

DECLARATION UNDER SECTION 36A OF THE ELECTRICITY ACT 1989 (AS AMENDED)

DECLARATION UNDER SECTION 36A OF THE ELECTRICITY ACT 1989 RELATING TO PUBLIC RIGHTS OF NAVIGATION SO FAR AS THEY PASS THROUGH THE LOCATIONS IN THE SEA WHERE THOSE STRUCTURES FORMING PART OF THE INCH CAPE OFFSHORE WIND FARM GENERATING STATION ARE TO BE PLACED

The Scottish Ministers, in exercise of the powers conferred on them by section 36A of the Electricity Act 1989 (as amended) (“the Electricity Act 1989”) and all other powers enabling them to do so, make the following declaration.

In accordance with section 36A(1) and 36A(2) of the Electricity Act 1989, the application for this declaration was made to the Scottish Ministers at the same time as an application was made to them by Inch Cape Offshore Limited (“the Company”) under section 36 of the Electricity Act 1989 for the construction and operation of the Inch Cape Offshore Wind Farm generating station (“the Development”), which is to comprise renewable energy installations. This declaration is made at the same time as consent is granted under section 36 of the Electricity Act 1989 for the construction and operation of the Development.

In this declaration the “plan folio” means the plan folio number 1, entitled “ICOL Site Coordinates”, and signed with reference to this declaration and attached hereto. The Development is to be constructed within the area delineated on the plan folio by a solid red line, as more specifically described by a line joining the co-ordinates listed at lines A – J in the table attached to this declaration (the “Area”).

Consent under section 36 of the Electricity Act 1989 is granted by the Scottish Ministers for the construction and operation of the Development in the Area, subject to the following parameters:

- a) The total number of turbines shall be up to 72; and
- b) A nominal turbine spacing of 1,278 metres.

The wind turbines to be constructed in accordance with the consent are identified, for the purposes of section 36A(5)(a) of the Electricity Act 1989, as the proposed renewable energy installations by reference to which this declaration is made (the “Renewable Energy Installations”).

The Scottish Ministers declare that, in accordance with section 36A(3) of the Electricity Act 1989, the public rights of navigation in the Area in so far as they pass through the locations where the Renewable Energy Installations are to be situated, are extinguished.

It is a requirement of the consent (conditions 9 and 12) that the Company must submit to the Scottish Ministers, for their approval, a Construction Programme (“CoP”) which must set out, amongst other matters, the proposed date for the commencement of the construction of the Development and a Development Specification and Layout Plan (“DSLPL”) for the Renewable Energy Installations.

The CoP and DSLP must be submitted to the Scottish Ministers no later than six months prior to the commencement of the construction of the Development.

In accordance with section 36A(5)(b) of the Electricity Act 1989 this declaration shall come into force on a date to be publicised by the Company, the publication of which must be as soon as reasonably practicable following the approval by the Scottish Ministers of the CoP and the DSLP.

Subscribed by

[REDACTED]

being an officer of the Scottish Ministers at Aberdeen on the 17 day of JUNE 2019

before this witness

[REDACTED]

in Aberdeen

TABLE: COORDINATES OF THE AREA OF THE INCH CAPE OFFSHORE WIND FARM GENERATING STATION

Coordinates supplied in World Geodetic System 1984, latest revision.

Point	WGS84		WGS84	
	Long	Lat	Long	Lat
A	-2.168960	56.594632	02° 10.138' W	56° 35.678' N
B	-2.158372	56.583977	02° 09.502' W	56° 35.039' N
C	-2.166704	56.477201	02° 10.002' W	56° 28.632' N
D	-2.047320	56.463267	02° 02.839' W	56° 27.796' N
E	-2.046898	56.448196	02° 02.814' W	56° 26.892' N
F	-2.125965	56.422319	02° 07.558' W	56° 25.339' N
G	-2.230138	56.423009	02° 13.808' W	56° 25.381' N
H	-2.287140	56.478254	02° 17.228' W	56° 28.695' N
I	-2.286299	56.523044	02° 17.178' W	56° 31.383' N
J	-2.248812	56.577667	02° 14.929' W	56° 34.660' N