

~~Draft~~ Minutes: Garve and District Community Council meeting held  
6<sup>th</sup> September 2011 at Achnasheen Village Hall.

PRESENT: Kenny MacLean (Chairman), Jean Bailey (Treasurer), Jean Hollingdale (Secretary), Sue Tarr, Alex Mackenzie, Lady Eliza Leslie Melville, Jennifer Haslam, Cllr. Richard Greene, Fiona Milligan (Infinergy), Nick Sage (Infinergy), Joanna Peebles (Scottish Water), David Treger (Scottish Water), 5 members of the public.

APOLOGIES: Bob Moir, Pam Morrison, Jock Logie, Ruari Matheson, Robbie Bain (Ward Manager), Cllr. Jean Urquhart, PC Alison Millar (Northern Constabulary), Guy Madgwick (Eneco), Nigel McManus (Eneco), Zoisa Pugh (Eneco).

The Chairman opened the meeting at 7.00pm and welcomed everyone.

DECLARATION OF INTEREST: Lady Eliza Leslie Melville (planning and community benefit). Cllr. Richard Greene indicated he would not stay for planning or licensing applications.

CHAIRMAN'S COMMENTS: Over 60's invitation list, members were asked to check the current list to make additions or deletions since last year.

Chairman had attended Torridon & Kinlochewe CC meeting on 3<sup>rd</sup> August 2011. The Association of Scottish Community Councils has ceased to exist with immediate effect.

He reminded the meeting of standing orders 5.2 and 5.4 in that every motion or amendment shall be proposed, seconded and a vote taken and cannot be re-considered within 6 months of the decision being taken.

The Chairman and Treasurer attended a meeting with David Owen, Highland Opportunities, on 9<sup>th</sup> August 2011 - see appended report.

Cllr. Jean Urquhart has conveyed her thanks to CC for the minutes and agendas.

Strathgarve Primary - A welcome was given to the new Head Teacher Jane Bentley. The Parent Council has dissolved due to lack of willing participants, but if anyone is interested in forming a new Parent Council they should contact Jane Bentley. Members were then shown a newspaper article on the new Milton of Leys School.

Chairman attended The E-On public meeting on 23<sup>rd</sup> August 2011 - more later.

Eneco drop in on 24<sup>th</sup> August 2011 - 18 members of the public attended. Nicola Brookes and Jonn Barnes have left Eneco; Zoisa Pugh (Mistral PR) has replaced Nicola. Work on the Lochluichart Wind Farm is due to start in October this year; formation of the Community Liaison group has been put back to early 2012.

Lochbroom CC minutes mention Reform Scotland. Community Council Survey, which may have huge political and structural changes for local authorities and community councils.

Best wishes to Ken Morrison, Chairman of the Lochbroom CC who has announced his intention to stand down at the next CC election.

Police Chief Inspector Bushell is new Area Commander for Lochaber, Skye and Lochalsh.

Best wishes to former councillor Ewen Mackinnon on upcoming International Sheepdog Trials.

The new alternate weekly collections for the green and blue bins will start on W/C 3<sup>rd</sup> October 2011.

APPROVAL OF MINUTES: for 2<sup>nd</sup> August 2011. Proposed, Jean Bailey; seconded, Alex MacKenzie.

MATTERS ARISING: White Lining at Grudie, Lochluichart and Luib. Cllr Richard Greene stated no date available yet.

Bin for Grudie Lay by is now in place as well as one at Chuillin. The Silver Bridge lay by bin does not seem to be emptied on a regular basis – an eye will be kept on this bin. The Chairman enquired whether the lay by bins will still be emptied on a weekly basis after Oct 3<sup>rd</sup>? They will probably be emptied once a fortnight along with domestic green bins, but may get combined with commercial uplift on a different schedule – Cllr Richard Greene to ask.

Fly tipping is still occurring in our area – difficult to deal with without witnesses and warnings. Jennifer Haslam's rubbish bags from her litter pick have now been dealt with by herself.

