

# The Highland Council

|             |          |
|-------------|----------|
| Agenda Item | 9.       |
| Report No   | CC/11/24 |

**Committee:** Caithness Committee

**Date:** 20 May 2024

**Report Title:** Wick Common Good Fund – consultation on proposal to dispose, by “ribbon” leases, land at Riverside Park (south of River Wick) to wind farm developers for the oversail of turbines and other equipment necessary in connection with wind farms.

**Report By:** Executive Chief Officer – Communities and Place  
Acting Executive Chief Officer – Performance and Governance

## 1. Purpose/Executive Summary

1.1 This report provides information on the outcome of the public consultation under section 104 Community Empowerment (Scotland) Act 2015 (the Act) in respect of the proposal to dispose, by way of “ribbon” lease, small portions of common good land at Riverside Park (south of the River Wick) to wind farm developers to facilitate the oversail of turbines and equipment

## 2. Recommendations

2.1 Members are asked to:

- i. **Note** the outcome of the consultation process undertaken as contained in the analysis at **Appendix 1**.
- ii. **Approve** the responses to the representations received within the consultation period for publication on the Council’s website as contained in the document at **Appendix 2**.
- iii. **Note** the possibility that as some of the future lease arrangements may exceed 10% of the full value of Wick Common Good fund, governance provisions require it must be referred to a meeting of full Council for a decision.
- iv. **Consider and balance** the representations received together with the responsibilities for the Wick Common Good fund.
- v. Following consideration of the representations received and the best interests of Wick Common Good fund:
  - a) **Agree** to recommendation to full Council that the proposal should go ahead (see paragraph 6.3).
  - b) **Note** that, if approval is recommended, it will be necessary to seek Sheriff Court consent because the area of land is classed as inalienable.

### 3. Implications

- 3.1 Resource – the proposal seeks approval for general permission for oversail arrangements but on the basis that the specific terms would be negotiated on a case by case basis. Wick is a recently reactivated Common Good fund with little in the way of cash reserves and seeking such a general permission is more financially economical than conducting a fresh consultation and court action in respect of each proposed lease when the broad principles will be identical.

Having the general permission in place will allow the Council to negotiate quickly on behalf of the Wick Common Good fund in situations where wind farm developers requirements are often driven by funding conditions that can vary considerably. In addition, these arrangements with the windfarm developers will allow Wick Common Good fund the opportunity to begin to generate income which can, in turn, be used for the benefit of the community.

- 3.2 Legal – the statutory requirement to consult under the terms of section 104 of the Act on the disposal of an asset by long term lease has been complied with. The statutory guidance states that when complying with section 104, the local authority must publish details about the proposed disposal. There is no reference to the nature of the disposal nor is there any restriction on consulting on a proposal for general permission to dispose as is contained in the consultation document at **Appendix 3**. Therefore, the current consultation as contained in the consultation document is compatible with the terms of the Act.

Where land is also considered to be inalienable, there is a statutory requirement to seek Court approval to the disposal. In this case, the title deed acquiring the land recites that it is to be held primarily for the purposes of recreation in all time coming. Therefore, it is assessed as being inalienable Common Good land. As a result the requirement to seek Court approval must also be complied with.

The Council's Scheme of Delegations provides that decisions related to Common Good assets where the asset value is 10% or less of the total value of the fund rests with Area Committee. Where the asset value is above 10% of the fund, decision making rests with full Council. In the case of Wick Common Good, the total fund value is currently just over £500,000 however, as the value of the lease arrangements will vary from developer to developer it is possible that whilst some will be less than 10%, some may exceed that figure. Therefore, it is sensible for Area Committee to make a recommendation to full Council for a final decision.

- 3.3 Community (Equality, Poverty, Rural and Island) – the proposal will allow for the Council to negotiate favourable lease arrangements with windfarm developers for oversailing the area of Common Good land resulting in considerable income generating opportunities for Wick Common Good which, in turn, can be used for the benefit of the community. Whilst these arrangements are termed as “ribbon leases” they will not grant rights of actual occupation of the land and the park will remain as a public recreation area only being closed on health and safety grounds for the duration of the actual oversail.

A community consultation has taken place with the outcome of the consultation being contained in this report and the 2 appendices attached.

- 3.4 Climate Change / Carbon Clever – the proposal supports the facilitation of the installation, maintenance and decommissioning of windfarms in the creation of green energy.
- 3.5 Risk – a positive recommendation from the consultation would see Wick Common Good and the wider community benefitting from the income generated from these lease arrangements. A negative recommendation could see the energy companies seeking to compulsorily purchase the land required for the oversail resulting in the loss of both the land and the income generation opportunity to the Common Good and the Wick community.
- 3.6 Health and Safety (risks arising from changes to plant, equipment, process, or people) – it would be necessary to close the area of parkland to the public on health and safety grounds but this would be restricted to the period of the actual oversail transportation only.
- 3.7 Gaelic – none.

**4. Proposal to dispose by “ribbon” lease of small portions of Riverside Park (south of River Wick) to windfarm developers to facilitate oversails of turbines and equipment for the installation, maintenance and decommissioning of windfarms.**

- 4.1 Riverside Park (south of River Wick) extends along the south bank of the river for a length of 880 metres or thereabouts. It is owned by the Council but held in 3 different ways. The western portion of land covering 11 acres (which contains the caravan park) was acquired in 1903 and is held subject to a trust deed. The central portion of land of 1.37 hectares was acquired in 1979 and is held as Council general fund land. The eastern portion of land adjacent to Bridge Street covers 1820m<sup>2</sup> and was acquired in 1900. The title deed recites that it is for the “*behoof of the whole body and community thereof (referring to Wick) and also for behoof of the community of the burgh of Pultneytown, to be held in all time coming primarily for recreation heritably and irredeemably*”. This portion of land is assessed as Common Good and is the subject of this consultation.
- 4.2 The Council was approached by a wind farm developer seeking an option to lease an area of land in Wick to facilitate the oversail of turbines and equipment. The area of land affected falls within the Common Good portion of Riverside Park (south of River Wick). Such arrangements are undertaken by the granting of ribbon leases. There is no intention to grant actual occupation of the land but a real right in land is still required to allow the attachment of rights for the developers to secure funding and to pass over with their equipment. As a result small parcels of land are leased, for example 2m<sup>2</sup>, for the purposes of being the vehicle for attaching the oversail rights.

The area of land shaded in the consultation document attached as **Appendix 3**, shows the full extent of the Common Good land contained in Riverside Park (south of the river) but any actual lease footprint would be a small fraction of that land. This legal arrangement allows for a number of different ribbon leases to be accommodated within the same area of land.

- 4.3 The development of windfarms are usually funding dependant which makes assessing potential timescales difficult. The initial request resulting in this consultation is a case in point. The timescale for having the agreement to the granting of the option to lease in place reduced meaning it would no longer fit within the anticipated consultation and Court application timeframe. A short term work around has been agreed whereby a

ribbon lease of a piece of general fund land can be granted but with attendant rights permitting the oversail to ensure that the maximum benefit still accrues to the Common Good fund. However, this is not an ongoing solution and is one of the main reasons that the proposal is to seek general permission to allow such leases to be negotiated rather than needing to run separate consultations in each case. The general permission and Court approval is also more cost effective for Wick Common Good fund.

- 4.4 The Council is required to conduct a public consultation under section 104 of the Act where it is proposing to dispose of change the use of Common Good property. In Highland a disposal includes a long lease of 10 years or more. The windfarm ribbon leases are long, commercial leases usually due to the funding requirement and the expected life span of the windfarm and are, on average, of 30-50 years duration. Therefore, the requirement to consult was triggered.
- 4.5 Members were briefed in July 2023 and confirmed they were supportive of commencing a public consultation. The public consultation commenced on 31 October 2023 and concluded on 5 January 2024. An analysis of the consultation has been prepared and can be found at **Appendix 1**.

## **5 Summary of responses received**

- 5.1 27 people submitted representations. The Community Council was notified of the consultation and invited to make comment but no response was received. The analysis at **Appendix 1** details a numerical and percentage breakdown of the responses received. It also contains a summary of the themes distilled from the representations received.

**Appendix 2** contains a table of all representations received reproduced verbatim (with identifying information redacted) together with the Council's proposed responses.

- 5.2 The responses can be broken down as follows:
- **20 straight no** (74.08% of total responses received)
  - **4 yes with comments** (14.8% of total responses received)
  - **3 comments only** (11.1% of total responses received)
- 5.3 The summary of the themes running through the objection representations are as follows:
- Concern regarding lopping and felling of trees in the park to allow the oversail.
  - Concern that park would no longer be available for recreational use and concern about the damage to well-being, wild-life and value of the area.
  - Length of lease being too long.
  - Concern the lease will result in actual occupation of the land rather than simply permitting passing over the land.
  - Mistaken belief the actual windfarm will be in the town of Wick.
  - Concern at the Council's inability to share commercially confidential information particularly financial sum being negotiated.

The responses that approved of the proposal also contained comments with the following themes:

- Wanting to be sure any deal is the best possible especially if it is a one-off payment for a lengthy lease e.g. 30 years.
- Ensure future proofing is part of any agreements.
- Ensure if any trees need to be felled or lopped, this is done by agreement with Common Good and any felled are replaced.

5.4 Based on the percentage breakdown of representations received, the majority opinion is that the proposal should be rejected. However, the percentage figures must be considered alongside the reasons and explanations contained within the representations. Whilst some of the representations are offering comments directly in respect of the consultation subject matter, others are offering comments on general matters or issues that are outwith the scope of the current consultation. A number of the objections received were based on misunderstandings that:

1. the proposal would involve siting a windfarm in Wick,
2. that it would lead to formal occupation of the land and
3. that it would change recreational use of the park.

In reaching a decision, the Council is required to have regard to the representations received but ultimately, must make a decision that it considers is in the best interests of Wick Common Good.

## **6. Options for next steps**

6.1 Members are asked to consider the outcome of the consultation and make a recommendation to full Council for a decision. In doing this, Members must have regard to the representations received, the proposed responses and their responsibilities to Wick Common Good fund.

6.2 The available options for recommendation to full Council are as follows:-

- Agree that the proposal should go ahead in the terms of the consultation document subject to Sheriff Court approval
- Amend the proposal (any significant amendment would require a new consultation process)
- Decide that proposal should not go ahead.

6.3 Taking into account the representations received, balancing the nature of the issues raised and considering benefit to be achieved from the income generation opportunities, it is recommended that Members of Caithness Area Committee recommend that full Council agree that the proposal as contained in the consultation document should go ahead.

Designation: Paul Nevin, Acting Executive Chief Officer Performance and Governance  
Allan Gunn, Executive Chief Officer Communities and Place

Date: 20 April 2024

Author: Sara Murdoch, Common Good Fund Officer

Appendices: Appendix 1 – Analysis of Consultation  
Appendix 2 – Representations and Responses  
Appendix 3 – Consultation Document

### WICK COMMON GOOD

#### ANALYSIS OF COMMUNITY CONSULTATION ON THE PROPOSAL TO DISPOSE, BY WAY OF "RIBBON" LEASE, SMALL PORTIONS OF COMMON GOOD LAND LOCATED AT RIVERSIDE PARK (SOUTH OF THE RIVER WICK) TO WIND FARM DEVELOPERS TO FACILITATE THE OVERSAIL OF TURBINES AND EQUIPMENT NECESSARY FOR THE INSTALLATION, MAINTENANCE AND DECOMMISSIONING OF SUCH WIND FARMS.

##### **1. Number of responses received**

The public consultation period ended on 5 January 2024 with a total of 27 people submitting representations (4 people submitted representations split over more than one email). All responses were from individuals. The Community Council was notified of the consultation and invited to make comments but no response was received. The responses are broken down as follows:

- **20 straight no** (74.08% of total responses received)
- **4 yes with comments** (14.8% of total responses received)
- **3 comments only** (11.1% of total responses received)

##### **2. Representations received**

This analysis provides a brief summary of the themes of the comments raised. However, **Appendix 2** to the report before Caithness Area Committee meeting on 20 May 2023 is a table containing verbatim reproductions of all of the representations received together with proposed responses to those representations. In compliance with the Council's data protection policy and the statutory guidance, identifying information has been removed/redacted.

Members must have regard to the contents of these representations when making a decision in respect of the proposal.

##### **3. Analysis of the consultation process**

Based on the simple percentage breakdown, the majority opinion of those who have commented within the consultation is to reject the proposal.

However, those percentage figures must be considered alongside the reasons and explanations contained within the representations.

The themes running through the objection representations are as follows:

- Concern regarding lopping and felling of trees in the park to allow the oversail.
- Concern that park would no longer be available for recreational use.

- Concern that the oversail may reach and impact on the fountain.
- Length of lease being too long.
- General disapproval of windfarms in Caithness.
- General complaints about the state of the roads in Caithness and the state of Wick town centre.
- Concern the lease will result in actual occupation of the land rather than simply permitting passing over the land.
- Mistaken belief the actual windfarm will be in the town of Wick.
- Concern at the Council's inability to share commercially confidential information particularly financial sum being negotiated.
- Misunderstanding the legal ownership of Common Good.
- Understanding the purpose of having "in principle" approval in place for the oversails whilst ensuring the actual details remain to be negotiated as they arise.
- Damaging to well-being, wild life and value of the area

The responses that approved of the proposal also contained comments with the following themes:

- Ensure Community Council is consulted in the event any trees need felling.
- Wanting to be sure any deal is the best possible especially if it is a one off payment for a lengthy lease e.g. 30 years.
- Ensure future proofing is part of any agreements.
- Ensure if any trees need to be felled or lopped, this is done by agreement with Common Good and any felled are replaced.

#### Analysis conclusion

As can be seen by the themes distilled from the responses, many of the objections were based on reasons not within the scope of the consultation such as peoples views on windfarms in general, cost of power in Caithness, state of the roads and general state of the town of Wick. The nature of the proposal is not a straightforward matter and those themes addressing issues relating to actual occupation, nature of rights granted, size of leased area and effects on trees are more central to the consultation and will need to be addressed within the decision making process.

In reaching a decision, the Council is required to have regard to the representations received but ultimately, must make a decision that it considers is in the best interests of Wick Common Good.

#### **4. Next steps**

- Consider and agree responses to the above questions/issues raised. Once approved they will be included in a document for publication on the Council website and notifying to those who have responded within the consultation process.
- Members to consider the outcome following the consultation process.
  - If the value of the proposed disposal is up to 10% of the Fund value, the decision in respect of the proposal rests with the Caithness Committee.



- If the value exceeds 10%, the decision falls to full Council.
- This consultation relates to general permission for ribbon leases on the understanding that specific details will continue to be negotiated on a case by case basis. As a result, each lease will vary in value some of which will exceed 10% of Wick Common Good fund value. Therefore, if approved, this consultation will be referred to full Council for the final decision.

## 5. **Decision making options**

Available options are as follows:-

- Decide proposal should go ahead in the terms of the consultation document.
- Consider if any amendments to the proposal may be necessary in light of the representations received – any significant amendments will trigger a fresh consultation process.
- Decide that the proposal should not go ahead.

## 6. **Additional information**

The Highland Council have a statutory obligation to seek court consent before disposing of Common Good land which may be ‘inalienable’.

In this context ‘inalienable’ refers to Common Good property that falls into at least one of the following categories: -

- The Title Deed of the property dedicates it to a public purpose, or
- The Council has dedicated it to a public purpose, or
- The property has been used for public purposes for many years (time immemorial) without interference by the Council.

This particular portion of Riverside Park (south of River Wick) was acquired in a disposition by the Trustees of James Louttit to the Town Council of Wick registered 12 July 1900. The title deed recites that the area of land was acquired for *“behoof of the whole body and community thereof (Wick) and also for behoof of the community of the Burgh of Pultneytown, to be held in all time coming primarily for recreation purposes heritably and irredeemably”*. As a result it has been dedicated to a public purpose and is inalienable.

Sara Murdoch  
Common Good Fund  
20 March 2024

WICK COMMON GOOD

CONSULTATION ON PROPOSAL TO DISPOSE, BY RIBBON LEASE, OF SMALL PORTIONS OF COMMON GOOD LAND AT RIVERSIDE PARK TO WIND FARM DEVELOPERS TO FACILITATE OVERSAIL OF TURBINES AND EQUIPMENT.

REPRESENTATIONS AND RESPONSES

| REPRESENTATIONS RECEIVED AND RESPONSES |   |   |
|--|---|---|
| ID ref no                              | Representation received reproduced verbatim   | Council's responses   |
| 1                                      | <p>I refer to the Highland Council consultation on granting a ribbon lease to wind farm developers to oversail small areas of Common Good Land at Wick Riverside. This is already generating some heat (but no light) on Facebook. Can you advise me if such a ribbon lease would enable the developer to cut down trees in the leased area?</p> <p>[REDACTED]</p> <p>[REDACTED] before it was discovered that this was Common Good land and a wind farm developer asked for permission to cut down some trees for oversail purposes. I took part in a site meeting where the trees were identified, I don't recall mention of payment to HC at the time but there were some benefits in kind which the RBWCC asked for and these were agreed. In fact with hindsight the decision to cut down a few trees actually improved the area as it let more light in and gave better views of the fountain which was subsequently refurbished. However, any proposal to cut down more trees might not be looked on so favourably, it would depend on the detail.</p> <p>I assume that the RBWCC have been formally consulted on this proposal?</p> | <p>Clarification sought at the start of November 2023 provided advice that the lopping of branches and clearing of vegetation may be required but removal of actual trees was not considered necessary. It was confirmed that the windfarm company would be expected to reinstate any damage including planting new trees/bushes. It was agreed that any replacement trees would be mature specimens.</p> <p>A more detailed examination of the area has now taken place and 2 trees have been identified that will require to be removed and one tree where lopping will be required. The windfarm company currently involved in the ribbon lease of the adjacent Council general fund land has suggested removal of this 3<sup>rd</sup> tree might be more advisable.</p> <p>Rather than replanting in the exact spot, the current windfarm company have identified a location within the Common Good land area which would be unlikely to be affected by any subsequent oversails. This would allow any trees being replanted to become established and flourish. <b>A plan is attached at the end of this document to illustrate.</b></p> <p>Wick Community Council were formally notified of the consultation as required by statute but have not responded.</p> |

|                                  |  |  |
|----------------------------------|--|--|
| 1 (second response, same person) | Further to the HC consultation on the above I write to express my support for this. I would add though that should it be necessary to fell any trees then there should be further consultation with the Royal Burgh of Wick Community Council.   | The Community Council will be kept informed via contact with local Area Members.   |
| 2                                | Hello,<br><br>You need to provide more clarity on what will actually happen. Is this so developers can cut down trees to fit blades past? Is it for another reason? The wind turbin lorries have been reversing up the hill to the train station for years with no issue so what exactly is going on here?   | Please see the response to representation 1 for the position relating to felling trees.<br><br>The granting of ribbon leases for oversails are purely to allow the blades to pass over and will not grant any physical occupation.   |
| 3                                | No.<br>I do not and will never agree with any industrial use for Wick Riverside .This area is a recreational area for public use and needs to be protected.  | The proposal does not affect the public recreational use of the area. It will not create an industrial use. The ribbon lease simply grants permission for the energy companies to pass over the land with the turbine blades and equipment but will not grant any rights of occupation. It will also allow for financial benefit to accrue to Wick Common Good fund.   |
| 4                                | Sir/Madam<br>I consider the extent of the land proposed to be included in the lease(s) is excessive. Along Station Road there is no need to let land right down to the river bank. A modest depth should be perfectly adequate. The land slopes down towards the river with a significant gradient. Removal of trees should be minimised and the existing boundary railings only removed if absolutely essential with an appropriate, safe replacement installed in that event.<br>The fountain within the proposed area (recently put back into working condition by local volunteers) should be protected from damage. It is of local historical importance.<br>The information I have seen does not indicate what works will be required to provide the unencumbered access required when windfarm sails are being moved. | The consultation document highlights in pink the total Common Good area of land at that location. However, the consultation document goes on to state that a ribbon lease is only a token area of land – see the plan at the end of this document which gives an example of an area of 2 square metres a forming a ribbon lease.<br><br>As mentioned about, the lease is to allow the oversailing of the land and not actual, physical occupation. The lorries transporting them will use the existing road.<br><br>The fountain is outwith the oversail area so will not be affected. |

|   |   |  |
|---|---|--|
|   | <p>Access to the existing Riverside path should only be restricted when absolutely necessary.<br/>Please acknowledge receipt of my comments.</p>  | <p>Access to the footpath would only be restricted on health and safety grounds for the actual duration of the oversail otherwise it will remain freely accessible.</p>  |
| 5   | <p>Hi<br/>Iv got concerns about this as in the proposal it does not say what they plan to do if its cutting down more 100 year old tree,s again I'm totally against it . I was gutted last time the did it without consulting local community they can easily use cranes to lift turbine blades when they come to difficult area,s . In wick we have very few area,s of wood land area,s in wick</p>  | <p>Please see the response to representation 1 for the position relating to felling trees.</p>   |
| 6 (1)   | <p>To the local council members,</p> <p>I feel as do many of my local friends in Wick that this is not acceptable use of our common land, the area proposed has many trees and is enjoyed by many.</p> <p>What exactly is proposed? No information has really been given... so in plain English we would like to know what will need to be done to the area to facilitate this lease.</p>   | <p>Please see the response to representation 1 for the position relating to felling trees.</p> <p>The consultation document explains that an “oversail” is when blades and equipment being transported need to temporarily overhang areas of land. It further explains that a “ribbon” lease is a lease of a token piece of land adjacent to the area being oversailed. The consultation document makes it clear that such a lease will not impact on the use of the land as a public park and will not grant any actual rights of physical occupation.</p>                    |
| 6 (2 <sup>nd</sup> response from same person) | <p>Good afternoon,</p> <p>I would like the financial compensation for the ribbon release looked at. My reason is that the lease is over such a long period of 30 years and what looks good today is most likely abysmal in 10 years never mind over the period of the lease and is not in the best interests of the fund considering the vast profits made from wind farms. It is a necessary route and the fund holds the cards so a Claus should be put in for future payments inline with inflation as long as</p> | <p>As stated in the consultation document, the manner of rental arrangements for oversail leases can vary from company to company both in nature and value. On occasion there is no negotiation in relation to payment and the matter proceeds by the electricity company (for example Scottish &amp; Southern Energy) completing a Compulsory Purchase Order. This would result in no benefit accruing to Wick Common Good fund.</p> <p>Until completion of any lease, the terms subject to negotiation are commercially confidential however, the negotiations are being</p> |

|   |   |  |
|---|---|--|
|   | <p>the initial sum is sufficient and not just a rip off for the people of Wick.</p>   | <p>conducted by solicitors on behalf of the Council who are experts in this field and the value secured is in line with similar size wind farms in other parts of the Highlands.</p> <p>30 years is not unusual for length of lease and, in this case, links to the expected life span of the wind farm. Often commercial leases can be longer in duration – routinely between 30-50 years.</p>  |
| 7 | <p>Why do you think it is even near to being acceptable that we loose even more of our towns facilities to companies that are screwing us over on a weekly basis. We pay over the odds for electricity up here in caithness. Which is so unfair with the countless amount of wind farms and substations which are already constantly ruining our landscapes. We have some of the worst roads in the country which will only get worse with their vehicles wrecking it. If this goes ahead, you may aswell put an article in the paper saying we don't care about the local people. We only care about keeping the windfarms moving regardless of the effect on our community.</p> | <p>There is no loss of facilities. The land will remain as an accessible public recreation park. Access will only be restricted during period of actual transport and this is only the basis of health and safety.</p> <p>The cost of electricity in Caithness is outwith the ambit of the consultation.</p> <p>The condition of the roads and any maintenance falls within the Area Roads Capital Programme which is considered annually.</p>   |
| 8 | <p>To whom it may concern<br/>I am e mailing to express my concerns and NOT support the lease of ground at riverside park for moving wind turbine parts for the following reasons There is no guarantee that trees will not be harmed during the long term lease . These trees have been there for a long time and good for the environment.<br/>The land at the riverside belongs to the Public and wick needs to decide what happens and not the highland council</p>   | <p>Please see the response to representation 1 for the position relating to felling trees.</p> <p>This area was acquired on behalf of the Town Council in 1900. Ownership was vested in the Council by statute following both local authority reorganisations in 1975 and 1994. Whilst the Council is the legal owner of Common Good land it must account for and manage it separately and have regard to the interests of the inhabitants of the former Burgh area when making any decisions.</p> |
| 9 | <p>To whom this may concern,<br/>[REDACTED] I have lived in wick for most of my life (I moved away for a brief amount of time to Glasgow). After seeing so many thing away from</p>   | <p>Your comments are noted. The proposal is about increasing the income generating potential for Wick Common Good which, in turn, will be used to benefit the residents of Wick.</p>   |

|    |  |  |
|----|--|--|
|    | <p>wick life I can personally say that for the “common good” of this town it is not more turbines, and most certainly not adjusting one of the very few “nice” places in this town to accommodate these is that we need!!</p> <p>This town has a complete lack of entertainment, shops, and most importantly places for children from birth upwards to go to!! Yes we have park but we live in a part of the country that outdoor weather doesn’t come that often and in the winter months there is absolutely nothing to do!! Seeing personally how this affects my own daughter is heart breaking, she gets so bored being cooped up in the house all day when the weather is too bad. Yes I understand that there are mother and baby groups but these don’t always accommodate everyone and they don’t run 9-5, 7days a week! This place is turning into a ghost town and if nothing is done about it in 50 years or so that will be a reality, with most of my generation moving away from this town for the sheer lack of resources available. So don’t be silly and waste this town with so much potential away and actually do thing for the common good for not just the town but for the locals who live here!</p> |  |
| 10 | <p>I really don’t think this is good idea. It will not be great for our beautiful countryside the animals we as a community get no benefit from these! Wind farms are not the answer to our climate crisis and this is not the way we should be looking for investment but in the high skilled nuclear engineering industry which our community is missing out on so much.</p>   | <p>This consultation is about the proposal for oversail leases and not in respect of wind farms in general.</p>  |
| 11 | <p>Dear Sirs,</p> <p>This email is regarding the ribbon lease for a patch of Wick Riverside.</p>   | <p>The ribbon lease only grants rights to oversail the Common Good land, it does not grant any rights of actual occupation. There will be no major changes to the park and it will remain as public access amenity land.</p> |

|    |  |  |
|----|--|--|
|    | <p>For the love of all that is good please do not do anything or allow anything to alter the look or appearance of that patch of the riverside.</p> <p>It was bad enough when the route for cars, caravans, and campervans was changed to the riverside access road, don't let this one patch which is safe from vehicles and contains the much loved fountain be yet another area where people, children, and dogs fear getting struck by a vehicle.</p> <p>Both my dog and myself have nearly been run over by tourists taking the access road too fast, I have witnessed countless times similar issues with others as oversized campervans nearly knock people into the river. That one patch you are currently proposing to lease is away from the road, children do play there, it's even better in the summer when the fountain is actually turned on.</p> <p>Have you walked through Wick town centre recently? It is a mess, only a couple of decent places left, empty buildings, vandalism, etc and you want to lease out the pretty area next to the bridge into the town centre, seriously this will be the final nail in the coffin.</p> <p>You shouldn't be leasing out one of our towns small assets, you should be helping make the entire town an asset to the Highlands region.</p> |  |
| 12 | <p>This proposal is a ridiculous idea, and ive heard absolutely nobody from the community agree with this, as can be seen in the fb comments. Not only is it a well loved area but the fountain has not long been restored, which would result in another case of council wasting money.</p> <p>As a mother, i love to walk down there with my wee one. She loves the fountain when its on and splashing her hands in the water. I know many people who enjoy sitting in that particular area and enjoying the ducks , flowers and trees.</p> <p>I strongly disagree with this proposal, and as someone whos grown up and lived in wick ny whole life, i can tell it would further progress</p>  | <p>The proposal will not affect the fountain which falls outwith the oversail area. As stated in the consultation document, the land will remain a public park and the ribbon lease grants no rights of occupation only the right for the wind farm to transport their blades and equipment over the land in question as required. Such leases are widely used for this purpose across Scotland.</p> <p>Any income generation will form part of Wick Common Good fund which is for the benefit of the residents of Wick.</p> |

