

## **SSE GENERATION LIMITED ("the Applicant")**

### **SCHEME FOR DEVELOPMENT**

#### **Land to be Developed**

1. This scheme for development ("the Scheme") and its accompanying application ("the Application") relates to the access route (with associated ancillary areas such as a construction compound/laydown area and security cabin) to the Applicant's proposed Strathy South Wind Farm development, which access crosses the Armadale Estate, Sutherland. The full extent of the access route is shown shaded orange on the plan comprising **Production 1** lodged with the Application ("the Access Track"). The Access Track includes part of the Strathy East, Strathy West and Balligill common grazings. In terms of the Regulations for the Management and Use of Strathy East, Strathy West and Balligill common grazings the common grazings are said to extend to 978 hectares or thereby and are shown, indicatively, cross-hatched red on Production 1 ("the Common Grazings").
2. The landowners are the Scottish Ministers ("the Landowner") who hold title to the lands of Armadale and Strathy and others in terms of a Disposition by William Ewing Gilmour in favour of the Board of Agriculture for Scotland dated 30 January and recorded GRS (Sutherland) on 7 February 1920 and are registered in the Land Register of Scotland under Title Number STH5776. The Application is made with the Landowner's consent.
3. The Applicant has entered into an option agreement to lease from the Landowner two small areas of land shown shaded red on Production 1 which are adjacent to the Access Track. The more northerly of these two leased areas forms part of the Common Grazings. The lease to be entered into following exercise of the option ("the Lease") includes pertinent rights of access over the Access Track both within the Common Grazings and the remainder of the Access Track belonging to the Landowner but outwith the Common Grazings.
4. The names and addresses of the individuals having a crofting interest in the Common Grazings, together with details of their respective interests and souming rights, are listed in **Production 2** lodged with the Application ("the Shareholders").

#### **Description of the Development**

5. The Development is to be carried out in implement of (i) the consent of the Scottish Ministers granted under and in terms of section 36 of the Electricity Act 1989, as varied in terms of section 36C of the said Act for the construction and operation of a wind powered electricity generating station, and (ii) the Scottish Ministers' direction in terms of section 57(2) of the

Town and Country Planning (Scotland) Act 1997 that planning permission be deemed to be granted in respect of that generating station and any ancillary developments, dated 24 November 2021. A copy of the s.36C Consent can be produced if required. The s.36C Consent is personal to the Applicant.

6. No wind turbines will be located within the Common Grazings itself, however a temporary compound and security cabin will be located within the Common Grazings in the areas indicatively shown delineated in green and delineated pink respectively. The Access Track is the only viable means of access to the proposed Wind Farm and is therefore an integral part of the overall development.

#### *Summary of Works*

7. Details of the works to be carried out within the Common Grazings as part of the development are outlined below. The works will include:

- use, maintenance and repair of existing roads or tracks and upgrading and widening of those existing roads and tracks, including installation of site and road signage, barriers, gates, fences, cattle grids, watercourse crossings, turning areas, laybys, bellmouths, junctions and associated works;
- construction, use, maintenance, repair and upgrade of a temporary lay-down area/compound adjacent to the roads or tracks referred to above;
- construction, use, maintenance and repair of drainage works associated with the above;
- oversailing and over-running of land adjacent to the roads or tracks referred to above;
- installation, laying, use, maintenance and repair of underground and/or overhead power cables and associated ancillary apparatus; and
- installation, laying, use, maintenance and repair of cables for communications and data transfer systems and associated ancillary apparatus.
- Use of the Access Track for the transportation of timber products, wind turbine components and all necessary plant, equipment and machinery to and from the Applicant's proposed Strathy South Wind Farm Development
- Construction, use, maintenance and repair of accommodation (such as a security cabin) within the Common Grazings
- Cutting back and/or removal of hedges, shrubs and other similar vegetation, where required

The total extent of land to be occupied by the foregoing infrastructure within the Common Grazings is estimated to be 4 hectares.

#### *The Infrastructure*

8. It should be noted that there is an existing hardcore access road and a compound extending to 0.25 hectares as shown shaded orange within the Common Grazings which is largely suitable for the Applicant's purposes. The Applicant's main works will comprise upgrading

and enlargement of the bellmouth at the junction of the Access Track with the A836 public road, and improvement of sight lines. Some upgrading, repair and maintenance works may be required to the Access Track within the Common Grazings.