Pot Holes: Tec Services have been out to inspect the road from Strathgarve School and along Strathgarve, they were appalled at the depth of some the holes. The deepest have been filled temporarily as there is timber extraction due to take place shortly after which proper repairs will be made. Enquiry about snow clearing for Strathgarve as it is category 4 road and should be ploughed regularly. Cllr Richard Greene to check with Ian Hay.

Smiley sign: we are unlikely to get smiley sign for next 9 months due to ongoing repair problems and waiting list.

Kerb Stones: the loose kerb stone outside Garve Village Hall has been repaired. The kerb stone at Achanalt is still to be done – Cllr Richard Greene to follow up.

Trees in Stirling Drive Garve: Branches have still not been cut back and are now touching passing cars; Cllr Richard Greene will look into this.

Trees along Station Road Garve: have been cut, thanks have been sent to TranServ.

Tarvie lay by: Cllr Richard Greene, Contin CC, parents and TranServ have met to discuss on this matter. Parents are concerned about safety re the schoolbus and negotiations are in place. It was thought there had previously been requests for bus stops at Tarvie, Gorstan and Inchbae; Cllr Richard Greene noted this.

Silver Bridge and Wades Bridge Garve (Tomb Stoning): our concerns have been passed on to Police, Forestry, and Hydro on this matter. It was suggested we contact Dingwall Academy highlighting the problem. Cllr Richard Greene will take this up with the Scottish Accident Prevention Council and Secretary will write to the Rector Dingwall Academy.

Sign for Lochluichart Church: thanks to Lochluichart Estate the trees have been cut back which makes a big difference. No reply yet about a sign.

Chewing Gum: Highland Council appeals for positive change to help cut chewing gum litter. Adverts will remind residents to bin their gum or they could risk a fine up to £50.

TREASURER'S REPORT: CC has received the grant from the Highland Council of £1,052.46. Senior Citizens Account – £1,387.96; War Memorial Account – £170.86; Treasurer's Account – £1758.09; Total balance of bank account £3,316.91. The query over insurance has been resolved, normal amount paid. Eneco are going to donate £1000 to Senior Citizen's Christmas Dinner; CC has thanked them.

SCOTTISH WATER: Joanna Peebles, Regional Community Manager for the Highlands and David Treger, Construction Manager were present. Joanna Peebles explained the Scottish Government Programme covers all water for Scotland. The reason why Garve is going onto a new supply from Loch Glass via Strathpeffer is that there is a risk of cryptosporidium in the Garve supply. Cryptosporidium comes under Govt Directive DW23. The cost to upgrade the Garve treatment plant to protect against cryptosporidium would be £3million whereas connecting to the Loch Glass supply the cost is approx £1.5 million. Work involves installing a new mains pipe from Strathpeffer, and a new pumping station at Strathpeffer. There will be no changes to the distribution network in Garve or to water pressure and no impact to residents. The pipe is 13.5km long and the company doing the work is Turriff Contracting although they are renaming. The pipe is almost laid out – there was a delay when the machine broke down but it is now in operation again. Concern has been raised by archaeologists about the Caulfeild military road; Scottish Water had not known about the road. The pipe should be finished by Oct, followed by testing and then new water should be connected by end of Jan 2012.

Q: Has there been a problem with cryptosporidium in Garve? A: It doesn't affect people who are used to the water, but could give visitors from London (for example) an upset tummy. Cryptosporidium must have shown in the tests for the work to go ahead.

Q: Was it not short sighted having spent all that money putting in a bore hole 10 years ago just to change it now? A: The driver was "DW23" which triggered this change and was not in place then. Distribution pipes will also be changing sometime in the future meaning better pressure, fewer bursts and leakages. Investment is a good thing.

Q: Why spend all this money for Garve – when there are 45 houses west of Garve supply on private water supplies. A: Interested parties should have a dialogue with Scottish Water.

Q: Why didn't Scottish Water inform the community before it started? A: Scottish Water process is to contact CC's when the money for the project is definitely available then Scottish Water will be able to inform the public that the project will go ahead. If we inform the public too early and then things change, it is not helpful.

Q: There are still asbestos bitumen pipes in the distribution network in Garve - is there a time scale for replacing them? A: There is no effect from asbestos as it is at the moment. At sometime in the future all pipes will be replaced but money is limited. Joanna Peebles will check on burst pipes within the area and keep G&DCC informed.

