

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

14 May 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

- 1.1 On 3 December 2018 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) for the construction of the generating station relative to the above works. This marine licence was subsequently varied by the Scottish Ministers on 4 June 2019 (“the GS marine licence”). Condition 3.2.2.11 of the GS marine licence requires the Company to submit an Environmental Management Plan (“EMP”) for approval by the Scottish Ministers prior to commencing the above works.

- 1.2 On 3 December 2018 the Scottish Ministers also granted in favour of the Company a marine licence under part 4 of the Marine (Scotland) Act 2010 (as amended) for the construction of the offshore transmission infrastructure relative to the above works. This marine licence was subsequently varied by the Scottish Ministers on 4 June 2019 and again on 5 June 2019 (“the OfTI marine licence”). Conditions 3.2.2.10 of the OfTI marine licence requires the Company to submit an EMP for approval by the Scottish Ministers prior to commencing the above works.
- 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 works. The said s.36 consent was varied by the Scottish Ministers on 4 June 2019 (“the s.36 consent”). Condition 14 of the s.36 consent requires the Company to submit an EMP for approval by the Scottish Ministers prior to commencing the above works.
- 1.4 On 11 October 2019 the Company submitted to the Scottish Ministers the EMP for approval and applied for multi-stage regulatory approval and consent in relation thereto in accordance with condition 3.2.2.11 of the GS marine licence, condition 3.2.2.10 of the OfTI marine licence and condition 14 of the s.36 consent.

2. Reasons and Considerations on which this decision is based

- 2.1 Following consultation with Fisheries Management Scotland, the Royal Society for the Protection of Birds, Scottish Environment Protection Agency, Scottish Natural Heritage, Whale and Dolphin Conservation, Esk District Salmon Fisheries Board (“DSFB”), Forth DSFB and Tay DSFB an amended EMP was submitted to the Scottish Ministers by the Company on 9 January 2020.
- 2.2 The information contained with the EMP is within the parameters of what has already been assessed within 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 The Scottish Ministers, hereby approve the EMP as submitted on 9 January 2020 and grant multi-stage regulatory approval and consent in relation thereto.
- 3.2 In the event that the Company wishes to update or amend the EMP, the Company must submit, in writing, details of the proposed updates or amendments to the Scottish Ministers for their written approval prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to process prior to the granting of such approval.

Unless otherwise agreed, in writing by the Scottish Ministers, all works must proceed in accordance with the EMP.

3.3 This Decision Notice has been published on the Scottish Government's website:
<http://marine.gov.scot/ml/neart-na-gaoithe-offshore-windfarm-revised-design>.

3.4 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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Aberdeen
AB11 9DB
14 May 2020