|    |   |   |
|----|---|---|
|    | <p>the death of this town. The highstreet is not what it was and most things/shops/activities that keep us entertained has dissappeared. It would probsbly be a massive eyesore in the centre of town. Since (i think im wording this right) our council has been centralised further south, the town has gotten worse and worse. It feels like the money we're supposed to see go towards helping our town, is put further south and its ridiculous. This feels like another issue to do with that. Money thought of first before our town. I strongly disagree with this proposal.</p>  |   |
| 13 | <p>So let's get this right we are giving up a magnificent peace of ground for money to benifit the wind farms how much of that goes to our roads and town which are atrocious will the money be put to something useful instead<br/>They seem to be doing alot but fixing the town and it's roads wick is a run down eyesore as it is we need to fix it not sell it</p>   | <p>No land is being given up. The ribbon lease creates a real property right required for funding but only grants the developers the rights to pass over the area of land required. It will not grant any rights of actual occupation.<br/>The wider issues relating to the town and roads are outwith the scope of this consultation.</p>  |
| 14 | <p>Dear Council,</p> <p>Id like to comment on the proposed lease to a wind farm for the riverside park.</p> <p>Frankly i find it absolutely despicable that the Highland council deem it remotely acceptable to allow a wind farm in the vicinity of Wick. The Highland council is responsible and solely responsible for completely destroying probably the only unique part of the county being the views throughout the Highlands and what has the community received for losing this at their expense? Absolutely nothing. Weve seen absolutely no reduction in energy costs but the Highland council see it fit to employ these right on our doorsteps.</p> <p>Its shameful how the Highland council operates. Leave roads in a disgraceful state (although we are required to pay road tax.....</p> | <p>The proposal is not in relation to a wind farm being developed on Riverside Park in Wick. The consultation document explains that the proposal is for a ribbon lease – a nominal area of token land the provides actual property rights for lending purposes and grants rights for the developer to transport blades and equipment over the area of land required. However, it will not grant any rights of actual occupation.</p> <p>The park will remain public access recreation land with access only being restricted on health and safety grounds during the actual period of transport.</p> <p>The question of wind farms and cost of electricity is not within the scope of this consultation.</p> |



|    |   |   |
|----|---|---|
|    | <p>Maybe the Highland council can enlighten me what this tax is actually for?) And as soon as an opportunity comes along to line the Councils pockets at the expense of the local community the Highland council jump without a single care.</p> <p>I hope this can be reconsidered at the reputation of the Highland council is near non existent</p>  | <p>Road tax is a central government matter. Highland Council has a roads budget which is set and reviewed annually and is not within the terms of this consultation.</p> <p>Any income generated from this proposal is a revenue receipt for Wick Common Good fund and not the wider Highland Council fund. It must be managed and accounted for separately to the general Council funds and any use must have regard to the interests of the residents of the former burgh of Wick.</p>  |
| 15 | <p>I've been thinking about this issue since it was raised last week by the Council. For me, and I assume for a lot of others, the slight mention of windfarms in Caithness instantly puts me on the defensive. A real sense of mistrust against both the Highland Council and Scottish Government has arisen over the last ten years in relation to wind farms in Caithness. For me, we've been seen as an easy and cheap target for on-shore wind developers who are (and let's not greenwash this) chasing large profits. With more developers now putting in applications for larger and larger turbines in order to bypass Highland Council, we are seeing the erosion of local democracy in favour of meeting green targets at what seems to be any cost to local people.</p> <p>For me, the "ribbon lease" of the riverside simply gives just another green light for developers that Caithness is open for business when it comes to more and more on-shore wind farms. We're taking away just another hurdle in the relentless march to turn Caithness into a steel forest.</p> <p>Whilst I am always in favour of looking for ways to generate money to support many of the incredible initiatives that make the town a better place to live, I cannot support making Caithness a better place for windfarms.</p> | <p>The granting of a ribbon lease allows the opportunity for Wick Common Good to benefit from these developments which, in turn, will help benefit the residents of Wick.</p> <p>A more undesirable alternative would be if the energy company simply undertook a Compulsory Purchase Order of the area required. This would constitute a loss of recreation land to Wick and no financial benefit for Wick Common Good.</p> <p>The wider concerns people may have in relation to windfarms are outwith the scope of this consultation but your comments are noted.</p> |

|           |  |   |
|-----------|--|---|
| <p>16</p> | <p>Dear Planning Committee,<br/>Ribbon Lease of Wick Riverside Park objection.</p> <p>I think that we should be sure what the ribbon lease of the Wick Riverside Park actually means. The wind farm developers are currently unable to move the blades for the new generation of wind turbines due to the size so the idea is to lease the park land to "Oversail" their loads. According to "<a href="https://www.newpower.info">https://www.newpower.info</a>, "...Wind turbines will continue to grow in size, with 200m blades being the norm in single-rotor designs...." It appears that in order to move these blades to wind farm sites it will be necessary to cut down many trees along the riverside park so that the blades can be swung around to get to the A9 road. Once permission is granted the developers can go ahead with plans to build wind turbines as tall as, possibly taller than, the Rumster TV mast. I don't know if this means loss of our TV signal but I don't think it can be ruled out. Make no mistake, the developers will build as many turbines, as big as possible to maximise their profit from Caithness and it is almost certain that we will be subjected to many more wind farms around the east of the county. 220m (721ft) tall turbines are already in the planning system for a site on the edge of Watten and RWE Renewables have applied to vary their consent for Golticlay wind farm to increase the size of many of the turbines to 200m and this will just be the beginning.</p> <p>Much is being made of the promise of "Community Benefit" from the lease but how many of us have actually benefitted from wind farm money over the past 20yrs? How many of us have seen any reduction in our bills? I am objecting to the granting of a "Ribbon Lease" of the Wick Riverside Park because I value what is left of our county landscape heritage and don't think it should be buried under even more and bigger wind turbines in the future, especially since we are hosting more than our fair share already. To grant the lease</p> | <p>The proposed ribbon lease relates to a token area of land only, an example being 2 metres square. It provided actual property rights for funding purposes as well as rights to oversail the required area but no actual rights of occupation. The park will remain a public access recreation area.</p> <p>It is accepted turbine blades sizes vary from development to development. Any planning application by developers is considered in respect of the circumstances of each case.</p> <p>With regard to trees, a more detailed examination of the area has now taken place and 2 trees have been identified that will require to be removed and one tree where lopping will be required. The windfarm company currently involved in the ribbon lease of the adjacent Council general fund land has suggested removal of this 3<sup>rd</sup> tree might be more advisable. There is a commitment to replace any trees removed with mature specimens to minimise the impact.</p> <p>Rather than replanting in the exact spot, the current windfarm company have identified a location within the Common Good land area which would be unlikely to be affected by any subsequent oversails. This would allow any trees being replanted to become established and flourish.</p> <p>Any income generated from these leases in this area would be received into Wick Common Good fund which must be managed and accounted for separately to other Council fund. In making any decision in relation to such funds, regard must be had to the interests of the residents of the former burgh area.</p> <p>Any direct benefit from the windfarm itself to the community or effect on energy bills is not within the scope of this consultation.</p> |
|-----------|--|---|

|   |   |  |
|---|---|--|
|   | would be tantamount to giving free rein to the developers to do pretty much as they please with our small county. In conclusion, I can think of no possible positive outcomes from the granting of ribbon lease permission to oversail the Wick Riverside Park.   |  |
| 17(1)<br>(4 responses from same person) | <p>Dear Sara,</p> <p>I am writing to you with regard to the proposed ribbon lease of common good land in the Riverside Park area adjacent to Bridge street in Wick.</p> <p>In order to make an informed decision on this topic could you please supply by return:</p> <ol style="list-style-type: none"> <li>1. Details of the terms of the proposed lease and how the common good fund will be compensated with accompanying details of the mechanisms which will be used to achieve this.</li> <li>2. Details of any impact assessment to the specified area, carried out by the developer or Highland Council, that the granting of a lease would entail.</li> <li>3. Details, if there are any, of how the proposed oversail of the area can be achieved without any material impact to the existing area.</li> </ol> <p>Without this and any other relevant information you may have I find that I can do nothing other than register a strong objection to your proposal to grant a ribbon lease for the specified area at this time.</p> | <ol style="list-style-type: none"> <li>1. As mentioned in the consultation document, the manner of rental arrangement for oversail leases can vary from company to company both in nature of payment and value. The Council has outsourced legal negotiations to expert legal advisers. As the lease is still at the negotiation stage, it is not a public document and these details are commercially confidential as is usual in commercial transactions.</li> </ol> <p>The negotiated deal will be the best secured for Wick Common Good. The less beneficial option would be for the energy company to CPO (Compulsorily Purchase Order) the land required. This would result in a loss of the land and no financial benefit.</p> <ol style="list-style-type: none"> <li>2. The ribbon lease will not grant any rights of actual occupation, only rights to pass over the land required. Public access to the land will not be restricted other than during the actual transport period on health and safety grounds. Please see answer above regarding impact on any trees.</li> <li>3. Currently the only proposal is to oversail requiring the removal of 2/3 trees which will be replaced with mature specimens to minimise impact.</li> </ol> |
| 17(2)                                   | <p>Good Morning,</p> <p>Thank you for your email,</p> <p>I look forward to receiving the information regarding my questions in due course.</p>  | <p>Although the land is Common Good, it still legally belongs to the Council. Title was vested following the abolition of the burgh then again when the district and regional Councils became the Highland Council. However, Common Good must be administered and accounted for separately from other Council funds and any decision</p>   |

|       |  |  |
|-------|--|--|
|       | <p>As for the statement pertaining to on-going negotiations and commercial confidentiality I would contend that the Councils stance on this is inappropriate as the land in question belongs to the people of Wick and as such they are entitled to any and all information with regards to the granting of any lease.</p> <p>I look forward to all relevant information being published on the Highland Council website as part of the consultation process in order that the people of Wick can make an informed choice as to whether they wish to support the granting of any lease on their behalf.</p>  | <p>must have regard to the interests of the residents of the former burgh area.</p> <p>It is common place during commercial property negotiations for many of the details to remain commercially confidential.</p> |
| 17(3) | <p>Good afternoon,<br/>thank you for your reply, I look forward to receiving the full, considered, response from your colleagues in due course.</p> <p>Please could the Council make the information currently shared with myself or the fully considered version of the information available to the wider public on The Highland Council website. This would allow the inhabitants of the area better understand the impact of the proposed ribbon lease on the heart of the community of Wick and allow them to engage with the council, appropriately informed, as to what the proposed ribbon lease would entail for the area in question.</p> <p>This would undoubtedly assist the council in administering the common good property with proper regard to the interests of the inhabitants of the area.</p> | <p>The consultation document has provided the appropriate information in connection with this matter. Any subsequent queries have been responded to where additional information has become available.</p>         |
| 17(4) | <p>Good Evening,<br/>It was stated in the reply of November 7th that the information from your colleague was their quick response. As such I would appreciate a fully considered response when it becomes available.</p>   | <p>The consultation has been validly conducted in accordance with legal requirements. Other comments have been noted.</p>  |

|       |  |  |
|-------|--|--|
|       | <p>How can a consultation be adequately carried out when the public have not been given full details of what is being proposed?</p> <p>The local press have not clarified the proposal and it is not their responsibility to do so.</p> <p>The Highland Council is responsible and accountable to provide and publish this information.</p> <p>There are still no firm details, in the public domain, of any benefit for the local community nor the impact that "oversail" will have on the area other than the vague single page which provides no detail.</p> <p>The Highland Council are playing fast and loose with the Scottish governments own guidelines on public consultations and would appear to be, if not technically breaching them, wilfully disregarding the spirit of those guidelines.</p> <p>Once again I express my objection to the proposed ribbon lease until further information on the compensation mooted for the common good fund is explained, the extent of the damage the granting of the lease will cause to the area and the finalised term and conditions of the lease are shared with the public.</p> | <p>Negotiating the terms of a ribbon lease enables financial benefit to accrue to Wick Common Good which, in turn, can be used to benefit the community. A more undesirable alternative would be if the energy company simply undertook a Compulsory Purchase Order of the area required. This would constitute a loss of recreation land to Wick and no financial benefit for Wick Common Good.</p> |
| 18(1) | <p>Good evening,<br/>I have been reading the consultation paper produced on Highland Council webpage on the oversail</p> <p>An interesting article, but there s one omission. You mention a good way to raise funds for the common good fund, which appears to be so. However there is an omission from the paper. I dont see any mention of funds or the sum involved for the lease.</p>  | <p>The precise figure remains commercially confidential while the lease details remain subject to negotiation. This is common practise in commercial transactions.</p> <p>Any income generated must be paid in full into Wick Common Good fund. Any costs that may be associated will be subject to Member agreement regarding payment.</p>  |

|  |  |  |
|--|--|--|
|  | <p>Please can you pass on the amount expected to be raised from the ribbon lease. I can appreciate final sum may not be finalised but your office shall have a figure being discussed otherwise you will not be at this stage.</p> <p>Therefore please can you pass to myself and also publish the the sums to be raised and also the figures that will be subtracted if any for associated costs, and ultimately the figures you are hoping to raise for Wicks common good fund.</p> <p>Thanks in advance</p>   |  |
| <p>18(2nd response from same person)</p> | <p><b><u>Consultation</u></b></p> <p>Section 104 of the Community Empowerment (Scotland) Act 2015 requires the Council to consult local communities when considering disposing or changing the use of Common Good assets. This includes where the proposal is to grant a lease of over 10 years.</p> <p>Therefore, before taking any decision, and to inform the decision making process, we are keen to hear the views of the community, in particular:</p> <p>What are your views on the proposed disposal, by “ribbon” lease, of portions of common good land located at Riverside Park (south of the River Wick) to wind farm developers to facilitate the oversail of turbines and equipment necessary for the installation, maintenance and decommissioning of such wind farms.</p> <p><i>I think a proposed 30 year lease is far too long, and ultimately whichever way you look at it a 30 year lease will represent poor value for money, and will effectively be doing the common good</i></p> | <p>30 years is not unusual for length of lease and, in this case, links to the expected life span of the wind farm. Often commercial leases can be longer in duration – routinely between 30-50 years.</p> <p>Also the lease arrangements will vary from developer to developer with some being on a one off basis whilst others being on an annual basis. The need to negotiate each arrangement separately is not affected by this consultation.</p> |

|  |  |  |
|--|--|--|
|  | <p><i>fund a dis service. There can be many changing factors over 30 years and HC will have entered into a contract which will ultimately be regretted and lead to many conversations and discussions at a later date. I do believe that this request should be facilitated and am an advocate of the wind farms and benefits, so I would vote in favour of supporting the oversail, just not on these terms.</i></p> <p><i>o you have any views on the proposal that a single permission be granted to cover all future such lease arrangements? I would be happy on a single permission basis but over much shorter period of time, say 10 years with 10 year future options. The single permission basis should be subject to event per event cost / charge basis allowing for size, inflation, oversail and disturbance to the planted areas.</i></p> <p><i>o you have any views on potential benefits of the proposal? As mentioned in favour of wind farms, so to allow the oversail under the right circumstances would not be objected to from me. I am disappointed HC have been unable to give an indication of figures discussed due to commercial sensitivity. I think this is poppycock, and a convenient phrase. If Common good is belonging to the town then this figures should public knowledge.. This failure does not conclude a proper consultation, and therefore is non conclusive. I believe if full disclosure was given, it would lead to less criticism at a later date and would allow for more positive viewpoint.</i></p> |  |
|--|--|--|

|    |  |   |
|----|--|---|
|    | <p>Do you have any issues or concerns arising from the proposal? <i>The length of lease, the nondisclosure of incomes to be generated and the single proposal for a fee does not make commercial logic.</i></p> <ul style="list-style-type: none"> <li>• Do you have any additional comments? <i>I would support and be more positive if there was more options and information available, along with sums to be generated and I would suggest in this modern world there should be options built in. That's sound business planning. i.e future proofing. I think the proposal should definitely go ahead, but with amendments, and fresh consultation. I think there should be a place for the public to suggest areas to be looked at.</i></li> <li>• <i>Finally how about some comparisons on similar ventures elsewhere in Scotland to give a like for like comparison. As I say I am in favour, just not on this basis.</i></li> </ul> <p>The Council will take all representations into account in reaching a decision.</p> |   |
| 19 | <p>Dear Ms Murdoch,</p> <p>following review of the information provided by Highland Council on the above Consultation, I wish to record my concerns and suggestions on this proposal for consideration by Highland Council.</p> <p>What are your views on the proposed disposal, by “ribbon” lease, of portions of common good land located at Riverside Park (south of the River Wick) to wind farm developers to facilitate the oversail of turbines and equipment necessary for the installation, maintenance and decommissioning of such wind farms.</p>   | <p><b>What are your views on the proposed disposal, by “ribbon” lease, of portions of common good land located at Riverside Park (south of the River Wick) to wind farm developers to facilitate the oversail of turbines and equipment necessary for the installation, maintenance and decommissioning of such wind farms - response</b></p> <p>30 years is a common length for funding in commercial leases. In some cases, funders require longer. In the lease currently being negotiated, it also represents the expected life span of the windfarm.</p> <p>The consultation is to seek approval for the granting of such ribbon leases in principle. The particular leases themselves will then be subject to individual negotiations based on the requirements of each case.</p> |



|  |   |  |
|--|---|--|
|  | <p><i>Whilst I have no objections in principle, however 30 years is far too long a let on the vague scope / circumstances that are being promoted by HC at this time.</i></p> <p><i>Windmill farms / blade technology has changed out of all recognition and size over the last 30 Years and various windmill companies and circumstances are involved, therefore various lease options should be made available with due consideration of the transfer scope ie:</i></p> <p><i>one off events or repeat events with identical transfer scope,</i></p> <p><i>events where branches require trimming</i></p> <p><i>events where tree pollarding is required</i></p> <p><i>events where tree felling is required</i></p> <p><i>These should be considered with the local community and granted on an individual basis ( ie for tree felling) or for max 5 years ( repeat events with identical transfer scope ) with the opportunity to renegotiate terms and conditions every 5 years thereafter...</i></p> <p><i>Pease confirm Which HC department and responsible persons will be responsible for negotiating the contract/lease arrangements</i></p> <p><i>I note Wick Common Good is a subject on the Caithness Committee. Are all our 4 ward councillors involved in decision making following this consultation, or just the ward councillor for Wick at the time?</i></p> | <p>In respect of trees, the current assessment effectively future proofs against any further future potential felling.</p> <p>The suggestion of a 5 year lease then renegotiation would not satisfy commercial leasing arrangements.</p> <p>The Highland Council estates team has outsourced the legal negotiations (at no cost to the Council) to solicitors who are experts in this particular field.</p> <p>The outcome of the consultation comes before the Area Committee (in this case Caithness). If the value is 10% or less than the total assets of Wick Common Good, the decision rests with Area Committee. If it is 10% or more, recommendations are made by Area Committee and the final decision is a matter for full Council. Thereafter, as the land is considered inalienable, Sheriff Court approval must also be obtained.</p> <p>In the case currently being negotiated, the figure considered is less than 10% of the total Wick Common Good fund value. Therefore, decision will rest with Caithness Area Committee.</p> <p>The Community Council were notified directly of the consultation and invited to make representation as required by statute. They have not made any response. Local Members are kept updated and will inform the Community Council of any information that can be shared.</p> <p><b>Do you have any views on the proposal that a single permission be granted to cover all future such lease arrangements?</b></p> <p>The consultation process is lengthy. If a number of requests are going to come forward for similar oversail rights, repeated, broadly similar, consultations would not be in the interest of Wick Common Good from a cost perspective and would be an unnecessary use of Court</p> |
|--|---|--|