Q: Water from Loch Glass became very low a few years ago during a very dry summer and now with all the new housing developments is there any likelihood of shortage? Also have there been any changes to Loch Glass to make it bigger? A: There have been no changes to Loch Glass. The Garve tank requires 100 cm per day, enough water is available.

Q: Any improvement work planned for the Achnasheen treatment plant? A: Not at this time, if that situation should change, G&DCC will be informed.

Thanks were given to Joanna Peebles and David Treger for the update. Contact details for Scottish Water: email [Joanna.peebles@scottishwater.co.uk](mailto:Joanna.peebles@scottishwater.co.uk) Tel. 01463 228297 Inverness Area Office, 31 Henderson Drive, Longman North, Inverness, IV1 1TR.

CORRESPONDENCE: Post: Stagecoach re timetable changes; HC Draft Houses in Multiple Occupation, interim supplementary guidance within the City of Inverness; SSE transmission reinforcement – Corriemoillie

substation; Royal Horticultural Society "In Bloom"; Aberdeen University to Chairman re questionnaire; NHS newspaper. Emails: Robbie Bain re SCF requesting email addresses; Robbie Bain re information on CC insurance query; HC planning meeting 16<sup>th</sup> August 2011; David Owen re LCT set up; Chairman's report on meeting with Highland Opportunities; Eneco drop in; Torridon and Kinlochewe CC minutes; Lochcarron CC minutes; Lochbroom CC minutes; HC planning meeting 23<sup>rd</sup> August 2011 Portree; Jackie West information on Council Tax scam; Kris and Ann Gamble re pot holes Strathgarve; Kit Bowen, Strathpeffer CC re E-On Community Benefit; Fiona Milligan (Infinergy); Robbie Bain re- Ragwort; PC Alison Millar; Eneco update on drop in; HC Quality Awards nomination request; Robbie Bain re Ward Forum - 26<sup>th</sup> Sept, 6.30pm, Ullapool Village Hall, subject community trusts - Kenny MacLean, Jean Bailey, Jean Hollingdale, Lady Eliza and Sue Tarr indicated they would like to attend.

AOB (MEMBERS): Discussion was held about the amount of ragwort on verges this year. There is no manpower available for HC to control ragwort other than verge cutting. Verge cutting maybe limited to twice a year as the budget is so tight. Cllr Richard Greene said there may not be another verge cut this year as there is great pressure on plant and machinery. A member asked what the procedure for overhanging branches obscuring visibility is. Cllr Richard Greene replied HC responsible for the roadside up to 1m back from the road edge. If the branches are on your own property it is the responsibility of the property owner to remove them. Grudie runoffs have still not been cleared and flood Jennifer Haslam's drive every time it rains. Cllr Richard Greene will look into this issue.

WRA: Sue Tarr gave brief update that WRA are working on Cape Wrath Trail, Biosphere Reserve, and are meeting with some Swedish boat builders soon. Also that any projects requiring Leader funding should get applications in as soon as possible as deadline was end of March 2012.

Railway Fencing: Broken posts in the new railway fencing along Loch Garve require repair. Sec. to inform TranServ.

Ongoing issue of surface water on the Hazelbrae corner; also by the Village Hall Garve and at Check-rail corner Secretary to inform TranServ.

Fly tipping: a mattress was left by the recycle bins at Achnasheen, but has been removed by HC after a phone call from the Chairman. Please note, DINGWALL RECYCLE CENTRE IS OPEN – 10.15am to 5.00pm Monday to Friday (6.30pm Wednesday), 9.30am to 5.00pm Saturday and Sunday, Closed for Lunch 2.00pm to 2.30pm daily.

Street Lighting in Achnasheen: the lighting problem has been resolved, thanks to the street lighting dept for quick response.

Scams: The Chairman brought to attention three scams going round, 1. PayPal – email suggesting unusual activity on your account and asking for information- check with PayPal direct. 2. DVLA – updating records – DVLA are NOT updating records. 3. Council Tax Refund – inform HC. Do not give out any Banking Details to anyone over the telephone or email.

