present: Community Council: John Shields, John Enos, Carol Ryall, Nicola Sanderson
Community members: Lynne Kirk, Jean Corson, Janette Watson, Pamela Watson, Angela Paul, lady (Tongue Croft), Nancy Hill, Guy Clement, Christine Clement, Carl Burn, Dave Hitchcocks, Heidi Hitchcocks, William Cruickshanks, Willie Graham, Russell Malloch, Syd Davison, Colin Clarkson, Anne Ballantine, Liz Matear, Rod Slater.

1. The meeting of the Borgue Community Council (BCC) was held in the Borgue Public Hall, and began at 7pm.

Other business

2. The meeting dealt with administrative and other matters, including
 - agreeing to continue to use Zoom;
 - updates about the roads, and the value of sharing information with the BCC so they can make representations on behalf of the community;
 - the bathing water quality and the work of SEPA to identify the source of discharges, which are thought to be mainly human rather than animal, and
 - the extent of overnight camping, particularly at the Doon.

Solar Farm

3. Shields outlined the current state of play relating to the proposed solar farm at High Nunton, and explained that this was now the pre-application phase, which was distinct from the application that would follow.
4. He displayed the brochure prepared by Maitland, and explained that information about the scoping report and the proposal of application notice were on the BCC website.
5. Shields noted that events had been organised by the High Nunton team, with a webinar tomorrow evening (18 August), for which people had to register, and then a 1-2-1 drop-in session at the marquee at the Borgue Hotel on Friday (20 August).
6. Davison asked why there was no public meeting rather than the 1-2-1 sessions. Shields believed the project was due to start some months ago, but there had been delays due to Covid and it would have been impossible to organise a public meeting before the recent change to the rules.
7. Davison said that as the Covid restrictions had been lifted, BCC should ask for the deadline for replies to be extended beyond 1 September. Davison suggested BCC ask for a public meeting rather than 1-2-1s with Maitland and his advisers, after the one on 20 August, and suggested that local people would feel intimidated meeting 1-2-1. Shields did not respond.

8. Davison asked how BCC would decide on its response to the PAC, and asked how BCC would know the views of the community it was representing if there were no further public meetings.
9. Malloch suggested there should be an EGM held by BCC to allow us to discuss the information and BCC's response to Maitland's conduct regarding the PAC process.
10. Ryall said the PAC was not the only chance to respond. Davison said it was the last chance at this PAC stage, so it was important that we had enough information to make a meaningful response. If we did not have enough information, we should advise planning accordingly.
11. Malloch noted that Shields had given the meeting information about Maitland's views, but had not referred to any of the concerns he (Malloch) had expressed about the consultation process, and that it was Shields rather than Maitland who had helped the community by highlighting the existence of key documents, including the scoping report and Proposal of Application Notice (PAN). Even so, there was still a lack of any of the information Malloch had tried to obtain.
12. Shields said he did not know that Malloch was willing to share his letter in the public domain. Malloch explained that he had emailed Shields as chair of the BCC (rather than in any private capacity), and was content for the details to be shared.
13. Malloch explained to the meeting that the brochure was no more than a marketing exercise, and was very much a "tick box" exercise of the kind the Scottish Government warned against in their guidance about community engagement and consultation.
14. Malloch had written to Maitland on 4 August 2021, but received no response to any of his enquiries by close of business yesterday (16 August), and so had advised the local planning authority (LPA), and copied the letter to the BCC.
15. Shields referred to the length of Malloch's submission, which said covered 7 pages and had 40 points. Malloch said that Shields was deliberately misrepresenting the position, as his letter was written in the context of what, in law, was defined as a major development, and there were not 40 points.
16. Malloch read extracts from his email to the meeting, including paragraphs 1 and 2, which explained that his document related to Maitland's proposal to construct a solar farm at High Nunton; summarised the factual background, and the policy and regulatory framework, and was prepared in the knowledge that any comments made were not representations to the planning authority.
17. Malloch said his email showed that the public consultation has not been appropriate to the large scale and complexity of the proposal; that the information had not been provided in good time to enable people to take part and discuss their views with others; that the public notices in the local newspaper were inaccurate; that the PAC has been a "tick box exercise" of the kind that persuaded Scottish Ministers to amend the law in 2021, and that the PAC has been treated by Maitland as "merely a marketing exercise to promote the development" of a kind the Scottish Government had warned against.
18. Malloch reminded the BCC about the large scale of the development, which covered an area the same size as the town of Kirkcudbright, and was described in the scoping report as a large size, utility grade, grid-connected solar photovoltaic power system, which consisted of a number of key elements including a geometric layout of arrays; 20 to 25 converter stations and associated transformers, each approximating a shipping container

in size; a substation building; security fencing; motion sensor and security cameras, and a construction compound.

19. Malloch said his email of 16 August to the LPA concluded by saying that the evidence indicated that the public consultations were not appropriate to the scale and complexity of the proposal; that information has not been provided in good time; that the PAC has been a “tick box exercise”; that the PAC has been treated as “merely a marketing exercise to promote the development”, and that the notice in the Galloway News was inaccurate in material respects.
20. Malloch noted that one of the problems with the Galloway News notice was that it said information about the scheme could be obtained at the Kirkcudbright and Borgue Community Council offices, which drew laughter from some of the audience.
21. The letter ended by saying that in these circumstances, the consequences should follow in line with the LPA’s letter of 25 June 2021, which advised the Applicant: “Please note that should PAC requirements set out within the Development Management regulations not be met, this planning authority will decline to determine the planning application.”
22. Malloch asked the BCC to consider Maitland’s brochure for a moment. It referred to “initial thoughts”, even although the proposal had been a work in progress for 3 years or so. Malloch referred to pages 6 and 7 and the series of ticks against aspects such as woodlands enhancement, biodiversity enhancement, a new footpath and fencing, and open green space. Malloch suggested this was all no more than a marketing exercise.
23. Malloch believed that the PAC process was entirely flawed, and noted that the questions he had raised on 4 August had not yet been answered, and so there was no point in attending the events on 18 or 20 August without information being provided by Maitland. Malloch again said that Shields had done more than Maitland to help the community to understand the situation, by highlighting the scoping report and PAN on the website.
24. Malloch referred to aspects of the proposal for which the community had no information, such as the construction of pylons to connect High Nunton to the grid. Shields said this was mentioned in the documents. Malloch could not recall any details being provided, and so how could he be expected to frame a question to put to Maitland or his team tomorrow (18 August) or on Friday (20 August)? The BCC did not comment.
25. Ryall said the BCC would put questions to Maitland if the community did not get answers, and would work to help the community, as they had done with the Coe Palace. Malloch asked what the BCC had done to obtain answers to his own questions, as he had received nothing since writing to Maitland on 4 August.
26. Ryall said they were waiting to draw together all of the questions before responding. Malloch noted the approach the BCC was taking, and Ryall explicitly confirmed that the BCC would contact the High Nunton team with a list of unanswered questions after the last of the planned events on Friday (20 August). Malloch thanked the BCC for giving this undertaking.
27. Malloch said he had drawn Maitland’s attention to the value of placing information on the High Nunton website, and read the final paragraph of his email of 4 August, which said that it might help if the answers to his questions were shared through the medium of the High Nunton web site as it was likely that other parties would welcome being able to access this sort of information.

28. Hill said she had spoken to Maitland, who visited her at Cooper Croft. She outlined the information she requested about photo-montages, and markers to show the scale of the project, as she had no idea about the size and location of the solar farm or anything about what it would look like. She thought Maitland seemed willing to help, but had said he could do nothing about the photos or other aspects.
29. Malloch said that some visual material was available through the links Shields supplied on the BCC website, although he could not recall whether anything showed the position from Cooper Croft. Shields was aware of the existence of ZTV images, but noted that developers sometimes took photos at the most advantageous angle. Hill said she would check the information online, and get back to the BCC if necessary.
30. Malloch noted the absence of information about the project in the local area. There were no public notices in Borgue or Kirkcudbright; no stalls or posters, despite the official guidance on dealing with community engagement, and no way of sharing concerns about the PAC process, which was an important issue in terms of the LPA's approach to any application.
31. Shields asked if Malloch thought there should be banners up, and so on. Malloch said yes, he thought this would be appropriate for a development of this scale.
32. Davison said he had written to the applicants asking various questions and their initial response was to refuse to answer anything. Clarkson said he had exactly the same experience.
33. Davison said he had questioned the applicants' response, and they had then agreed to respond. However, one day before the proposed webinar and three days before the drop-in session he had yet to hear anything. For these sessions to be of any value these questions needed to be answered well in advance.
34. Davison noted that details about the pylons for the grid-connection were not supplied by Maitland. Shields said they were referred to in the brochure, but Davison noted that this was a generic approach, and told readers nothing about what would happen on site.
35. Davison also referred to problems with access to the site, which was now going to go from the main road at High Boreland, running past the Glentruil Cottage, rather from the Borgue road at Culraven Farm. Davison said he cycles on that road, and would be very concerned at the lack of visibility around the Glentruil entrance.
36. Kirk was concerned about the new footpath, and the fact that it came out beside her house, and yet there was no mention of any parking. She could not understand how car parking could be organised at this sort of location, as there was no space. Shields thought this was a question for the High Nunton team.
37. Malloch stressed the community's frustration at being unable to access anything beyond Maitland's advertising material.
38. Shields said that following this evening's meeting it was clear that some members of the community were not happy with the response and wanted more, and he would place Malloch's letter on the website. Malloch thanked Shields for giving that commitment, and said he would liaise with him over the documents that should be posted.
39. Enos referred to the BCC's desire to assist the community, and noted that Malloch had acknowledged the work Shields had done through the BCC website.

40. Ryall said the BCC were disappointed that no local councillors had attended the last two or three meetings, and that no-one was here tonight. She would therefore invite Jane Maitland to attend the next meeting.
41. Malloch said he appreciated the undertakings the BCC had given this evening, both to take action to obtain information that the community was unable to get from the High Nunton team, including his email of 4 August 2021, and to make space for comments about the solar farm proposal on the BCC website.
42. It was agreed that further meetings of the BCC and local residents may be required as the planning process develops.
43. The meeting ended at around 9pm.

R J MALLOCH