|  |   |   |
|--|---|---|
|  | <p><i>Will Royal Burgh of Wick Community Council be involved in the final decision as I understand Wick Common Good is a subject on the RBWCC agenda. Are the Community council members being kept aware of the negotiations / discussions HC have with wind farm developers through our ward councillor or will we receive it by press reports from HC ?</i></p> <p>Do you have any views on the proposal that a single permission be granted to cover all future such lease arrangements?</p> <p><i>No single permission to be granted to cover all future such lease arrangements. Any decision made now must only apply to this consultation which must define a specific oversail area and for a predefined term ( ie 5 years). Any change to the above must be subject to renegotiation to include those responsible for managing Wick Common Good and the Wick community.</i></p> <p>Do you have any views on potential benefits of the proposal?</p> <p><i>Yes. Are Highland council aware of the monetary benefit realised from other such proposals for lease of Common Good for similar purposes and/or have an idea of indicative value of such leases ?</i></p> <p><i>I note recent Community Asset Transfers / Leases of Common Good HC property into private ownership by CAT have realised miniscule/peppercorn remuneration, despite opposition on the lease terms from the local community. This <b>must not</b> be allowed happen to our Common Good Land.</i></p> | <p>time. As the precise details of each transaction must be separately negotiated in any event, having the principle of the oversail permission in place, makes the process more straight forward.</p> <p><b>Do you have any views on potential benefits of the proposal?</b></p> <p>All income generated in respect of use of Wick Common Good assets must be paid into Wick Common Good fund in full. These funds must be accounted for and administered separately from other Council funds. In doing so regard must be had to the interests of the residents of the former burgh area. Those managing the Common Good are also subject to the obligations of “best value”.</p> <p><b>Do you have any issues or concerns arising from the proposal?</b></p> <p>Following recent examination, a plan has been produced which shows the oversail area, the trees that need removing/lopping and an example of a ribbon lease which is of an area of 2 square metres.</p> <p>The plan contained in the consultation document represents the part of Riverside Park south of the river that is Common Good. The rest of the park south of the river is held on different terms:</p> <ul style="list-style-type: none"> <li>• Area of 11 acres containing the caravan park is held by the Council but subject to a trust deed. If property is held on trust it cannot be Common Good.</li> <li>• The area between this land and the Common Good area – 1.37 hectares – was sold to the District Council in 1997. As this was acquired after the abolition of the burgh it is not Common Good.</li> </ul> <p>As stated in the consultation document, the ribbon lease will not permit actual occupation of the land.</p> |
|--|---|---|

|  |   |   |
|--|---|---|
|  | <p><i>Any lease fee should be index linked each year to RPI or CPI whichever is the highest over the duration of the lease.</i></p> <p>Do you have any issues or concerns arising from the proposal?</p> <p><i>Yes. The existing plan with the area marked red is very misleading, suggesting the trees in that area are to be cropped or felled. Please provide a definitive plan demonstrating the area that is to be 'oversailed' ( im sure wind farm developers will already have such to hand ) and of any reasonable foreseeable requirement to cut down trees, branches or the like.</i></p> <p><i>None of the common good land is to be used for storage, temporary or otherwise.</i></p> <p><i>Wick Development Trust are planning to erect an arch over the riverside access road at the junction with the high level riverside path. They should be consulted such that their design considers for easy dismantling and re erection by the windmill company if it impacts on the blades oversail footprint</i></p> <ul style="list-style-type: none"> <li>• Do you have any additional comments?<br/><i>Should the oversail area require any tree felled to accommodate transit of the blades etc , this must be identified and agreed with the Wick community and not just the Ward Highland Councillors and associated responsible HC Staff, before the lease is let.<br/>As a suggestion, should the tenant gain appropriate permissions for the above then specific conditions should be imposed ie replacing a felled tree with 10 off, 5 year old</i></li> </ul> | <p>The comment regarding the proposed arch has been checked with Wick Development Trust who have confirmed that this is not an idea that is being progressed at this stage. All that has happened to date are minimal internal discussions but nothing more.</p> <p><b>Do you have any additional comments?</b><br/>Please see previous answers on the trees.<br/>The Council's Tree Management Strategy can be accessed from the following link:<br/><a href="#">Highland Council Tree Managment Strategy Aug 2023.pdf</a></p> |
|--|---|---|

|    |   |   |
|----|---|---|
|    | <p><i>saplings of a direct replacement in a location determined by the Wick community.<br/>Please confirm the conditions / implications of Highland Council Adopted tree policy by return for consideration</i></p>   |   |
| 20 | <p>To Whom it May Concern,</p> <p><b><u>Proposal to dispose, by way of "ribbon" lease, small portions of common good land located at Riverside Park (south of the River Wick) to wind farm developers to facilitate the oversail of turbines and equipment necessary for the installation, maintenance and decommissioning of such wind farms.</u></b></p> <p>I am writing to you to strongly object to the above application.</p> <p>As local resident I do not believe that our public bodies or elected officials should be complicit in the desecration of our local environment for the benefit of profit by multi-national corporations or their subsidiaries. None of whom will have to live with the daily consequences of their construction.</p> <p>You will no doubt be aware of the number of windmills already in operation within the county of Caithness (and indeed the Highlands Council area as a whole) and the ongoing applications to construct even more windfarms with ever increasing size. This is being set against the experiences found in other countries such as Sweden, Germany and USA, to name but a few, where it has been demonstrated that wind power is not a sustainable or economically viable solution in the drive to "net zero" power generation. Only last week 20 industrial countries in attendance at COP28 have called for a tripling of nuclear power output by 2050. This is due largely to the fact that wind and solar power is never going to be a solution. By rejecting the application of the "ribbon" lease at Wick</p> | <p>Your comments on the development of wind farms in general and other possible forms of energy generation are noted.</p> <p>The granting of a ribbon lease allows the opportunity for Wick Common Good to benefit from these developments which, in turn, will help benefit the residents of Wick.</p> <p>A more undesirable alternative would be if the energy company (for example Scottish &amp; Southern Energy) simply undertook a Compulsory Purchase Order of the area required. This would constitute a loss of recreation land to Wick and no financial benefit for Wick Common Good.</p> <p>Please see responses above in relation to trees.</p> |

|    |   |  |
|----|---|--|
|    | <p>River the Highland Council can in no small way put an end to this never ending madness of windmill construction in Caithness.</p> <p>With the decommissioning of the Dounreay Nuclear site it is my belief that Caithness will need to learn how to increasingly benefit from tourism which I believe will be assisted by the impact of the NC500 and by the granting of UNESCO World Heritage status to the Flow Country of Caithness and Sutherland. No tourist wants to see vistas marred by large ugly windmills which in the flat Caithness landscape will be seen from every viewpoint.</p> <p>Another point that I would also like to make is that by giving these companies any kind of control over the area to the South of Wick River, will be granting them a "foot in the door" and it won't be long until they look to cut down the trees that are in close proximity. Cutting down trees seems to be a particular favourite of windmill companies and in Caithness alone they have already cut down many kilometres of trees to make way for their "environmentally friendly" windfarms.</p> <p>I believe that it is incumbent on the Highland Council to put the prosperity and welfare of the people living and working in their area first ahead of the financial interests of a few privately owned corporations.</p> <p>Yours etc.</p> |  |
| 21 | <p>I refer to the HC consultation on the above area here in Wick.</p> <p>Having read this document I have a number of points that I would like to be taken into consideration whilst determining the final agreed lease.</p>  | <p>As mentioned in the consultation document, the manner of rental arrangement for oversail leases can vary from company to company both in nature of payment and value. The Council has outsourced legal negotiations to expert legal advisers (at no cost to the Council). As the lease is still at the negotiation stage, it is not a public document and</p> |

|  |  |
|--|--|
| <p>This proposed ribbon lease would obviously benefit our Common Good Fund, which is greatly needed, as HC repeatedly states, Wick CGF has no available funds.</p> <p>The 'single permission' lease - whilst I agree this could work, I note:</p> <p>*No monetary figure has been quoted but seeing this lease is with Wind Farm Developers, I'd suggest that an annual fee - say at least £25k is paid to Wick CGF (this figure is 'loose change' to these large developers). Developers know many years in advance how many structures need to be transported, and know what the income will be from these windfarms.</p> <p>*30 year lease to cover the lifetime of the windfarm - thats a long time, situations change, companies change. I'd suggest the lease is reviewed every 3 years - the blades for these new windfarms are getting bigger, wider and surely HC needs to ensure that this oversail doesn't further impact the route falling on CG land - I've already said developers may change, with new companies coming so previous agreements may need adjusting, may be subject to change.</p> <p>*The oversail area, this may well affect already well established trees. Should any need lopped, I'm going to assume a tree surgeon will be carrying out this work. Should any tree need to be removed - it should be noted that there are wildflowers and spring bulbs there.<br/>And those removed, to be replaced, with mature trees, native to the Highlands.</p> <p>- So if lopping or tree removal is required, this means the blades are going to very wide, with heavy large transport vehicles needed. I see that one windfarm developer has already put in for planning</p> | <p>these details are commercially confidential as is usual in commercial transactions.</p> <p>The negotiated deal will be the best secured for Wick Common Good. The less beneficial option would be for the energy company to CPO (Compulsorily Purchase Order) the land required. This would result in a loss of the land and no financial benefit.</p> <p>30 years is a common length for funding in commercial leases. In some cases, funders require longer. In the lease currently being negotiated, it also represents the expected life span of the windfarm.</p> <p>The consultation process is lengthy. If a number of requests are going to come forward for similar oversail rights, repeated, broadly similar, consultations would not be in the interest of Wick Common Good from a cost perspective and would be an unnecessary use of Court time. As the precise details of each transaction must be separately negotiated in any event, having the principle of the oversail permission in place, makes the process more straight forward.</p> <p>Please see responses above in relation to trees and the plan attached for the extent of the actual area covered by the oversail which shows that it should not impact on the fountain in any way.</p> |
|--|--|

