

MHOR WINDFARM TRUST: APPOINTMENT OF TRUSTEES

2.0 INTRODUCTION

2.1 Bute & Cowal Area Committee agreed on 5 August 2003 to establish a Community Trust Fund on 5 August 2003 which was to be known as Cruach Mhor Windfarm Trust. Decisions regarding composition of the Trust, and area of benefit, were also agreed at that time and following that decision, the then Area Corporate Services Manager worked with the group to formally constitute them. This report invites the Area Committee to further consider the matter of Trustees in light of work undertaken to formalise the Trust by way of a more formal Trust Deed.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee agree to revise the list of Trustees appointed to the Cruach Mhor windfarm by:
1. Agreeing that if Scottish Power Renewables decline appointment as Trustees that the Trust Deed reflect this position;
 2. Resolving to increase in terms of the number of community representative positions on the trust from one to three, and that arrangements for the election of community representatives be delegated to the Returning Officer to progress;
 3. Note that the the boundaries of the windfarm trust and the community council areas are co-terminous

4.0 DETAIL

4.1 On 5 August 2003 the Bute & Cowal Area Committee agree to establish Cruach Mhor Windfarm Trust, agreed that the communities impacted were within the Colintraive & Glendaruel Community Council boundary, and also agreed that the Trust would comprise of 5 members being:

2 Representatives from Colintraive & Glendaruel Community Council;

The local elected member or one other council member from Bute & Cowal Area Committee;

A representative from CRE Energy Ltd (now Scottish Power Renewables); and

One elected member, resident in the community, who is not a member of the community council, or a member or employee of the council or CRE Energy Ltd.

4.2 Officers of the Council were initially approached by the Cruach Mhor Windfarm Trust in terms of difficulties they had had with convening quorate meetings to see whether changes to the constitution might be acceptable and some concerns were expressed when it became evident that the Trust, although running well, was unincorporated. While there was no specification for the Trust to be established by way of a formal Trust Deed, the manner in which the Trust has been established gives some concerns about the exposure of its members and it is the opinion of officers that a more formal set up would be more appropriate. A draft trust deed has been prepared and has been submitted to the Cruach Mhor Windfarm Trust to obtain their feedback. As part of this exercise they have requested that the Council look to increase the number of serving Trustees by increasing the number of community representatives from one to three. They have also asked that the current Colintraive & Glendaruel Community Council (as amended in 2022 to include part of Rashfield) be the designated area rather than the boundary as it was in 2003. The previous decision in regard to beneficiaries the Trust Fund will be held and administered by the Trustees for the benefit of the local communities within the Colintraive and Glendaruel