Cycling: CC have received a report of children cycling along the pavements in Garve which is causing problems for pedestrians having to step into the road. Chairman to speak to the Head Teacher about Cycling Proficiency Scheme. A note to the Education Department will be sent via Robbie Bain.

HC Quality Awards: It was agreed by members to nominate Nel MacDonald -Rolfe (Dog Warden) for this award Proposed Kenny MacLean, seconded Jean Bailey, all in favour.

AOB (PUBLIC): A member of the public asked if anything could be done about the old filling station in Achnasheen which is in a bad condition. Cllr Richard Greene will take advice on this issue.

Two members of the public made comments about the Right of Access on the old Ledgowan Bridge – Cllr Richard Greene and Robbie Bain have been made aware of this issue and their own enquiries are ongoing.

A member of the public stated that the wall just beyond the old Ledgowan Bridge on the A832 Kinlochewe road has had a hole in it since last winter – Cllr Richard Greene will inform Tec Services.

A member of the public asked about the need for Blue bins and would Achnasheen lose the community recycling bins. The answer was that the community recycling bins would remain in place and that the Blue bins are very successful at recycling even more items which therefore leads to less landfill.

Cllr. Richard Greene was thanked for attending and left the meeting.

SCOPING REPORTS AND CONSULTATIONS: None.

PLANNING: Previous planning application determined by HC since last meeting; Ref: 11/01881/OHL, Land at Dosmuckeran Achanalt, Installation of additional pole on existing 33,000 volt overhead line. Permission Granted.

Planning application 11/02787/FUL, Removal of outbuildings and erection of three houses, land at Chuilin, Lochluichart, Garve. Discussion on the above application was held. Kenny MacLean proposed no comment, seconded Alex. MacKenzie, all in favour.

A Building Warrant application at Lochluichart was noted

Lady Eliza Leslie Melville was thanked for attending and left the meeting.

Planning Application for Lochluichart Extension – Infinergy have lodged their application with Scottish Government to construct and operate the Lochluichart windfarm extension on land to the north of the consented Lochluichart windfarm. The site would comprise of 6 turbines and a substation.

Bob Moir (absent due to work commitments) had asked his opinion to be noted that he opposes this application. Discussion was held on the above application. Sue Tarr felt that the CC should continue its policy of not getting involved with the planning process as it is known that there a lot of people who oppose windfarms and a lot of people who support them and for the CC to represent that position is too complicated, but rather the CC should encourage all individuals to make their own representations direct to Scottish Govt. Kenny MacLean stated that the majority of the community did not attend the drop in despite the developer having sent a letter to every house in the G&DCC area advertising the event. A member of the public felt it was wrong to say that the community is not interested in windfarms. A member of the public made the comment that some members of the community feel 'rail roaded' by the Government. Sue Tarr proposed that G&DCC make no comment on the Windfarm Extension Application, seconded Kenny MacLean. Vote all in favour.

**ANY REPRESENTATION TO THE ABOVE APPLICATION SHOULD BE MADE AS FOLLOWS: - BY EMAIL TO THE SCOTTISH GOVERNMENT, ENERGY CONSENTS UNIT MAILBOX AT [representations@scotland.gsi.gov.uk](mailto:representations@scotland.gsi.gov.uk) OR BY POST TO- THE SCOTTISH GOVERNMENT, ENERGY CONSENTS UNIT, 4<sup>TH</sup> FLOOR, 5 ATLANTIC QUAY, 150 BROOMIELAW, GLASGOW, G2 8LU, IDENTIFYING THE PROPOSAL AND SPECIFYING THE GROUNDS FOR REPRESENTATION, NOT LATER THAN FRIDAY 14<sup>TH</sup> OCTOBER 2011. REPRESENTATIONS SHOULD BE DATED AND SHOULD CLEARLY STATE THE NAME (IN BLOCK CAPITALS) AND FULL RETURN EMAIL OR POSTAL ADDRESS OF THOSE MAKING REPRESENTATIONS. ONLY REPRESENTATIONS SENT BY EMAIL TO THE EMAIL ADDRESS STIPULATED WILL RECEIVE ACKNOWLEDGEMENT.**

