

## **Eskdalemuir Working Group – 18<sup>th</sup> April 2023 Meeting Minutes**

### **Introduction**

A Scottish Government official opened the meeting, noting apologies from the Scottish Renewables representative and advised their substitute would be in attendance for the second half of the meeting.

As this was the first meeting since the reformation of the group, a round of introductions were done with each attendee from Scottish Government (SG), UK Government (UKG), Ministry of Defence (MoD), Heads of Planning Scotland (HOPS), Renewable UK (RUK) and the Onshore Wind Strategic Leadership Group (OWSLG) providing some background to their experience in the onshore wind industry and familiarity with the technical issues presented by the Eskdalemuir Seismic Array in relation to this sector. The Scottish Renewables (SR) substitute was also given opportunity to do this when they joined the meeting.

Ahead of this meeting, Scottish Government (SG) officials shared the draft documents for an updated Terms of Reference for the group and a scope of work for 2023. The meeting invite included a copy of the most recent technical study report (SGV-205-LimitSet-TechReport-v12) exploring the potential for a seismic impact limit and a breakdown of recent parliamentary questions answered on the topic of Eskdalemuir.

### **Background to EWG**

The Scottish Government representative provided a brief synopsis of the history of the EWG, which included:

- a brief timeline since the group was initially formed in 2012, noting that it was reformed in 2018 and that this subsequent reformation has taken place to refine the membership and encourage more effective communication on this topic; and
- a breakdown of the policy and technical study work done to date, explaining that when a policy route had been explored during 2019 with no agreement reached SG proposed a series of technical studies be undertaken to increase the evidence base on this issue.

### **Draft Terms of Reference (ToRs)**

Attendees were invited to share their views on the drafted ToRs, noting that minor amendments had been made to include the OWSLG representative in the membership list and include a provisional timetable for future EWG meetings.

A point was raised to provide clarity on how developers now feed in to EWG, ensuring there is transparency over the process following the removal of developers from the group.

Group members who had not had opportunity to review the ToRs were invited to provide comments via email after the meeting and the Scottish Government

representative confirmed they would amend and recirculate these ahead of the next EWG meeting.

### **Developing a New Approach/Draft Scope of Work**

A discussion was held on the draft scope of work and how the guidance to be developed would be used and deployed.

The discussion covered a range of considerations including:

- Ensuring any guidance/approach is enforceable and carries weight;
- Understanding how this work fits and aligns with existing planning regimes (in both Scotland and England);
- Careful balance of policy remits – developing MoD and SG approaches in a complimentary way; and
- Timing and resource for drafting a guidance document.

Reflecting on accountability for a forthcoming approach, the OWSLG representative provided some context on how the OWSLG is progressing towards a sector deal – a deal between industry and Scottish Government which would have commitments on both sides. Eskdalemuir has been identified as a technical barrier (which the OWSLG representative is lead for) and there is opportunity for the development of the sector deal to provide high level links in to the work being undertaken by EWG.

The OWSLG representative agreed to provide an update on progress of the sector deal at the next EWG meeting.

The SG representative added to this topic, noting that enforcement action is the other component which should be explored. Recognising that enforcement action is often a responsibility of local authorities it is welcome that HOPS now have a representative on the group to aid these type of discussions.

The HOPS representative noted that, from a planning perspective, applications would be assessed under the existing development plan which is now National Planning Framework 4 (NPF4) and the local development plan. Policy is key in ensuring planners are able effectively reach and justify decisions. They also noted that there are examples in the past where a letter from the Chief Planner has provided sufficient policy direction – example provided was in relation to NATS.

The discussion touched on how any guidance/approach developed would align with the planning process, with members seeking clarity on whether these discussions are seeking to develop new processes. The Scottish Government representative explained that the development of guidance should not be a replacement of existing processes. Instead the aim is to clarify these processes and provide sufficient detail for industry, decision makers and other stakeholders to understand their role in relation to Eskdalemuir.

The HOPS representative added that, in order to have weight in the planning process and ensure a document can be used in decision making, it would likely require ministerial approval. There was agreement from the group that a single

document of this nature would be beneficial to all stakeholders with links to onshore wind applications within the 50km consultation zone.

