



## **Cowal and Trossachs Forest District Wind Farm – Bachan Burn Community Forum Minutes**

**Date:** 19 May 2014

**Venue:** Royal Marine Hotel, Dunoon

**Present:** Laura Jeffrey (LJ) (PNE WIND UK), David Pool (DP) (Forestry Commission Scotland), Kirsty Leiper (KL) (MHP Communications), Alastair Mackinnon (AM) (Dunoon Community Council), Kevin Bye (KB) (Bute Community Council), Gilbert Stevenson (GS) (PNE WIND UK), Willie Lynch WL (Dunoon Community Council), Lynn O’Keefe (LO) (Kilmun Community Council), Robert Aldam (RA) (Kilmun Community Council), Eleanor Stevenson (ES) (South Cowal Community Council), Jamie Druitt (JD) (PNE WIND UK), Iain MacNaughton (IM) (Sandbank Community Council).

### **1. Welcome and introductions**

KL welcomed all those present for attending. KL advised that Hunters Quay Community Council would no longer be participating in the forum and welcomed Bute Community Council to the forum. KL advised that all community council members had representation at the table and highlighted that because there were new faces in the room that it would be beneficial for all those present to introduce themselves.

### **2. Apologies**

KL offered the apologies from Chris Talbot of Sandbank Community Council and ES provided apologies from Alan Stewart from South Cowal Community Council.

### **3. Matters arising from minutes of previous meeting/approval of minutes**

KL advised that she had circulated the minutes to those present. KL advised that she had received suggested amends from Kilmun Community Council. The majority of the amendments to the previous minute were agreed and KL agreed to circulate and arrange for them to be uploaded to the website.

Whilst working through the minutes a number of points were raised. Regarding the NOABL data LJ clarified that NOABL data was used to help PNE make a commercial decision as to whether to pursue a project. LJ went on to explain that in addition to the met mast data PNE also purchased data from Garrad Hassan to support this. LJ advised that Garrad Hassan provided current data from met masts UK wide which helped to inform the project.

LO said that she thought that developers had to have twelve months of data to submit an application. RA confirmed that PNE should look at the Aarhus Convention as he understood

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that this stated that wind data used for applications needed to be up-to-date and that since this was a European regulation he had understood PNE needed to comply with this.

GS confirmed that there is no formal requirement in the Development Management or EIA Regulations for wind speed data to be included as part of the planning process. GS also confirmed that he would look into the convention.

KL explained that the original data is used to help inform a commercial decision based upon wind speed.

LO highlighted that she felt the issue was the fact that the wind farm needed to be designed on current data. LJ confirmed that there would be a met mast monitoring the wind speeds on the site for three years. IM added that he felt PNE needed the winter wind speeds to inform the project.

### **4. Overview of exhibition response**

LJ advised that the exhibitions were very well attended and from the feedback received to date it was apparent that the feeling was approximately 50/50.

LO asked how many people attended and LJ advised that approximately 200 people dropped by over two days. IM asked if that was well attended and LJ said that it was very well attended. KL confirmed that it was the busiest wind farm exhibition that she had taken part in and that PNE was pleased with the attendance.

LO said that there had been criticisms of the lack of visuals. LO said that she thought people perhaps attended the exhibition because they thought they would see the visuals but were disappointed that they were not available.

LJ responded that the computer model was available and that PNE would produce visuals prior to the second round of exhibitions. KL explained that visuals were often perceived as the final completed design, when this still has to be completed.

LO said that she would like to see photomontages at the second exhibition and LJ confirmed that they would be available. KL said that PNE could seek to promote the availability of photomontages at the second exhibition in the lead up to the event. LO stated that she had previously viewed disappointing photomontages. LJ confirmed that the photomontages would comply with SNH guidance.

LO said that people in Dunoon and South Cowal were also complaining about the 3D computer model. KB stated that there were no objections that he had heard from on Bute.

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IM said that photomontages are essential and are more effective in helping people to understand the plans than a detailed report.

### **5. Outstanding questions from CLG membership regarding proposals**

WL highlighted that a meeting had taken place in Dunoon regarding the plans. He noted that 90 people had attended and the issues raised included the proposals being too high, too close to properties and Dunoon and the visual impact. He added that 90% of those in attendance were against the proposals.

IM asked if this was a community council meeting and it was confirmed that it was not.

WL said that Dunoon Community Council had invited PNE to participate in a public meeting regarding the plans which would be taking place in June. WL said that the meeting is to be chaired by leader of Argyll and Bute Council, Dick Walsh. WL highlighted that PNE had turned down his offer to participate.