LICENSING: None

LOCHLUICHART WINDFARM COMMUNITY BENEFIT: Draft 1 of the Articles of Association (Lochluichart Community Trust) has been made available for member's comments and will be made available to members of the community upon request to the Secretary; available to view in Garve and Achnasheen Post Offices or on AGNV web site. Discussion: Some members of the CC had already passed their comments on to the Chairman. Some points need looking at. Queries included – Objects 1: 1.1 needs clarification, 2b – should be a minimum of 4 meetings per year, 5 - £1 is it paid when you become a member or later clarification needed, 45/46 – Directors elected for 3 years after the 2<sup>nd</sup> AGM 3 directors step down before having done anything, 40/41 – Max. Directors 10 Min. 5 – quorum should be 2/3 of existing directors. Prohibited/ Allowable uses of the fund, maybe it would be possible to transfer these items from LCT agreement; There is no provision for co-option; Membership – 3 years residency is somewhat vague "Full time residency" would be better; 6/7 –membership refusal both items should be removed.

A Special Meeting to discuss the Draft has been called for 20<sup>th</sup> September 2011 7.00pm Garve Village Hall. All Members of the Community are welcome to attend and put their thoughts forward. A flier will be delivered to every house within the community. It is hoped that following that meeting the amended Articles of Association can be signed at the October CC meeting.

E-ON COMMUNITY BENEFIT: No representatives from E-On present tonight. The Public meeting chaired by E-On 28<sup>th</sup> August 2011 Garve Village Hall was well attended by members of the G&DCC community and other communities, where varying views from different communities were heard. To date we have not received the minutes of this meeting. At this meeting Kenny MacLean and others made it clear that Option 1 was preferred in Garve and District area. Some members of the CC commented that they were not happy that HC had not informed the CC about Option 2 sooner.

INFINERGY: Update about LEO scheme for electricity and social benefit. Still seeking guidance from Govt depts. – ongoing. People are holding off joining the scheme for now until planning has been determined but Infinergy have had several enquiries. Planning application expected to be considered around February 2012.

HYDRO SCHEMES: which have now been passed by Planning – Robbie Bain looking into potential community benefit - no update so far.

DATE OF NEXT MEETINGS: Tues 4<sup>th</sup> Oct 2011 7pm Garve Village Hall; Tues 1<sup>st</sup> Nov 2011 7pm Achnasheen Village Hall; Tues 6<sup>th</sup> Dec 2011 7pm Garve Village Hall.

SPECIAL MEETING: Tues 20<sup>th</sup> Sept 2011 Garve Village Hall 7pm to discuss Draft Articles of Association LCT  
The Chairman thanked everyone for attending and closed the meeting at 9.46 pm.



### Report on discussion with Highland Opportunity

On Tuesday, 9<sup>th</sup> August 2011, Jean Bailey and Kenny MacLean met up with David Owen from Highland Opportunity. Jean Hollingdale and Sue Tarr were unable to attend. The purpose of the meeting was to put faces to names and to discuss the steps required in the creation of the Lochluichart Community Trust.

David explained that he will shortly be leaving Highland Opportunity and will be moving to HISEZ ([www.hisez.co.uk](http://www.hisez.co.uk)) but that he and Eneco were happy for this process to continue there.

David has overseen the creation of several Companies Limited by Guarantee. One of the more recent ones was the Company set up to receive Community Benefit from the Rockness Music Festival. In its early days, it was decided that for every ticket sold, £1 would be given to the Community in the form of Community Benefit. That first year over £25,000 was raised. Now the Festival is held over two or three days and many more tickets are sold. £1 from each ticket still goes to the Company that David helped to set up.

David suggested that two Company Directors are put in place to create the Lochluichart Community Trust, one could be a "Community Leader" plus one other and he would be the Company Secretary but all of this would only be until the first election for Company Directors. This would keep the paperwork short and simple.

A bank account would need to be set up even though it would see very little activity in its first few years. Costs would include administration costs such as financial returns each financial year, bank charges etc ... Online reporting for Inland Revenue purposes will be required and would also be a cost. Perhaps Eneco would pay a few hundred pounds towards these administration costs into the new bank account. David would seek clarification with Eneco on this.