|    |  |  |
|----|--|--|
|    | <p>permission to demolish their cottage at the top of Station Road. River Street and Thurso Road have recently been completely resurfaced, making them the only pot-hole free roads in our town. HC should make sure these roads are not damaged during the transport of these blades.</p> <p>Finally, please take into consideration, a number of voluntary groups and local HC departments have recently completed a refurbishment project around there at the Fountain - paths, bulb planting, fountain works and lighting. A lot of time, effort and monies, so any accidental damage would need be rectified.</p> <p>I hope those that are part of the decision process will take note of my views and consider them.</p> |  |
| 22 | <ul style="list-style-type: none"> <li>• What are your views on the proposed disposal, by “ribbon” lease, of portions of common good land located at Riverside Park (south of the River Wick) to wind farm developers to facilitate the oversail of turbines and equipment necessary for the installation, maintenance and decommissioning of such wind farms.</li> </ul> <p><i>I have no real objections to the lease in principle I do however feel that 30 years is far too long, giving the lack of detail in the HC council proposal.</i></p> <p><i>Is there any indication on what the monetary figure would be for such a lease?</i></p>  | <ul style="list-style-type: none"> <li>• 30 years is a common length for funding in commercial leases. In some cases, funders require longer. In the lease currently being negotiated, it also represents the expected life span of the windfarm.</li> </ul> <p>The Council has outsourced legal negotiations to expert legal advisers (at no cost to the Council). As the lease is still at the negotiation stage, it is not a public document and details such as rental are commercially confidential as is usual in commercial transactions.</p> <ul style="list-style-type: none"> <li>• The consultation process is lengthy. If a number of requests are going to come forward for similar oversail rights, repeated, broadly similar, consultations would not be in the interest of Wick Common Good from a cost perspective and would be an unnecessary use of Court time. As the precise details of each transaction must be separately negotiated in any event,</li> </ul> |

|  |  |  |
|--|--|--|
|  | <ul style="list-style-type: none"> <li>• Do you have any views on the proposal that a single permission be granted to cover all future such lease arrangements?<br/><i>Each individual lease should be considered on a case by case basis. Things change so much over time and a review period should be included.</i></li> <li>• Do you have any views on potential benefits of the proposal?<br/><i>Benefits would clearly be that the Wick common good fund would have an income, would this be a one-off payment or a monthly sum over the duration of the lease.</i><br/><br/><i>Where can the current accounts / balance sheet for the WCGF be seen?</i></li> <li>• Do you have any issues or concerns arising from the proposal?<br/><i>If any trees have to be removed or lopped this should be with prior agreement with the Common good fund administrators and stated that these should be replaced.</i></li> <li>• Do you have any additional comments?<br/><br/><i>Local community groups, volunteers and local businesses have recently done a power of work to upgrade and enhance this area around the fountain. This should be taken into consideration with any planned works moving forward.</i></li> </ul> | <p>having the principle of the oversail permission in place, makes the process more straight forward.</p> <ul style="list-style-type: none"> <li>• The current negotiations are on a one off basis but this may not apply in other cases.<br/>The Wick draft accounts 2022/23, proposed budget 2024/25 and quarterly monitoring statement were presented to Caithness Area Committee on 29 January 2024 and can be accessed from this link: <a href="#">Caithness Committee   The Highland Council</a></li> <li>• See replies above regarding trees and attached plan.</li> <li>• The plan attached indicates the extent of the actual area covered by the oversail and shows that it should not impact on the fountain in any way.</li> </ul> |
|--|--|--|

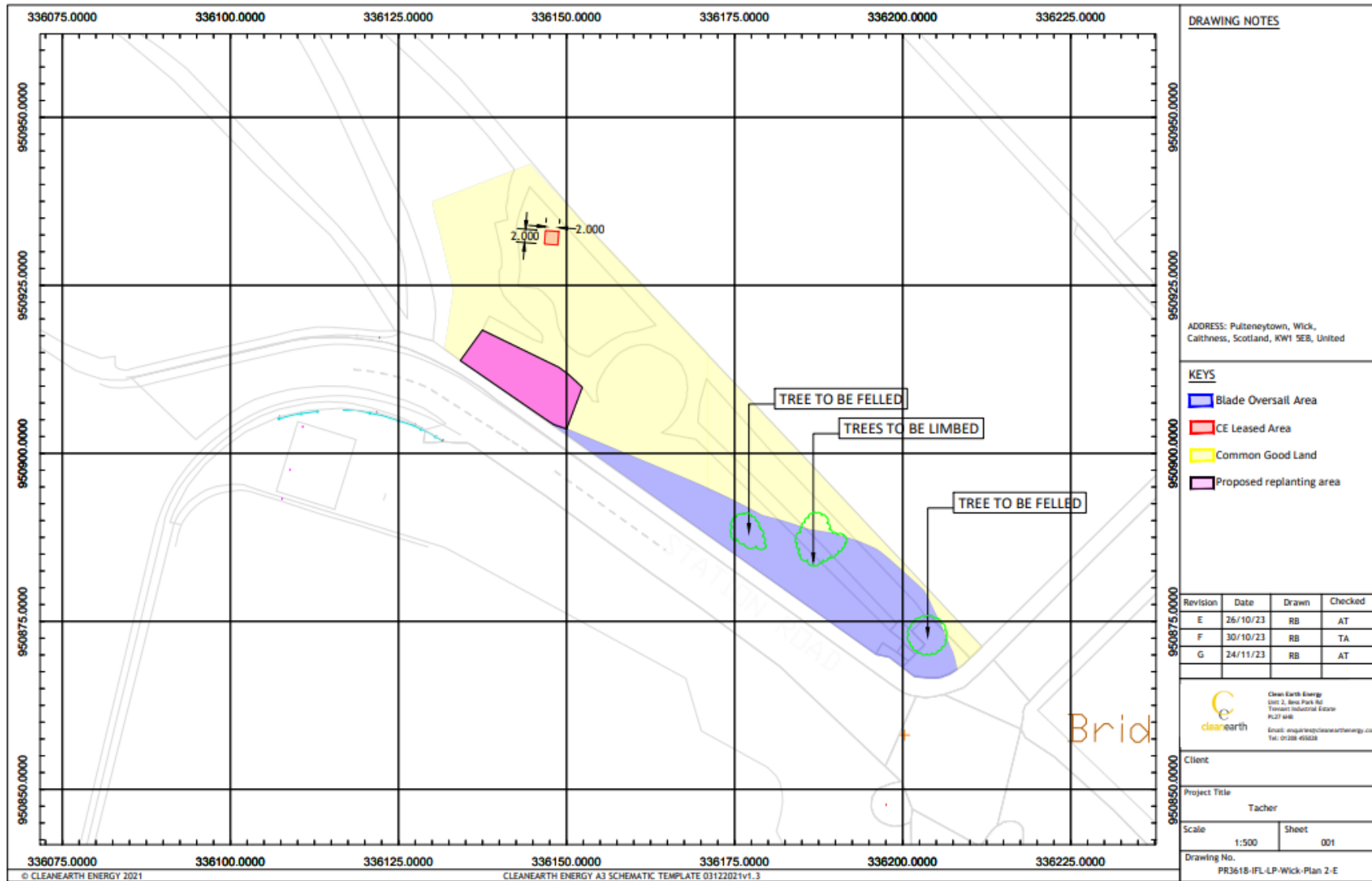


|           |   |  |
|-----------|---|--|
| <p>23</p> | <p>I am writing to object to the proposal. This will be detrimental to the town and bring no benefit.</p> <p>Caithness is already awash with windfarms which are often turned off as the power being generated cannot be used.</p> <p>The next proposed turbines are much higher than existing ones and there is a lot of opposition to anymore development.</p> <p>If the proposed route gets approved this will only encourage developers that Caithness people dont value their environment and agree with more windfarms being built here. This is not the case.</p>  | <p>The granting of a ribbon lease allows the opportunity for Wick Common Good to benefit from these developments which, in turn, will help benefit the residents of Wick.</p> <p>Your comments regarding windfarms in general are noted.</p>   |
| <p>24</p> | <p>Dear Sir/madam,</p> <p>I strongly disagree with the council to grant a lease for the ribbon of land to allow oversail for windmills.</p> <p>Granting this lease will encourage ever bigger windmills which detract from the Big Sky which Caithness is renowned for. If granted there are no guarantees that more trees within the area will not be cut down. Our forefathers had the foresight to plant the current mature trees and set out the path arrangements for the citizens of Wick and Pulteneytown to enjoy.</p> <p>This area of land is widely used by the populace for walking, dog walking and helps maintain people's mental health. There are very few if any walks which can match the beauty of this area. The area was left to the towns people for them to enjoy, which they do. This should be honoured and the councillors should vote against the proposal to lease the land.</p> | <p>Please see responses above and attached plan regarding the assessed impact on the trees in the area.</p> <p>The consultation explains that the ribbon lease will only grant permission to pass over the land and will not give any rights of actual occupation. With the exception of closure for the duration of the oversail only on health and safety grounds, the park land will be unaffected and remain available for the recreation and enjoyment of the public.</p> |

|    |  |   |
|----|--|---|
| 25 | <p>Good evening</p> <p>I would like to object to the use of the land being leased on a ribbon basis to wind farm companies.</p> <p>The county of Caithness has suffered enough, we have done our part in achieving green credentials for our county.</p> <p>The riverside area and trees are habitat to many species of birds and it would be detrimental to the area to cut these back. To give external companies free rein to cut back these trees would make this an eyesore in a key area of the town. The riverside is an area for the community to enjoy an an accessible green space particularly with the fountain.</p> <p>Access should be given on a case by case basis to ensure that developers don't have free rein on the inhabitants of the town.</p> <p>Big companies don't benefit local people and it is local people who suffer as a result of their actions</p> <p>A more controlled method of case by case assessment should be undertaken and a one case fits all</p> | <p>Please see comments above on assessed impact on trees and continued use of the land.</p> <p>Whilst this consultation is to seek general permission for the granting of these leases in the future, the position will remain that each case would then be negotiated on the specific requirements relevant to each proposal thus ensuring due diligence in each case.</p> |
| 26 | <p>&gt; Good evening</p> <p>&gt;</p> <p>&gt; I would like to object to the use Wick common good land being leased on a ribbon basis to wind farm companies, their subsidiaries or contractors.</p> <p>&gt;</p> <p>&gt; The county of Caithness has endured enough, we have done our part in achieving green credentials for our county.</p> <p>&gt;</p>  | <p>Please see the response to the previous representation.</p>  |

|    |   |   |
|----|---|---|
|    | <p>&gt; The riverside area and trees are habitat to many species of birds and it would be detrimental to the area to cut these back. To give external companies free rein to cut back these trees would make this an eyesore in a key area of the town. The riverside is an area for the community to enjoy and an accessible green space particularly with the fountain.</p> <p>&gt; To consider sacrificing key carbon capture resources in order to permit easier industrialisation of our rural areas is quite baffling.</p> <p>&gt;</p> <p>&gt; Access should be given on a case by case basis to ensure that developers don't have free rein on the inhabitants of the town.</p> <p>&gt;</p> <p>&gt; Despite the promises and rhetoric these schemes and companies do not benefit local people and it is local people who suffer as a result of their actions.</p> <p>&gt;</p> <p>&gt; A more controlled method of case by case assessment should be undertaken and a one case fits all approach must be avoided.</p> |   |
| 27 | <p>To Whom of concern,</p> <p>I write to register my objections to the Wick Riverside Lease for windmill Oversail proposal.</p> <p>I believe it is damaging to local people's well being and quality of life, to wild life, decimates the value and experience of the area- we are not a dumping ground. We have our fair share- please look elsewhere. The Lake District could absorb some of these hideous things.</p>  | <p>Thank you for your comments which have been noted within the consultation process.</p> |