9. The Applicant proposes to extend the existing compound to approximately double its size to 0.5 hectares, as shown outlined green on Production 1, and to install a security cabin opposite to the compound at the location shown delineated mauve on Production 1.
10. The Access Track has an average width of approximately 8 metres, to include drainage ditches and batters at either side, with a running surface between 2.5 and 7.5 metres wide. The total surface area occupied by the Access Track within the Common Grazings and the enlarged compound is estimated to be 4 hectares or thereby, equating to less than 0.5% of the area of the Common Grazings. The total length of the Access Track within land belonging to the Scottish Ministers is 9,912 metres, of which 3,682 metres lies within the Common Grazings.
11. Any communication systems cabling within the Common Grazings will be buried underground. As a result, they will have a minimal impact on the ability of those individuals having a crofting interest in the Common Grazings to exercise their crofting rights. Overhead electricity cables in relation to the transmission of electricity generated by the Strathy South Wind Farm may require to be installed over the Common Grazings. As these will be overhead the only impact on the Common Grazings will be the installation of support structures or poles, if required. The effect of these on the area available for use by the Shareholders will be negligible.

#### **Effects of the Development**

12. Use of the Access Track is shared by a number of users in different capacities, including parties holding servitude rights over the Access Track in connection with various areas of commercial forestry, as well as the Shareholders. The Applicant requires that the Shareholders do not obstruct the Access Track by parking of vehicles or by broken down vehicles or any other plant and/or machinery or any other means by which the Applicant's use of the Access Track may be impeded. The Applicant further requires that the Shareholders adhere to the directions of the Applicant and/or their contractors under any legislation relating to health and safety, construction, environmental and planning laws.
13. In addition, the Applicant seeks a restriction on (i) any crofter forestry scheme which may be proposed by the Shareholders in terms of Section 50 of the Crofters (Scotland) Act 1993 (as amended), or (ii) any buildings, masts, pylons or other structures being proposed by the

Shareholders in terms of Section 50B of the 1993 Act, being located within 10 metres on either side of the Access Track which may impede the Applicant's ability to oversail land adjacent to the Access Track during delivery of wind turbine components or which might interfere with the airspace above the Access Track.

14. The Applicant does not propose any reduction in souting rights as a consequence of the proposed development, but seeks a restriction on the granting of any apportionments which included any part of the Access Track.

**Recompense payments to members of the crofting community**

15. The Lease provides for payment in respect of the entire extent of the Access Track as follows:

Base Rent: £25,000/annum payable from the date of commissioning of the wind farm until the date of commencement of de-commissioning.

Gross Revenue Rent: 0.375% of the gross income received per annum of the proposed Strathy South Wind Farm from the date of commissioning of the wind farm until the day immediately prior to the 15<sup>th</sup> anniversary of the date of commissioning, rising to 0.45% from the 15<sup>th</sup> anniversary until the day immediately prior to the 20<sup>th</sup> anniversary of the date of commissioning, whereupon gross income will rise further to 0.5% of the gross income received per annum until the date of commencement of de-commissioning.

16. Following discussion with a land agent advising the Shareholders the Applicant has agreed to pay the sum of £7,500 per annum (backdated to 1<sup>st</sup> June 2023) until the date of entry under the Lease and thereafter to pay the sum of £12,500 per annum from the date of entry under the Lease in respect of the temporary compound ("the Compound Rent") and also to increase the Gross Revenue Rent (from the figures details at paragraph 15 hereof) to 0.4%, 0.475% and 0.525% respectively. The Applicant and the Landowner are in the process of entering into a minute of variation to the option agreement and Lease to reflect these changes.

17. Base Rent is paid annually in advance and is increased (annually) in line with increases in the Consumer Price Index - All Items as published by the Office of National Statistics from time to time, from May 2024 until the date of payment to ensure payments retain their value throughout the duration of the Development.

18. Gross Revenue Rent is paid annually in arrears no later than six months after the end of the year in question to the extent that the sum representing the applicable percentage of gross revenue exceeds the Base Rent paid in respect of that year.
19. The payments detailed above, with the exception of the Compound Rent will be divided between the part of the Access Track within the Common Grazings and the remainder of the Access Track in the same proportion as the linear extent of the Access Track within the Common Grazings as against the linear extent of the whole length of the Access Track within the property belonging to the Landowner. One half of the proportion of rent payable in respect of the Common Grazings shall be paid to the Landowner and the other half to the Shareholders.
20. The proposed Lease between the Applicant and the Scottish Ministers obliges the Scottish Ministers, as Landowner, to pay the amount due to the Shareholders.
21. The payments due to the Shareholders will be divided between them in accordance with their souming rights. In terms of the Strathy East, Strathy West and Baligill common grazings regulations approved by the Crofting Commission on 13 November 1992 one cow is equivalent of five sheep. This factor has been used in establishing the overall souming rights. Entitlement to such payments will be bound to the souming.

#### **Community Benefit**

22. The Applicant will contribute £5,000/MW/annum of installed capacity of the proposed wind farm to funds established for the benefit of the community. This amount will be split equally between a fund established to benefit the local community and a separate fund established to benefit the wider regional area. Payments will be made over the lifetime of the Development, or for a period of twenty five years, whichever is shorter, and increased annually in line with increases in the Consumer Price Index (CPI) as published by the Office of National Statistics from time to time, to ensure that payments retain their value over time.