A local accountant could be appointed each year. It was suggested a local person could do the audit check, and then an accountancy firm could process all the relevant documents to OSCAR, Companies House etc ... Jean to make inquiries.

A Preamble to the Articles of Association would include what the Lochluichart Community Trusts objectives would be. What the money could and could not be spent on and also state that members of the Company and Company Directors would have to be aged 16 or older and be resident in the G&DCC area. David pointed out that the example of an Articles of Association and Memorandum included the Highland Council document "Making the Most of Community Benefit Funds" are now more out of date than even Kenny had first thought!

There could be nine elected Company Directors and one appointed Company Director by Eneco. The quorum could be five. Three Company Directors would stand down each year although they could offer themselves for re-election. An election for Company Directors would take place by the membership of the Company at the AGM each year. This would be by secret ballot or proxy vote for those members who could not attend.

The Company Directors would also be able to vote off a Company Director by a majority vote.

If individuals in the community wanted to be a member of the Company, they would have to sign up and guarantee to pay £1 if the Company went into liquidation. Forms would be sent out to everyone in G&DCC area. This would give everyone the opportunity to become a member of the Company if they wished.

If all the Community Benefit money from Eneco including the share of money that is meant to benefit Contin and Marybank CC areas had to be paid to the Lochluichart Community Trust, then a simple contract could be drawn up between the Lochluichart Community Trust and the appropriate Trust/Company in the other areas of benefit stating that each year £XX.xx would be paid by the Lochluichart Community Trust to that Trust/Company.

David thought that it might be possible to have the Lochluichart Community Trust fully up and running with elected Company Directors before the end of this year.

It was agreed that David draw up a draft preamble, Articles of Association and Memorandum. This would then be put to the Community for consultation before being signed. Kenny suggested that a Special meeting of the G&DCC could be held in mid-September to give the public a chance to comment on the documents before they are signed. David would be happy to attend such a meeting and dates will be suggested between Kenny and David in due course.

~~Draft~~ Minutes: Garve and District Community Council  
Special Meeting regarding the setting up of the Lochluichart Community Trust  
held 20<sup>th</sup> September 2011 at Garve Village Hall

PRESENT: Kenny MacLean (Chairman), Jean Bailey (Treasurer), Jean Hollingdale (Secretary), Alex Mackenzie, Sue Tarr, Bob Moir, Jock Logie, Pam Morrison, Jennifer Haslam, Nick Sage (Infinergy), Fiona Milligan (Infinergy) and 6 members of the public.

REPRESENTATIVES: David Owen (HISEZ C.I.C.), Robbie Bain (Highland Council), Nigel McManus (Eneco), Lady Eliza Leslie Melville (LZN/Lochluichart Estate).

APOLOGIES: Cllr. Jean Urquhart, Ruari Matheson, Matilda Urie (E-On), Val MacIver (Platform PR).

DECLARATION OF INTEREST: None.

The Special meeting was called under 1.2 of Standing Orders and was opened at 7.00pm by the Chairman who thanked everyone for coming.

Discussion on: Draft Articles of Association for the Lochluichart Community Trust.

The Lochluichart Community Trust will be a Company Limited by Guarantee. It will not have any share capital but will have charitable status. Lochluichart Community Trust will be the body that will receive the Community Benefit funds from the consented Eneco Lochluichart Windfarm.

Fliers advertising this meeting were delivered to every house in the G&DCC area around 10 days ago. Chairman thanked the CC members for their help with this.

The Chairman explained that the format for this meeting would be quite simple; he would take one section of the Articles of Association at a time. Firstly inviting comments from CC members, secondly inviting comments from invited guests, and thirdly inviting comments or questions from the floor.

