

**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 KINCARDINE FLOATING OFFSHORE WINDFARM 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 Kincardine Offshore Windfarm Limited (“the Company”) under section 36 of the Electricity Act for the construction and operation of the Kincardine Floating Offshore Windfarm generating station, which is to comprise of 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 Kincardine Floating Offshore Windfarm generating station.

In this declaration the “plan folio” means the plan folio number 1, entitled “KOWL Site Coordinates”, and signed with reference to this declaration and attached hereto. The Kincardine Floating Offshore Windfarm generating station 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 F – I 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 Kincardine Floating Offshore Windfarm generating station in the Area, subject to the following parameters:

- a) the total number of turbines shall be up to 8; and
- b) the distance between turbines shall be not less than 1000 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, 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 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 11 at **DECISION LETTER AND CONDITIONS, Annex 2**) that the Company must submit to the Scottish Ministers, for their approval, a Construction Programme (“the Programme”) which must set out, amongst other matters, the proposed date for the commencement of the construction of the generating station and a Development Specification and Layout Plan for the Renewable Energy Installations (“the Plan”). The Programme must be submitted to

the Scottish Ministers either no later than 6 months prior to the commencement of the construction of the generating station or at a time as agreed with the Scottish Ministers, and in the case of the Plan no later than 6 months prior to the commencement of the construction of the generating station. 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 Plan.

Subscribed by

Nicola Bain

being an officer of the Scottish Ministers at Aberdeen on the 13th day of February 2017

before this witness

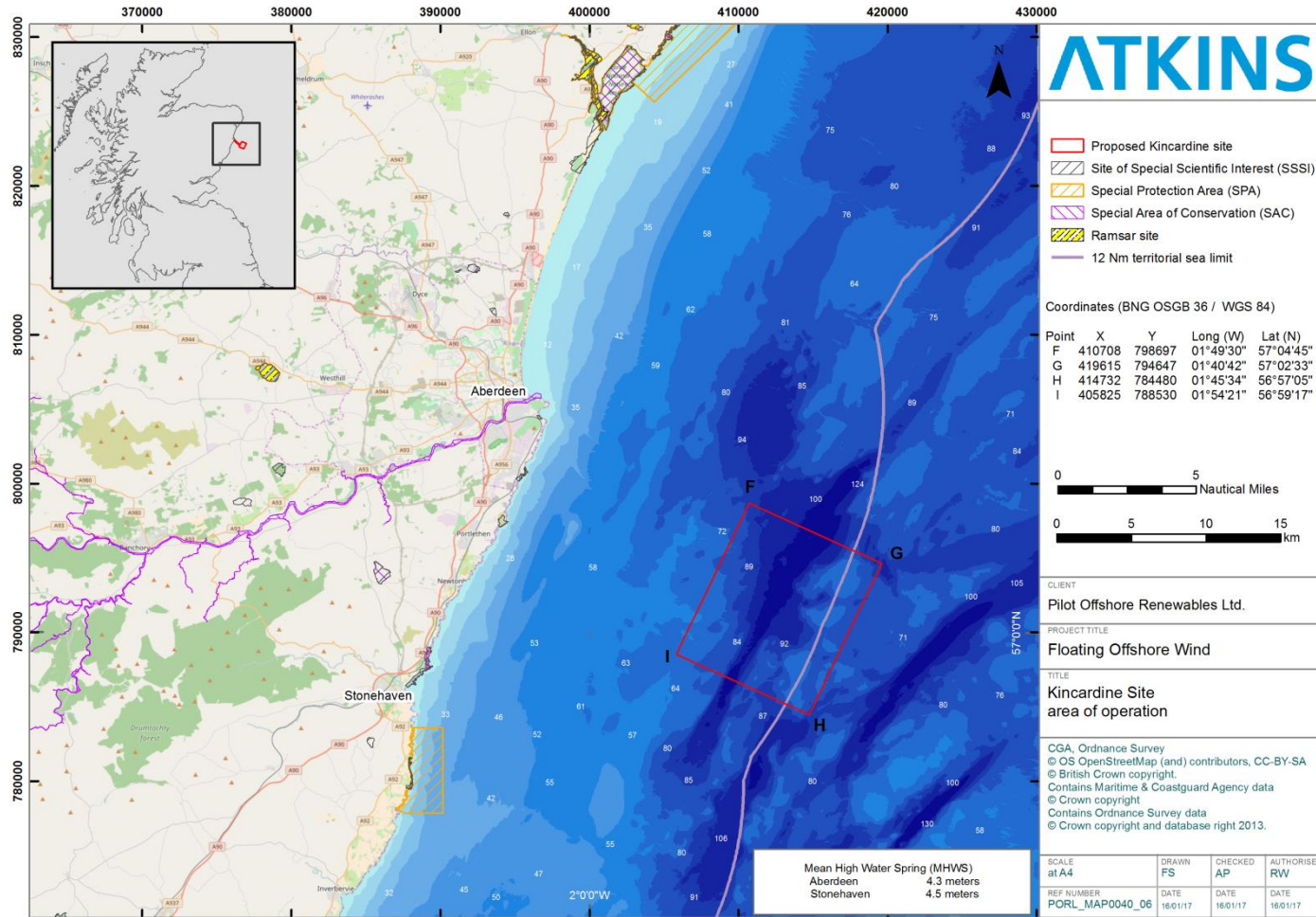
Gayle Holland in Aberdeen

**TABLE: COORDINATES OF THE OUTER BOUNDARY OF THE KINCARDINE  
FLOATING OFFSHORE WINDFARM GENERATING STATION**

Coordinates supplied in World Geodetic System 1984, latest revision.

Point	WGS84		WGS84	
	Long	Lat	Long	Lat
F	-1.824992	57.079166	01°49'29.971" N	57°04'44.998" W
G	-1.678379	57.042494	01°40'42.164" N	57°02'32.798" W
H	-1.759438	56.951343	01°45'33.977" N	56°57'04.835" W
I	-1.905773	56.987921	01°54'20.783" N	56°59'16.516" W

**PLAN FOLIO NUMBER 1: KOWL Site Coordinates**



Signed by Nicola Bain being an officer of the Scottish Ministers at Aberdeen on the 13th day of February 2017