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Scottish Ministers  
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26<sup>th</sup> February 2020

DIO Reference: 10040201

Dear Sirs,

Neart Na Gaoithe Offshore Wind Farm

Consent granted under Section 36 Electricity Act 1989 on 3<sup>rd</sup> December 2018 as varied on 4th June 2019

We refer to the consent granted by Marine Scotland on behalf of the Scottish Ministers on 3<sup>rd</sup> December 2018 for the construction of the Neart Na Gaoithe Offshore Wind Farm as such consent was varied by decision dated 4<sup>th</sup> June 2019 (the "Consent").

The Ministry of Defence (the "MOD"), acting through the Defence Infrastructure Organisation ("DIO"), lodged an objection to the application made by Neart na Gaoithe Offshore Wind Limited for consent under Section 36 Electricity Act 1989 for the construction and operation of the Neart na Gaoithe Offshore Wind Farm on the basis that unacceptable interference would be caused by the proposed Neart na Gaoithe Offshore Wind Farm to the MOD Air Traffic Control radar at Leuchars Station.

The Scottish Ministers granted consent under Section 36 Electricity Act 1989 to Neart na Gaoithe Offshore Wind Limited subject to Condition 21 (Aviation Radar) requiring Neart na Gaoithe Offshore Wind Limited:

- prior to the erection of any of the turbines, to submit an Air Traffic Control Radar Mitigation Scheme (specifying the mitigation measures to be implemented) in writing to the Scottish Ministers for their written approval, such approval to be granted by the Scottish Ministers only following consultation by the Scottish Ministers with the MOD; and
- prior to the operation of any of the turbines, to implement all of the specified mitigation measures required by the Air Traffic Control Radar Mitigation Scheme to be implemented prior to the operation of the turbines and that the Scottish Ministers shall have provided their written confirmation that the turbines may become operational; and
- to operate the Neart Na Gaoithe Offshore Wind Farm fully in accordance with the approved Air Traffic Control Radar Mitigation Scheme for the operational life of the Neart Na Gaoithe Offshore Wind Farm (provided the radar remains in operation).

The reason for Condition 21 (Aviation Radar) is to mitigate the adverse impacts of the Neart Na Gaoithe Offshore Wind Farm on the Primary Surveillance Radar at Leuchars Airfield (the "Radar") and the air traffic control operations of the MOD which are reliant upon the Radar.

A Radar Mitigation Scheme Agreement in relation to the identification, trialling and implementation of a mitigation solution in respect of the Neart na Gaoithe Offshore Wind Farm was entered into between Neart na Gaoithe Offshore Wind Limited and the Secretary of State for Defence on 27<sup>th</sup> September 2019 (the "RMS Agreement").

Therefore, for the purposes of the first part of Condition 21 (Aviation Radar) in the Consent, which relates to the approval of the Air Traffic Control Radar Mitigation Scheme, the MOD confirms that:

- 1) the MOD considers that the RMS Agreement in respect of the Neart na Gaoithe Offshore Wind Farm can be regarded as the Air Traffic Control Radar Mitigation Scheme referred to in the Consent; and
- 2) in its opinion the RMS Agreement comprising the Air Traffic Control Radar Mitigation Scheme in respect of the Neart na Gaoithe Offshore Wind Farm is suitable for approval by the Scottish Ministers in accordance with the requirements of the Consent, to enable the erection of the turbines to commence.

Yours faithfully,

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