There were comments made about the need for consistency in approach, with a question posed to UKG if there is intention to replicate the guidance EWG develop within England. The UKG representative advised that there may need to be certain amendments due to the difference in certain aspects of the English planning system but that UKG are open to exploring options to replicate/provide similar guidance for projects in England.

The topic of MoD's allocation approach was discussed, with reference to the judicial review process which deemed their original allocation policy as unlawful. The MoD representative confirmed that a timescale for developing a new approach is still being discussed internally and that resource constraints as a result of a public local inquiry (PLI) have impacted on their ability move this forward.

The SG representative acknowledged the challenges faced by MoD and added that there would be benefit to developing guidance and a new allocation approach in tandem. MoD representative agreed to feedback this view to their internal stakeholders and provide an update at the next EWG meeting.

The group discussion moved briefly on to content of the draft scope of work, with a particular point raised regarding 'a compendium of turbine makes/models' – concerns that a set list of turbines could result in supply chain issues. It was instead suggested that the guidance look to develop a set of criteria in which to test turbine models against.

The SG representative agreed with the suggested change and proposed that an anonymous comparison of three turbines which there is existing seismic data for in the public domain could be used to illustrate the point that different makes and models have different seismic impacts. SG representative agreed to amend the draft scope of work to this effect.

The topic of resource and timings for developing the guidance was discussed by the group. The SR representative brought forward a suggestion that this process could already have started if the group would be amenable to an individual separate to the group doing a bulk of the drafting in the beginning. Marcus Trinick QC, who is the planning lead for the OWSLG and has provided support to SR when responding to the NPF4 consultations, has started developing a document which could be adapted to a draft guidance document – with multiple rounds of review and commentary from EWG group members as it develops.

Question was raised on whether the document would be subject to consultation and the SG representative confirmed that the intention would be to consult for a period of around 6-8 weeks (given the niche subject matter) that would enable the group to reflect on responses before finalising the guidance.

On the basis that there is expected to be a period of public consultation and EWG members would likely have to outsource drafting given resource constraints, the group came to the agreement that Marcus Trinick should commence this process

with SR circulating a draft ahead of the next EWG meeting. The aim would be to give members two weeks to review and add tracked changes before the next round of drafting begins.

### **Set date for next meeting**

The SG representative brought attention to the propose timetable for meetings which consists of quarterly meetings in line with the ToRs and additional ad-hoc meetings at six week intervals during the process of drafting guidance. Group members were asked specifically focus on the dates suggested for a meeting at the end of May and provide their availability to the SG representative by the end of the week (Friday 21<sup>st</sup> April).

Other meeting dates will be agreed at a later date but the indicative timetable has been included below:

<b>Scope of Works Proposed Timetable</b>	<b>Date</b>
Initial meeting – reformed EWG	18 <sup>th</sup> Apr
Ad-hoc Meeting #1	31 <sup>st</sup> May (+/- 1 day)
Quarterly meeting	12 <sup>th</sup> July (+/- 1 day)
Ad-hoc Meeting #2	21 <sup>st</sup> /22 <sup>nd</sup> Aug
Quarterly meeting	w/c 2 <sup>nd</sup> Oct
Ad-hoc Meeting #3	w/c 13 <sup>th</sup> Nov
Quarterly meeting (excluding Xmas/NY)	w/c 15 <sup>th</sup> Jan 2024

Following the meeting held on 18<sup>th</sup> April, the next EWG meeting has been scheduled for Wednesday 31<sup>st</sup> May 2023.

### **AOB/Close**

SG representative thanked everyone for their attendance and summarised the actions to be taken as below:

- UKG to review and pass on any comments re: ToRs
- SG Representative to amend ToRs in line with suggestion on developer engagement and will factor in any subsequent feedback from UKG
- All members to pass on their availability for a meeting to be held in May
- SR to instruct Marcus Trinick to continue drafting document which will be adapted into guidance and provide a copy of this to group members no later than two weeks before next EWG meeting (deadline of 17<sup>th</sup> May).
- SG representative to draft meeting minutes and circulate, aim to sign off no later than next EWG meeting (31<sup>st</sup> May).