

Mr Ewan Walker
Neart na Gaoithe Offshore Wind Limited
Atria One
144 Morrison Street
Edinburgh
EH3 8EX

28 January 2020

Dear Mr Walker

**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) relative to the above offshore transmission infrastructure works. The said offshore transmission infrastructure marine licence was subsequently varied by the Scottish Ministers on 4 June 2019 and again on 5 June 2019 (“the OfTI marine licence”). Condition 3.2.2.19 of the OfTI marine licence requires the Company to submit a Lighting and Marking Plan (“LMP”) for approval by the Scottish Ministers prior to commencing the above offshore transmission infrastructure works.

- 1.2 On 3 December 2018 the Scottish Ministers also 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 works. The said s.36 consent was varied by the Scottish Ministers on 4 June 2019 (“the s.36 consent”). Condition 20 of the s.36 consent requires the Company to submit an LMP for approval by the Scottish Ministers prior to commencing the works.
- 1.3 On 22 August 2019 the Company submitted to the Scottish Ministers the LMP for approval and applied for multi-stage regulatory approval and consent, all in accordance with condition 3.2.2.19 of the OfTI marine licence and condition 20 of the s.36 consent.

2. Summary of Consultation Responses

- 2.1 The Scottish Ministers consulted with Scottish Natural Heritage (“SNH”), the Maritime Coastguard Agency (“MCA”), the National Lighthouse Board (“NLB”), the Ministry of Defence (“MOD”), the Scottish Fishermen’s Federation (“SFF”), the Civil Aviation Authority (“CAA”), Angus Council, Dundee City Council, East Lothian Council, Fife Council and the Scottish Borders Council in respect of the LMP.
- 2.2 East Lothian Council advised that there should be a maximum intensity for the aviation lights when reduced to avoid potential impact on night-time visual amenity and seascape of East Lothian. The Company amended the LMP to make clear that lights will either be at 2000 or 200 candela. East Lothian Council requested clarification on how the lighting intensity is controlled and on what happens if the visibility meters do not work properly. The Company clarified that the aviation lighting is controlled by the Supervisory Control and Data Acquisition system and can be controlled from the onshore base and the offshore substations. The Company also made clear that any failure of a visibility meter would be treated as if a failure of a light, with repair being undertaken as soon as possible. East Lothian Council recommended that the reduction of the intensity of the peripheral aviation lights should be controlled in groups or areas linked to the visibility meters. The Company noted that the CAA require all lights to be consistent across a wind farm and if one visibility meter detects that visibility is less than 5 kilometres then all aviation lights are required to be at 2000 candela. The Company does not intend to deviate from CAA guidance and noted that the lighting requirements under CAA guidance is clear and designed to ensure aviation safety. The Company included these standard requirements in the LMP for clarity.
- 2.3 East Lothian Council also queried the intensity and the height of the helicopter hoist lights. The Company noted the lights would only be lit when a helicopter hoist was undertaken. The Company has updated the LMP to include further specifications on helicopter hoist lights and confirmed it would be a low intensity green light as required by the CAA.
- 2.4 East Lothian Council requested the LMP included monitoring of lighting as it had concerns over potential adverse impacts of aviation lighting on East Lothian. The Company noted that aviation lights are required to be designed and to confirm with current CAA requirements to ensure the safety of aviation stakeholders. The Company proposed no amendments to the LMP to include monitoring.

- 2.5 East Lothian Council expressed concern that the red markings on the blades of the turbines and the additional lighting may be visible from East Lothian. The Company noted the blade hover reference markings are an MCA requirement and commented that it is very unlikely the markings would be visible from the shore and there would be no visual impact from the additional lighting.
- 2.6 East Lothian Council commented that the fog signal is to be of a two nautical mile range and noted this should not be audible from East Lothian however, requested a maximum audible range is agreed. The Company noted the fog signal specification will be compliant with the NLB requirement of two nautical miles to mitigate the risk of allision with structures.
- 2.7 The MCA advised that the LMP should be updated to refer to the new Hub Emergency Response Co-operation Plan template and include details of the red lights in line with Marine Guidance Note 543. The Company updated the LMP in line with the MCA recommendations. The MCA requested amendments to the legislation section, including compliance with relevant maritime safety related legislation. The Company commented that relevant maritime safety legislation is detailed in the Navigational Safety and Vessel Management Plan (“NSVMP”) and the LMP has been updated to include reference to the NSVMP. The MCA further stated that, where necessary, any required survey, certification and inspection arrangements should be discussed and agreed with the MCA in advance of works commencing. This is also detailed in the NSVMP.
- 2.8 The MCA advised it was content with the proposed numbering arrangements for the turbines however, commented it has not had sight of the revised naming convention for the two substations. The Company revised the proposed numbering for the turbines and the offshore substation platforms and the MCA confirmed they were content with the revised labelling scheme.
- 2.9 The NLB advised it is satisfied with the turbines chosen as Significant Peripheral Structures (“SPS”) with regard to navigational lighting. The NLB noted the irregular positioning of the turbines would lead to significant distances between some turbine locations and there would be the potential for large gaps in audible coverage at the site. The NLB therefore recommended the number of sound signals be increased to 13 with each SPS being fitted with a sound signal and the Company amended the LMP accordingly.
- 2.10 The CAA advised that the distances between turbines NNG-H06 and NNG-G02 as well as NNG-H23 and NNG-D23 exceeded 5 kilometres and requested that turbines NNG-G04 and NNG-F22 be considered as part of the perimeter aviation lighting scheme. The Company updated the LMP to reflect the CAA’s advice. In relation to the visibility sensors, the CAA confirmed it was content with the proposed locations.
- 2.11 SNH were content with the LMP.
- 2.12 Dundee City Council, Fife Council, Scottish Borders Council, SFF and the MOD had no comments on the LMP. Angus Council did not provide a response to the consultation.

3. Reasons and Considerations on which this decision is based

- 3.1 The amended LMP, incorporating the revisions detailed above, was submitted to the Scottish Ministers by the Company on 4 December 2019.
- 3.2 The information contained in the LMP is within the parameters of what has already been assessed within the Environmental Impact Assessment Report (“EIA Report”) and the additional information submitted in respect of the OfTI marine licence and s.36 consent.
- 3.3 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.

4. Reasoned Conclusion

- 4.1 As set out above, the Scottish Ministers are satisfied that they have sufficient information to enable them to reasonably conclude that the LMP is within the parameters which have already been considered within the EIA Report and additional information previously assessed in respect of the OfTI marine licence and the s.36 consent. No new significant effects on the environment have been identified when considering the information detailed within the LMP.
- 4.2 In taking into account the information set out above, the Scottish Ministers are satisfied that this information is relevant, appropriate and up to date.

5. Determination and Terms of Decision

- 5.1 The Scottish Ministers, hereby approve the LMP as submitted on 4 December 2019 and grant multi-stage regulatory approval and consent in relation thereto.
- 5.2 In the event that the Company wishes to update or amend the LMP, 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 proceed prior to the granting of such approval.
- 5.3 Unless otherwise agreed, in writing by the Scottish Ministers, all works must proceed in accordance with the LMP.
- 5.4 This Decision Notice has been published on the Scottish Government’s website: <http://marine.gov.scot/ml/neart-na-gaoithe-offshore-windfarm-revised-design>

5.5 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
375 Victoria Road
Aberdeen
AB11 9DB
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