LJ explained that PNE did not wish to participate in a public debate about the proposals and were currently undertaking engagement directly with community groups, had held a public exhibition, were planning on holding another public exhibition and welcomed approaches from the local community directly should they wish to discuss the plans.

KL highlighted that public meetings were not always constructive and often dominated by individuals.

WL said that there were a lot of opposition to the plans and the meeting would provide PNE with the forum to address these.

RA said that he is concerned about the community council's participation in the community forum. He noted that he had read about PNE's issues in Girvan with another community council and said that a Troon councillor had said there were legal issues regarding community council engagement with developers. RA said that PAN 47 cited issues regarding this engagement and discussions on community benefit.

GS confirmed that no legal action was taken against any party involved in the Tralorg Wind Farm CLG. GS elaborated that pre-application engagement is actively encouraged in PAN 3/2010 which encourages consultation with community councils and supersedes earlier Planning Advice Notes.

RA raised the fact that Charles Reppke at Argyll and Bute Council had advised that any meetings with community council members should be held in public. LO added that people

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are questioning what is going on in the forum meetings and that they should be held in public.

GS said that the purpose of the forum or CLG is to feedback the discussions to their community councils, those present at community council meetings and to members of the communities that the Community Councillors represent. PNE usually find that the forum members use the CLG to feedback the views and questions of the community at the meetings to help PNE address their questions.

KL added that the Scottish Government Good Practice Principles also states that a CLG is a good way to engage on the subject of community benefit.

IM said that no one turns up at the community council meetings to allow the members to feedback. KB added that the community councils should put the forum meetings on their agendas for discussion.

RA said that Charles Reppke advises community councils on what they should and shouldn't do, and has advised them not to take part in the forum meetings unless they are in public.

IM said that the community councils are meant to be the voice of the community at the meetings. WL added that Dunoon Community Council were getting grief at their meeting because people believed the PNE proposals were not going to be discussed while in actual fact the plans were going to be discussed under 'any other business'.

RA reiterated that the forum meetings should be open to the public on the advice of Charles Reppke. KL and GS confirmed that they will look into this further and consider this advice.

WL added that Dunoon Community Council reported directly back to Councillor Dick Walsh regarding the meetings.

WL raised the public meeting again and LJ confirmed that PNE would not be attending. LJ highlighted that the offer stood of PNE making individual presentations.

ES said that the community councils needed to find answers to the letters they were receiving. LJ confirmed that they had received the letters that evening from ES and would look into it. ES noted that certain people do support the plans and that they may attend the public meeting.

GS asked WL how he felt the public meeting would help consultation. GS explained that information can be provided to help answer the questions but would like to know how the public meeting can further consultation.

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WL said that someone had attended the recent meeting and was very upset regarding the distance between his house and a turbine. LO said that older people were in distress regarding the plans. LO noted that she felt PNE should not be holding the forum due to the incident in Girvan.

GS said that if the community councils did not want to participate in the forum they don't have to. GS said that PNE could go from the forum should they wish. GS highlighted that the function of the meeting was to talk about the plans and to address questions regarding the proposals.

LO said that she is trying to address key issues and questions. LO also said that she felt PNE did not previously highlight that if the community councils object then they could still receive community benefit.

LJ said that the issue of community benefit had previously been discussed and that it was not said that the community councils had to support the plans to receive this. LJ also explained that the community benefit options regarding the plans were FSA regulated and as such PNE was restricted in the information it could provide. LJ confirmed that she had repeatedly asked the community councils to contact Local Energy Scotland to seek advice on the community benefit.

WL asked about the change of use for the land. GS said that the planning application will specify what PNE would like to use the land for.

IM asked when the FCS gave permission for the wind farm to be built and AM said that the process started in 2008. IM asked if the National Association of Community Councils was consulted at the time. DP said that he would look into this.

RA said that the Scottish Government guidance says that the £5,000 per MW is the minimum that the developer should offer and AM said that this should be negotiated. LJ noted that whilst the wording in the Scottish Government guidance states 'minimum', the £5000 per MW agreed with the commission is the highest offered in the industry and is written into contracts and therefore is not open for negotiation. However, one of the purposes of the Community Forum was to discuss how the community benefit can be allocated and what the community would like this to go to.

KB said that he would like PNE to go to the public meeting because he doesn't want people to accuse the company of being behind closed doors. IM added that it would improve consultation.

KL confirmed that PNE would not be in attendance as it was not the most constructive forum and GS said that he had previously attended a public meeting and, whilst there was a

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substantial chair, he did not find it constructive and was instead asked repeatedly by the audience to sit back down and not participate in the discussion.

RA said that he wanted the forum to be a public meeting.

