

ANNEX D - DECLARATION UNDER SECTION 36A OF THE ELECTRICITY ACT 1989

DECLARATION UNDER SECTION 36A OF THE ELECTRICITY ACT 1989 RELATING TO PUBLIC RIGHTS OF NAVIGATION SO FAR AS THEY PASS THROUGH THE LOCATIONS WITHIN THE SEA WHERE THOSE STRUCTURES FORMING PART OF THE FORTHWIND DEMONSTRATION PROJECT 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 (“the Electricity Act”) 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, the application for this declaration was made to the Scottish Ministers at the same time as an application was made to them by Forthwind Limited (“the Company”) under section 36 of the Electricity Act for the construction and operation of the Forthwind Demonstration Project (“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 for the construction and operation of the Development.

The Development is to be constructed at the co-ordinates listed in the table attached to this declaration (the “Locations”).

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

- a) The total number of wind turbine generators (“WTG”) shall be up to 1; and
- b) The total number of meteorological masts (“metmast”) shall be up to 1.

The WTG and metmast to be constructed in accordance with the consent and associated marine licence, as appropriate, are identified, for the purposes of section 36A(5)(a) of the Electricity Act, 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, the public rights of navigation 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 (condition 10) 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.

The CoP 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 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.

Subscribed by

Gayle Holland

being an officer of the Scottish Ministers at Aberdeen on the 14 day of March 2023

before this witness

Rebecca Bamlett in Aberdeen

TABLE: COORDINATES OF THE FORTHWIND DEMONSTRATION PROJECT

Coordinates supplied in World Geodetic System 1984, latest revision.

| | Coordinates (WGS84) | |
|--|----------------------------|------------------|
| Infrastructure | Latitude | Longitude |
| WTG (subject to 100 metres ("m") micro-siting) | 56° 09.875' N | 003° 00.177' W |
| Metmast (subject to 100m micro-siting) | 56° 09.670' N | 003° 00.653' W |

LOCATION OF THE DEVELOPMENT:

