

Reference Number: 01/01553/DET
Applicants Name: CRE Energy Limited (agent Scottish Power)
Application Description: Erection of 35 wind turbines and associated infrastructure;
de-forestation works; and improvements of access tracks(As An
Location: Land at *Cruach Mhor*, Glendaruel

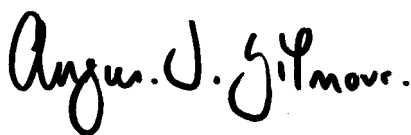
PRIVATE WATER SUPPLY, GLENDARUEL

A Background

1. In association with the grant of planning permission 01/01553/DET for a wind farm at ***Cruach Mhor, Glendaruel***, a Section 75 Agreement was concluded which, *inter alia*, required the developer to provide and maintain an alternative private water supply to households in the Duiletter area of Glendaruel.
2. Reports were considered at the Area Committee meeting on 7th September 2004 and 5 April 2005 relative to breakages in the private water supply and whether or not the Section 75 Agreement had been breached. It was latterly resolved to continue the matter.
3. The Department became aware during June/July 2007 that residents were still experiencing problems with their water supply. These concerns were raised with *Scottish Power Renewables* who advised that recent problems with the water treatment plant had been unpredictable and extensive.
4. *Scottish Power Renewables* have now written to the Council (copy attached) advising that they consider that it may be in the best interests of all parties to contract Scottish Water to extend the public water supply beyond Kilmodan Primary School to service the 17 properties affected. If such a scheme were to be installed, they would seek a Deed of Variation to the S75 Agreement which provides that, on the satisfactory completion of the necessary works and the adoption of the Glendaruel water supply by Scottish Water, conditions NINTH to THIRTEENTH of the S75 Agreement shall no longer be in force.
5. Following consultations with the residents affected, *Scottish Power Renewables* report that there appears to be widespread support for this proposal although 2 households have rejected the offer.

B Recommendation

1. The proposed public water supply would appear to provide a more secure long-term solution to the water supply difficulties experienced. It is therefore **recommended** that the Head of Legal & Protective Services be instructed to conclude a Deed of Variation to the S75 Agreement which provides that, on the satisfactory completion of the necessary works and the adoption of the Glendaruel water supply by Scottish Water, conditions NINTH to THIRTEENTH of the S75 Agreement shall no longer be in force.



Angus J Gilmour
Head of Planning Services
30 March 2009

16.03.2009

Our Ref: A&BC letter 1

Your Ref: xxx

Argyll & Bute Council
Development Management
Hill Street
Dunoon PA23 7AP

For the Attention of David Eaglesham

Dear Sir

(B) PROPOSED PERMANENT WATER SUPPLY TO CLACHAN OF GLENDARUEL

Thank you for taking time to meet my colleague Iain Cassidy and myself on 5th February 2009.

As you will be aware, in 2003 Scottish Power Renewables (SPR) developed Cruach Mhor Windfarm near Glendaruel. As part of the Planning Agreement, SPR agreed to install the associated water supply for the 17 properties in the Clachan of Glendaruel in order to ensure that the windfarm development had no adverse impact on the private water supplies. The current water supply is intended to last for the operational period of the windfarm (25 years) and thereafter the responsibility for the operation and maintenance of the existing water plant shall revert to the 17 affected properties.

You may also be aware that since 2007 Scottish Water (SW) has taken the 'public water supply' as far as the Kilmodan Primary School. After some consideration and discussion with various experts, SPR consider that it may be in the best interests of all parties to contract Scottish Water to extend the water supply beyond Kilmodan Primary School to service the 17 properties within the Clachan of Glendaruel and provide an 'adoptable' standard of water provision.

SPR intend to approach the 17 houseowners/occupiers to establish their opinion on our proposals. We enclose a draft letter to the houseowners/occupiers and would appreciate your comments.

Assuming our proposals are largely acceptable to the houseowners/occupiers, installation could be completed by autumn 2009. The installation and operation of a Scottish Water approved water supply to the existing 17 properties, would remove the houseowners/occupiers of the burden of having to operate and maintain the SPR water supply in the future. Presumably this would therefore be considered to be a positive development for all.

In order to regularise the planning position, SPR require to address the 'Water Management Plan' referred to in the ninth to thirteenth sections of the Section 75 Agreement V10 and possibly the Bond by the Royal Bank of Scotland in favour of Argyll & Bute Council regarding the 'Alternative Water Supply'.

Our proposal would be that a Deed of Variation to the S75 Agreement is entered into which provides that, on the satisfactory completion of the necessary works and the adoption of the Glendaruel water supply by Scottish Water, condition ninth to thirteenth of the S75 Agreement shall no longer be in force.

We will advise you of our progress with the houseowners/occupiers in the near future and would request your consideration of a Report to Committee to formalise the proposed planning route in April 2009.

Should you require any further information or clarification on this letter, please do not hesitate to contact me.

Yours faithfully,

Debbie Harper MRTPI
ScottishPower Renewables