KL reiterated that presentations have been offered to the community councils directly and KB confirmed that PNE would be presenting to Bute Community Council.

GS said that the forum needed a level of understanding between PNE and its members so that it did not have to endure the same discussion on a month by month basis. GS reiterated that PNE is not required to hold the forum and it was established to have constructive discussion regarding the plans. GS noted that he wanted it to continue but that this was ultimately the choice of the forum members.

RA confirmed that he was not saying he didn't want to come but that he was concerned on the advice of Argyll and Bute Council that they should not be participating.

GS advised RA to seek advice from Derek MacKay, The Minister for Local Government and Planning.

WL said that it is sad that Dunoon Community Council can't say 'Dunoon thinks' because PNE did not participate in the public meeting and allowed them to have a vote. He said that the structure would involve a ten minute presentation from both sides and then go to an open forum followed by a vote.

GS said that the public that are likely to attend such a meeting are likely to oppose the project so this would not be representative.

IM said that Sandbank had previously undertaken a survey which had shown there was a split in public feeling, as such they didn't manage to take a view either way.

LO said that the room was concentrating on PNE and the FCS had not been asked any questions. LO said that people want to know what the FCS response is. WL asked what the FCS response to attending the meeting is. KL noted that they had invited PNE and not FCS and if WL wanted a response from FCS he would need to invite them.

AM said that people needed to realise that the new planning policy was looking at extending the separation distance between turbines and houses by up to 2.5km and that PNE would need to address this. LJ confirmed that a recent publication had rejected the 2.5km distance and that she would provide AM with the details.

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AM also noted that the application will bypass the planning system and go straight to the Scottish Government. LJ explained that PNE would be following the planning system and the system dictated that the application, being above 50MW, was considered by the Scottish Government. LJ explained that as part of this system the application would be considered by Argyll and Bute Council.

AM said that there were fears that this will go ahead if Argyll and Bute Council were not able to consider the plans. LJ confirmed that they would and if they objected it would go to Public Inquiry.

RA said that the land allocation was previously discussed and that the land is classed in the Local Development Plan as 'very sensitive countryside'.

LJ advised that policy can be interpreted in different ways and that it was judged on its merit. LJ said that chapter ten of the Local Plan details the Planning Areas and Development Control Zones and said that the area in which the wind farm is proposed is zoned as 'Very Sensitive Countryside'.

LJ continued that in relation to 'Very Sensitive Countryside' it stated: "These are areas that are essentially remote and largely devoid of development. They contain precious, often wild and very sensitive environments, which are vulnerable to development impact generally. These locations correspond to relatively high areas of hills, upland and mountains along with isolated coast. They also include some highly sensitive and vulnerable low-lying inland areas. Within this very sensitive countryside the only new developments which might be acceptable are those directly associated with the natural resources of areas and which have a strong locational need for being located there in the first place e.g. wind farms and telecommunication masts."

LJ also explained that the Argyll and Bute Local Plan is being replaced by the Local Development Plan and the Development Management Zone of the area is still classified as 'Very Sensitive Countryside' and notes that: "Within Very Sensitive Countryside encouragement will only be given to specific categories of development on appropriate sites. These comprise: (1) Renewable energy related development..."

LO highlighted that the pink area and the red line boundary area was confusing people. LJ explained site constraints and why PNE had narrowed the development area to the pink shaded area in the map.

LO asked if PNE can go outside this area and LJ explained that investigation had revealed this was the best area for development due to site constraints.

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LO said that Glasgow Airports' scoping response had said that the proposal would impact on radar and LJ responded that she would be looking into mitigation for this.

The conversation moved back to RA stating that Charles Reppke had advised for the group to take place in public. KL requested a copy of the advice to allow PNE to investigate this. IM asked for examples of liaison groups working elsewhere. It was agreed that examples would be provided and GS said that he would happily put the group in touch with the community councils in Girvan also.

RA said that PNE believed they would get brownie points for holding the forum meetings and IM said that it can be viewed as collusion. LO said that there was a PNE example in Kennoxhead where they used the community liaison group to identify ways in which to spend the community benefit and the results that were identified resulted in being material planning considerations, such as employment. LO said she was gobsmacked that PNE would undertake a survey to serve their own purposes and use the community as a front. GS explained that this was not the case and PNE undertook a survey at the request of the community, due to the fact that the community was reluctant to use a Council administered fund.

### **6. AOB**

RO asked what areas are likely to benefit from the community funds. LJ and KL explained that it was dependent upon the community benefit option selected and advised the members speak to Local Energy Scotland.

IM asked for it to be noted that all community councils have a view on the application dependent upon their involvement in the community benefit.