

T: +44 (0)300 244 5046

E: MD.MarineRenewables@gov.scot

Mr Gavin Kelly
Inch Cape Offshore Limited
5th Floor, 40 Princes Street
Edinburgh
EH2 2BY

12 December 2024

Dear Mr Kelly

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

MARINE (SCOTLAND) ACT 2010

THE ELECTRICITY ACT 1989

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

CONSTRUCTION AND OPERATION OF THE INCH CAPE OFFSHORE WINDFARM AND ASSOCIATED OFFSHORE TRANSMISSION INFRASTRUCTURE APPROXIMATELY 15-22KM EAST OF THE COAST OF ANGUS

- 1.1 On 17 June 2019 the Scottish Ministers, granted in favour of Inch Cape Offshore Limited (Company Number SC373173), having its registered office at 5th Floor, 40 Princes Street, Edinburgh, EH2 2BY (“the Company”) a marine licence under part 4 of the Marine (Scotland) Act 2010 relative to the construction of the above generating station. The marine licence was subsequently varied by the Scottish Ministers on 14 June 2023 (“the GS marine licence”). Condition 3.2.1.3 of the GS marine licence requires the Company to submit a Decommissioning Programme for approval by the Scottish Ministers prior to commencing the above works.
- 1.2 On 17 June 2019 the Scottish Ministers, granted in favour the Company a marine licence under part 4 of the Marine (Scotland) Act 2010 relative to the construction of the above offshore transmission infrastructure. The marine licence was subsequently varied by the Scottish Ministers on 22 August 2023 and 9 November 2023 (“the OfTI marine licence”). Condition 3.2.1.3 of the OfTI marine licence requires the Company to submit a Decommissioning Programme for approval by the Scottish Ministers prior to commencing the above works
- 1.3 On 17 June 2019 the Scottish Ministers, granted in favour of the Company consent under section 36 (“s.36”) of the Electricity Act 1989 relative to the above works. This consent was subsequently varied on 16 July 2020, 22 July 2021 and 14 June 2023. Condition 3 of the s.36 consent requires the Company to submit a Decommissioning

Programme for approval by the Scottish Ministers prior to commencing the above works.

- 1.4 On 7 December 2023 the Company submitted to the Scottish Ministers the Decommissioning Programme for approval and applied for multi-stage regulatory approval and consent 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 no amendments to the Decommissioning Programme were made.
- 2.2 Following Third Party Review an amended Decommissioning Programme was submitted to the Scottish Ministers on 26 July 2024.
- 2.3 The information contained with the Decommissioning Programme is within the parameters of what has already been assessed within the Environmental Impact Assessment Report (“EIA Report”) submitted in respect of the GS marine licence, the OfTI marine licence and the s.36 consent.
- 2.4 The Company was not required to submit additional information under regulation 25 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 or regulation 27 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 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 12 December 2024.
- 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 July 2024.
- 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: <https://marine.gov.scot/ml/inch-cape-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 Directorate - Licensing Operations Team

Scottish Government
375 Victoria Road
Aberdeen
AB11 9DB
12 December 2024