David Owen has now produced Draft 2 of the Articles of Association for the Lochluichart Community Trust following on from the last ordinary G&DCC meeting held on 6<sup>th</sup> September 2011, when Draft 1 of the document was discussed by CC members. The CC received Draft 2 a couple of days ago and David was thanked for his help in getting the G&DCC to this stage. The Chairman pointed out that for the benefit of members of the public any difference between Draft 1 and Draft 2 would be explained as we went along. Invited guests were asked if they had any opening remarks. David Owen remarked that he has received further comments from Eneco. The Articles are what is required to set up the Company; other documents need to be drawn up later.

Section 1 OBJECTS:

- 1 "Parish of Garve" has been changed to "Garve and District Community Council area (as defined in the scheme for the Establishment of Community Councils in Highland, as approved by the Highland Council at its meeting on 3<sup>rd</sup> March 2011)"

Changed "apply its income within the G&DCC area" to "benefits people of G&DCC area"

- 1.1 Changed from prevention or relief of poverty, to clarify the addition of 'in particular community poverty as a result of rurality'

- 1.2 Changed from the advancement of education, added 'and life long learning'.

- 1.3 Advancement of Religion has been removed.

- 1.12 has been added to Draft 2, "always ensuring that these objects are consistent with Article 1.3 of the agreement between LZN Limited, HC and Lochluichart Estate Highland LLP dated 6<sup>th</sup> April 2011"

These are the Charitable Objectives. This is required so that the company will gain charitable status from OSCR. A "policy" document to be drawn up by David Owen will include the Permitted and Prohibited uses of funds from the agreement signed by LZN, HC and the Estate.

Eneco still needs to finalise whether LCT pays Contin (3% of the total fund) and Marybank (8% of the total fund) or whether Eneco pays the two communities directly.

Section 2 GENERAL STRUCTURE: (b) has been grammatically corrected.

COMMENT: Is the number of meetings entirely up to the directors or should there be minimum number of meetings per year?

REPLY: David Owen, if directors do their job they should hold regular meetings as and when work is required. It was agreed by all that no change was required to section 2.

Section 3-4 QUALIFICATION FOR MEMBERSHIP: Residency in the G&DCC area should be a requirement for membership. Various issues raised on the best way to include all residents.

David Owen – Change the wording to read "Primary Residence in G&DCC area" and be over 16 years of age. There will be a membership application form in which the applicant will have to self-certify that they do meet the qualifications and that the information supplied is correct.

Section 5-8 APPLICATION FOR MEMBERSHIP:

5. Wording changed to read, "Any person who wishes to become a member must sign, and lodge with the company, a written application for membership, which requires each member to guarantee to contribute one pound sterling to the assets of the company. This guarantee will only be called upon if the company is wound up during the time that he/she is a member or within one year of him/her ceasing to be a member, and the company has insufficient funds to meet its obligations."

6. Wording changed to read, 'Any person lodging an application to become a member must certify that he/she qualifies as a resident under article 4.'

7. 'Genuine residency shall be the only criterion to consider' has been added.

David Owen – There is an application format available. Initially there will be two Founding Directors and a Company Secretary. It is required that one Director and Company Secretary sign the Articles of Association which then can be lodged with Companies House for registration. Once LCT is registered then an initial meeting of members will be called to elect a full suite of Directors, at this meeting the Founding Directors stand down. It was suggested that Lady Eliza Leslie Melville of LZN and Nigel McManus of Eneco become Founding Directors and David Owen of HISEZ C.I.C. will act as Company Secretary for the purpose of signing the Articles of Association. This was agreed by all.

Comment: Concern that people unable to attend meetings will be excluded from the election of directors.

David Owen – There is a process where by a 'proxy' vote can be used when electing Directors.

Comment: G&DCC need to make it clear that residents need to take up membership in order to vote for Directors.

Comment: Any reason why membership could not be automatic?

David Owen – Not everyone may wish to become a member.

Jock Logie had to leave the meeting to attend another engagement but was thanked for attending this meeting.

Section 9 REGISTER OF MEMBERS: No change required.

Section 10 WITHDRAWAL FROM MEMBERSHIP: No change required.

Section 11 EXPULSION FROM MEMBERSHIP: No change required.

Section 12-13 TERMINATION/TRANSFER: No change required.

Section 14-18 GENERAL MEETINGS (meetings of members): No change required.

Section 19-23 NOTICE OF GENERAL MEETINGS: No change required.

