

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 PENTLAND FLOATING 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 (“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 Highland Wind Limited (“the Company”) under section 36 of the Electricity Act for the construction and operation of the Pentland Floating Offshore Wind Farm 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.

In this declaration the “plan folio” means the plan folio number 1, entitled “Location of the Development”, and 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, more specifically described as a line joining the co-ordinates listed at lines A – D in the table attached to this declaration (the “Area”).

Consent under section 36 of the Electricity Act 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 wind turbine generators (“WTGs”) shall be up to seven;
- b) The distance between WTGs shall be not less than 800 metres;
- c) The total number of associated floating substructures shall be up to seven;
- d) The total number of moorings for each floating substructure shall be up to nine per structure, totalling up to 63;
- e) The total number of anchors or piles for each floating substructure shall be up to nine per structure, totalling up to 63; and
- f) Up to seven inter-array cables.

The WTGs to be constructed in accordance with the consent is identified, for the purposes of section 36A(5)(a) of the Electricity Act, as the proposed renewable energy installation 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 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 10 and 24) 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 (“DSLSP”) 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 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

Gayle Holland

being an officer of the Scottish Ministers on the 27 day of June 2023

before this witness

Benjamin Walker

TABLE: COORDINATES OF THE OUTER BOUNDARY OF THE PENTLAND FLOATING OFFSHORE WIND FARM GENERATING STATION

Coordinates supplied in World Geodetic System 1984, latest revision.

Point	WORLD GEODETTIC SYSTEM 1984 (WGS84)		WORLD GEODETTIC SYSTEM 1984 (WGS84)	
	Latitude (Decimal Degrees)	Longitude (Decimal Degrees)	Latitude (Degrees/ Decimal Minutes)	Longitude (Degrees/ Decimal Minutes)
A	58.674083	-3.850233	58° 40.445' N	3° 51.014' W
B	58.673783	-3.893333	58° 40.427' N	3° 53.600' W
C	58.638167	-3.849367	58° 38.290' N	3° 50.962' W
D	58.637867	-3.892417	58° 38.272' N	3° 53.545' W

LOCATION OF THE DEVELOPMENT:

