



Ms Claire Gilchrist
Neart na Gaoithe Offshore Wind Limited
Atria One
144 Morrison Street
Edinburgh
EH3 8EX

07 August 2020

Dear Ms Gilchrist

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2017 (AS AMENDED)**

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (AS AMENDED)**

MARINE (SCOTLAND) ACT 2010 (AS AMENDED)

THE ELECTRICITY ACT 1989 (AS AMENDED)

**DECISION NOTICE RELATIVE TO APPLICATION FOR MULTI-STAGE
REGULATORY APPROVAL AND CONSENT**

**CONSTRUCTION AND OPERATION OF NEART NA GAOITHE OFFSHORE WIND
FARM AND ASSOCIATED OFFSHORE TRANSMISSION INFRASTRUCTURE IN
THE FIRTH OF FORTH**

**1. Description of the application for multi-stage consent and regulatory
approval**

- 1.1 On 3 December 2018 Marine Scotland – Licensing Operations Team (“MS-LOT”) on behalf of the Scottish Ministers, granted in favour of Neart na Gaoithe Offshore Wind Limited (Company Number SC356223), having its registered office at Atria One, 144 Morrison Street, Edinburgh, EH3 8EX (“the Company”) a marine licence



under part 4 of the Marine (Scotland) Act 2010 (as amended) relative to the construction of the above generating station. The marine licence was subsequently varied by MS-LOT on behalf of the Scottish Ministers on 4 June 2019 (“the GS marine licence”). Condition 3.2.1.3 of the GS marine licence requires the Company to submit a Decommissioning Programme for the approval of the Licensing Authority prior to commencing the construction of the generating station.

- 1.2 On 3 December 2018 MS-LOT on behalf of Scottish Ministers also granted in favour of the Company a marine licence under part 4 of the Marine (Scotland) Act 2010 (as amended) relative to the construction of the above offshore transmission infrastructure. This marine licence was subsequently varied by MS-LOT on behalf of Scottish Ministers on 4 June 2019 and again on the 5 June 2019 (“the OfTI marine licence”). Condition 3.2.1.3 of the OfTI marine licence requires the Company to submit a Decommissioning Programme for the approval of the Licensing Authority prior to commencing the construction of the offshore transmission infrastructure.
- 1.3 Furthermore, on 3 December 2018 the Scottish Ministers granted in favour of the Company, consent under section 36 (“s.36”) of the Electricity Act 1989 (as amended) relative to the above wind farm and offshore transmission infrastructure. The s.36 consent was varied by the Scottish Ministers on 4 June 2019 (“the s.36 consent”). Condition 3 of the s.36 consent requires the Company to submit a Decommissioning Programme for the approval of the Scottish Ministers prior to commencing the above works.
- 1.4 On 08 January 2019 the Company submitted to the Scottish Ministers the Decommissioning Programme and applied for multi-stage regulatory approval and consent in relation thereto in accordance with condition 3.2.1.3 of the GS marine licence, condition 3.2.1.3 of the OfTI marine licence and condition 3 of the s.36 consent.

2. Reasons and considerations on which this decision is based

- 2.1 Following consultation with Crown Estate Scotland an amended Decommissioning Programme was submitted to the Scottish Ministers by the Company on 26 June 2020.
- 2.2 The environmental impacts of the works to be undertaken during decommissioning activities, which are described within the Decommissioning Programme, are within the parameters of those already assessed in the Environmental Impact Assessment Report and additional information submitted in respect of the GS marine licence, the OfTI marine licence and the s.36 consent.
- 2.3 The Company was not required to submit additional information under regulation 25 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) or regulation 27 of the Marine Works

(Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) in relation to the application for multi-stage consent and regulatory approval.

3. Determination and terms of decision

- 3.1 Approval of the Decommissioning Programme has already been granted by the Scottish Ministers under section 106 of the Energy Act 2004, the primary regulatory mechanism for decommissioning, on 06 August 2020.
- 3.2 For the purposes of condition 3.2.1.3 of the GS marine licence, condition 3.2.1.3 of the OfTI marine licence and condition 3 of the s.36 consent, the Scottish Ministers grant multi-stage consent and regulatory approval in relation to the Decommissioning Programme submitted on 26 June 2020.
- 3.3 This Decision Notice does not permit any works to be undertaken in accordance with the Decommissioning Programme.
- 3.4 This Decision Notice has been published on the Scottish Government's website: <http://marine.gov.scot/ml/neart-na-gaoithe-offshore-windfarm-revised-design>.
- 3.5 A copy of this Decision Notice has also been sent to the relevant planning authorities.

Authorised on behalf of the Scottish Ministers

By a member of staff of the Scottish Government

Marine Scotland

Marine Planning and Policy
Licensing Operations Team
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07 August 2020