

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

15 July 2022

Dear Ms Gilchrist

**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 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”) consent under section 36 (“s.36”) of the Electricity Act 1989 relative to the above works. This s.36 consent was varied by the Scottish Ministers on 4 June 2019 (“the s.36 consent”). Condition 16 of the s.36 consent requires the Company to submit an Operation and Maintenance Programme (“OMP”) for approval by the Scottish Ministers prior to commencing the above works.

1.2 On 3 December 2018 the Scottish Ministers, granted in favour of the Company a marine licence under part 4 of the Marine (Scotland) Act 2010 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 3.2.4.6 of the GS marine licence requires the Company to submit an OMP for approval by the Scottish Ministers prior to commencing the above works.

- 1.3 Furthermore, 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 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, 5 June 2019, 12 October 2020, 15 October 2021 and again on 26 May 2022 (“the OfTI marine licence”). Condition 3.2.2.16 of the OfTI marine licence requires the Company to submit an OMP for approval by the Scottish Ministers prior to commencing the above works.
- 1.4 On 2 February 2022 the Company submitted to the Scottish Ministers the OMP for approval and applied for multi-stage regulatory approval and consent in relation thereto in accordance with condition 16 of the s.36 consent, condition 3.2.4.6 of the GS marine licence and condition 3.2.2.16 of the OfTI marine licence.

## **2. Reasons and Considerations on which this decision is based**

- 2.1 Following consultation with NatureScot, Scottish Fishermen’s Federation, Scottish Environmental Protection Agency, Maritime Coastguard Agency, Northern Lighthouse Board, RSPB Scotland, Scottish Borders Council, Angus Council, Dundee City Council, East Lothian Council and Fife Council an amended OMP was submitted to the Scottish Ministers by the Company on 9 July 2022.
- 2.2 The information contained with the OMP 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 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 The Scottish Ministers, hereby approve the OMP as submitted on 9 July 2022 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 OMP, 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 OMP.

- 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  
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15 July 2022