Section 24-26 SPECIAL RESOLUTIONS AND ORDINARY RESOLUTIONS: No change required.

Section 27-38 PROCEDURE AT GENERAL MEETINGS: No change required.

Meeting paused for a 20 minute Tea Break.

Section 39 CATEGORIES OF DIRECTORS: Change required under "Appointed Director" from Developer to Owner/Occupier of the Lochluichart Wind Farm.

Comment: Possibility of an Independent Chair may be required at some time in the future and should be added to the Articles of Association.

David Owen – Yes, an independent chair could be possible. Agreed by all.

Lady Eliza Leslie Melville had to leave the meeting to attend another engagement but was thanked for attending this meeting.

Section 40-41 MAXIMUM/MINIMUM NUMBER OF DIRECTORS:

40 – Change from 10 to 6; no more than 5 shall be Member Directors and no more than 1 shall be an Appointed Director.

41 - Change minimum number of directors from 5 to 4, which number shall form a quorum.

Concern was raised that a lower number of directors would not reflect the geographical area. A smaller number of directors would make running the company easier.

David Owen – Quorum is more important than the numbers of Directors. A sub-committee 'award panel' could be formed which could bring in expertise to assist appraisal to the Directors. Directors will make the final decisions. All agreed.

Section 42 ELIGIBILITY: No changes required.

Section 43-48 ELECTION, RETIRAL, RE-ELECTION (MEMBER DIRECTORS):

45 to be changed to read, "At the first and second AGM, no directors are required to retire."

46 - Change "At each AGM (other than the first and second years)...two directors shall retire from office."

Comment: Possibility of members having a postal vote.

David Owen - Members should come to meetings or use their 'proxy' vote. All agreed.

Section 49 TERMINATION OF OFFICE: No changes required.

Section 50 REGISTER OF DIRECTORS: No changes required.

Section 50-53 OFFICE BEARERS: No changes required.

Section 54-55 POWERS OF DIRECTORS: No changes required.

Section 56-60 PERSONAL INTERESTS: No changes required.

Section 61-70 PROCEDURES AT DIRECTOR'S MEETINGS:

Comment: If vacancies arise can a director be co-opted?

David Owen – No, if number of directors fall below the minimum then an election would be triggered.

Section 71-73 DELEGATION TO SUB-COMMITTEES: No changes required.

Section 74 OPERATION OF BANK ACCOUNTS: No changes required.

Section 75 SECRETARY: No changes required.

Section 76 MINUTES: No changes required.

Section 77-79 RECORDS AND ANNUAL ACCOUNTS: No changes required.

Section 80-82 NOTICES: No changes required.

Section 83 WINDING –UP: No changes required.

Section 84-85 INDEMNITY: No changes required.

Section 86-87 INTERPRETATION: No changes required.

NEXT STEPS:

All G&DCC members are content with the Articles of Association following tonight's discussion of the document. It was agreed that David Owen HISEZ C.I.C. act as Company Secretary, Lady Eliza Leslie Melville LZN and Nigel McManus Eneco act as Founding Directors for the purpose of signing the Articles of Association.

David Owen will prepare Draft 3 for G&DCC to look over. The document will then be signed by the three signatories; David Owen will fill in registration and incorporation forms and submit to Companies House. Registration takes 48hrs. David Owen then to start drafting up the Disbursement Policy, register LCT with OSCR which may take a number of weeks, agree registered office address and company secretary and also agree with Eneco a sum of money to open a bank account to get started with.

Then G&DCC have agreed to help distribute Membership Forms to every house within the G&DCC area following which an election will be called for directors. This process should be complete in the near future.

Invited guests were asked if they had any closing remarks:

David Owen – This has been a comprehensive review of the document.

Robbie Bain - It is good to get to this stage.

Nigel McManus – Gave thanks to David Owen for all the work he has done. Also thanks to Jennifer Haslam for the tea.

The Chairman thanked everyone for coming, especially the members of public and closed the meeting at 9.40pm.

Next G&DCC Ordinary Meeting: 4<sup>th</sup> October 2011, 7.00pm Garve Village Hall.