**Plan referred to in response to representation 1**



**DRAWING NOTES**

ADDRESS: Pulteneytown, Wick, Caithness, Scotland, KW1 5EB, United

**KEYS**

- Blade Oversail Area
- CE Leased Area
- Common Good Land
- Proposed replanting area

| Revision | Date     | Drawn | Checked |
|----------|----------|-------|---------|
| E        | 26/10/23 | RB    | AT      |
| F        | 30/10/23 | RB    | TA      |
| G        | 24/11/23 | RB    | AT      |

© Clean Earth Energy 2021

CLEAN EARTH ENERGY A3 SCHEMATIC TEMPLATE 03122021v1.3

Clean Earth Energy  
Unit 2, Bess Park Rd  
Tossack Industrial Estate  
PL27 4AB  
Email: enquiries@cleaneartenergy.com  
Tel: 01208 450226

Client

Project Title  
Tacher

Scale 1:500 | Sheet 001

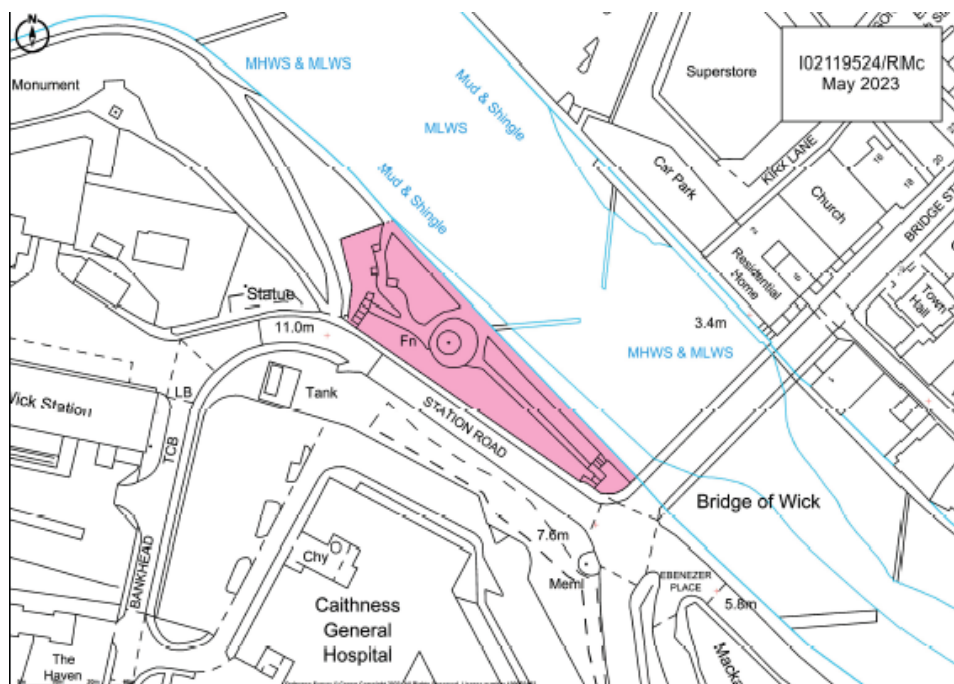
Drawing No.  
PR3618-IFL-LP-Wick-Plan 2-E

**CONSULTATION on:-**

**Proposal to dispose, by way of “ribbon” lease, small portions of common good land located at Riverside Park (south of the River Wick) to wind farm developers to facilitate the oversail of turbines and equipment necessary for the installation, maintenance and decommissioning of such wind farms.**

**What is proposed?**

The Council has recently been approached by a wind farm company seeking an option to lease an area of land in Wick to oversail with turbines as part of a wind farm development. Investigations have confirmed that the area of land to be subject of the oversail forms part of Wick Common Good having been acquired by the Town Council of Wick in 1900. This area of land is shaded pink on the plan below and forms part of Riverside Park (south of the river).



When a wind farm developer is transporting turbines and equipment required for the construction and installation of the wind farm, it will use the existing road infrastructure. In doing so, the turbines and equipment being transported may be required to temporarily over hang areas of land outwith the adopted road. This is known as an “oversail”.

In order for a developer to obtain funding, a real right in land (i.e. ownership or a registerable lease) is required by their lender. Often several developers need to oversail the same area of land at different times so leasing the actual land being oversailed to one developer is not a workable

solution. This would preclude the ability of other developers to oversail without the tenant developer's consent. Therefore, in order for several developers to secure funding, a practise has arisen of granting a "ribbon" lease as it is, in effect, a lease of a small token strip of land adjacent to the area being oversailed. The rights to oversail are set out as ancillary rights in that lease. This arrangement allows for different wind farm developers to obtain leases of different "ribbons" allowing them all to oversail a broadly similar area of land. The length of these leases is often in excess of 30 years to cover the expected life of the wind farm.

Wick Common Good fund was reactivated following investigations leading to the publication of the Wick Common Good asset register in May 2021. During the investigations Common Good property assets were identified, but no cash assets. As a result, the fund has limited revenue assets. The manner of rent arrangement for the oversail leases can vary from company to company both in nature of payment and value of payment. Therefore the securing such leases for would provide significant income generation opportunities for Wick Common Good fund.

As stated above, the development of wind farms are usually funding dependant which can make assessing timescales difficult to predict and as a result these can be subject to change. The current request is an example of that, as the timescales for having agreements in place have reduced making the required Community Empowerment consultation and subsequent Sheriff Court approval impossible. As a one off arrangement, a proposal has been made to allow a lease of non-Common Good land but with attendant rights permitting the oversail to ensure that the main benefit still accrues to Wick Common Good.

This is not an ongoing solution and, as a result, the Council is consulting on the proposal to allow general permission to negotiate and grant these "ribbon" leases without requiring separate consultations in each case. This will ensure the correct permissions are in place and allow the Council on behalf of Wick Common Good to act within any changing timescales resulting from funding constraints or varying wind farm company requirements. Allowing this general approval for such disposals will ensure Wick Common Good fund can continue to benefit from such opportunities as they arise.

The granting of such "ribbon" leases will not impact the use of the subjects as a public park and no physical occupation of the ground will take place. The land will be oversailed during the development, maintenance and decommissioning of the wind farms as when may be required.

### **Consultation**

Section 104 of the Community Empowerment (Scotland) Act 2015 requires the Council to consult local communities when considering disposing or changing the use of Common Good assets. This includes where the proposal is to grant a lease of over 10 years.

Therefore, before taking any decision, and to inform the decision making process, we are keen to hear the views of the community, in particular:

- What are your views on the proposed disposal, by "ribbon" lease, of portions of common good land located at Riverside Park (south of the River Wick) to wind farm developers to facilitate the oversail of turbines and equipment necessary for the installation, maintenance and decommissioning of such wind farms.

- Do you have any views on the proposal that a single permission be granted to cover all future such lease arrangements?
- Do you have any views on potential benefits of the proposal?
- Do you have any issues or concerns arising from the proposal?
- Do you have any additional comments?

The Council will take all representations into account in reaching a decision.

Depending on the representations received the possible outcomes are:

- The proposal goes ahead subject to consent being given by the Sheriff Court.
- The proposal is amended significantly, and a fresh consultation takes place.
- The proposal does not go ahead.

### **Representations**

Consultation closing date – **5 January 2024**

Please submit written representations to:-

Email: [common.good@highland.gov.uk](mailto:common.good@highland.gov.uk)

Post: Sara Murdoch, Highland Council, Headquarters, Glenurquhart Road, Inverness, IV3 5NX.

### **Additional information**

The Highland Council have a statutory obligation to seek court consent before disposing of Common Good land which may be 'inalienable'.

In this context 'inalienable' refers to Common Good property that falls into at least one of the following categories: -

- The Title Deed of the property dedicates it to a public purpose, or
- The Council has dedicated it to a public purpose, or
- The property has been used for public purposes for many years (time immemorial) without interference by the Council.

This particular portion of Riverside Park (south of River Wick) was acquired in a disposition by the Trustees of James Louttit to the Town Council of Wick registered 12 July 1900. The title deed recites that the area of land was acquired for "behoof of the whole body and community thereof (*Wick*) and also for behoof of the community of the Burgh of Pultneytown, to be held in all time coming primarily for recreation purposes heritably and irredeemably". As a result it has been dedicated to a public purpose and is inalienable.

If after this consultation, the proposal progresses to a court application the public will have a further opportunity to make representations within that process. A statutory advertisement will be placed in the John O'Groat Journal to inform the local public that the court process has been commenced.

October 2023

