

Mrs Sarah Pirie
Head of Development
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02 November 2018

Dear Mrs Pirie

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

ELECTRICITY ACT 1989 (AS AMENDED)

MARINE (SCOTLAND) ACT 2010

MARINE AND COASTAL ACCESS ACT 2009

DECISION NOTICE RELATIVE TO APPLICATION FOR MULTI-STAGE CONSENT AND REGULATORY APPROVAL

FOR THE CONSTRUCTION AND OPERATION OF MORAY EAST OFFSHORE WINDFARM AND ASSOCIATED OFFSHORE TRANSMISSION INFRASTRUCTURE IN THE OUTER MORAY FIRTH

1. Description of the Application

1.1. On 19th March 2014 the Scottish Ministers granted in favour of Telford Offshore Windfarm Limited (Company Number 07386810), Stevenson Offshore Windfarm Limited (Company Number 07386838) and MacColl Offshore Windfarm Limited (Company Number 07386891), all having their registered office at 1st Floor 14/18 City Road, Cardiff, CF24 3DL, consents under section 36 (“s.36”) of the Electricity Act 1989 (as amended) for the construction and operation of Telford Offshore Windfarm, Stevenson Offshore Windfarm and MacColl Offshore Windfarm respectively, collectively referred to as Moray East Offshore Windfarm. The said s.36 consents were varied by the Scottish Ministers on 22nd March 2018 (“the s.36 consents”). Subsequently, on 8th June 2018, the s.36 consents were assigned, with the authority of the Scottish Ministers, to Moray Offshore Windfarm

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www.gov.scot/Topics/marine/Licensing/marine

(East) Limited (Company Number 07101438), previously known as Moray Offshore Renewables Limited and having its registered office at C/O 7side Secretarial Limited, 1st Floor 14/18 City Road, Cardiff, CF24 3DL (“the Company”). Condition 19 of the s.36 consents requires the Company to submit a Lighting and Marking Plan (“LMP”), for approval by the Scottish Ministers, prior to commencing works.

- 1.2. On 25th September 2014 the Scottish Ministers granted in favour of the Company a marine licence under part 4 of the Marine (Scotland) Act 2010 and Marine and Coastal Access Act 2009 for the Modified Offshore Transmission Infrastructure (“the OfTI marine licence”). Condition 3.2.2.14 of the OfTI marine licence requires the Company to submit a LMP, for approval by the Scottish Ministers, prior to commencing works.
- 1.3. On 1st August 2017 the Scottish Ministers granted in favour of the Company a marine licence under part 4 of the Marine (Scotland) Act 2010 and Marine and Coastal Access Act 2009 for the construction of Offshore Substation Platforms (“OSP”). The said OSP marine licence was subsequently varied by the Scottish Ministers on 14th September 2017 (“the OSP marine licence”). Condition 3.2.2.5 of the OSP marine licence requires the Company to submit a LMP, for approval by the Scottish Ministers, prior to commencing works.
- 1.4. On 26th June 2018 the Company submitted to the Scottish Ministers the LMP for approval and applied for multi-stage consent and regulatory approval in relation thereto all in accordance with condition 19 of the s.36 consents, condition 3.2.2.14 of the OfTI marine licence and condition 3.2.2.5 of the OSP marine licence.

2 Summary of Consultation Responses

- 2.1 The Scottish Ministers consulted with Scottish Natural Heritage (“SNH”), Aberdeenshire Council (“AC”), The Highland Council (“THC”), Moray Council (“MC”), the Maritime and Coastguard Agency (“MCA”), the Northern Lighthouse Board (“NLB”), Defence Infrastructure Organisation (“DIO”), and Civil Aviation Authority (“CAA”).
- 2.2 SNH requested consideration of proximity activated lighting systems and the removal of synchronised lights. The Company advised that proximity activated lighting systems for offshore windfarms is not a tested technology and therefore would not be taken forward. Further, the Company advised that synchronised flashing lights were essential to avoid any confusion and updated the LMP to include relevant justification. SNH subsequently confirmed they were satisfied with the LMP.
- 2.3 AC confirmed that they considered the LMP to address the relative legislative requirements and broadly their interests. Notwithstanding this, AC queried the necessity of cable marker boards nearshore and expressed concerns regarding the impacts on the sensitive landfall location. The Company consulted the NLB on this requirement, who subsequently confirmed that they were content to waive the requirement to install the cable marker board nearshore. The Company amended the LMP to remove reference to the installation of this.
- 2.4 The MCA requested a number of text amendments, including reference to adhering to all maritime safety related legislation. The MCA also queried why just one Search and Rescue light can provide 360 degree coverage yet the aviation periphery lights need two lights. The Company subsequently provided an explanation considered satisfactory by the MCA and the LMP was updated to include this explanation along with the requested text amendments.

2.5 The NLB and DIO confirmed they were content with the LMP. THC, MC and CAA did not submit comments.

3 Reasons and Considerations on which this decision is based

3.1 The amended LMP, incorporating the revisions detailed above, was submitted to the Scottish Ministers by the Company on 5th October 2018.

3.2 The Scottish Ministers have fully considered all representations received regarding the LMP.

3.3 The information contained in the LMP is within the parameters of what has already been assessed within the Environmental Statement (“ES”) and Additional Ornithological Information (“AOI”) submitted in respect of the s.36 consents and the Environmental Statement submitted in respect of the OfTI marine licence and the OSP marine licence (“OfTI ES”).

3.4 The Company was not required to submit additional information under regulation 25 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) or regulation 27 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) in relation to the application for multi-stage consent and regulatory approval.

4 Reasoned Conclusion

4.1 As set out above, the Scottish Ministers are satisfied that they have sufficient information to enable them to reasonably conclude that the LMP is within the parameters which have already been considered within the ES, AOI and OfTI ES previously assessed in respect of the s.36 consents and marine licences. No new significant effects on the environment have been identified when considering the information detailed within the LMP.

4.2 In taking into account the information set out above the Scottish Ministers are satisfied that this information is relevant, appropriate and up to date.

5 Determination and Terms of Decision

5.1 The Scottish Ministers, hereby approve the LMP as submitted on 5th October 2018 and grant multi-stage consent and regulatory approval in relation thereto.

5.2 In the event that the Company wishes to update or amend the LMP, the Company must submit, in writing, details of the proposed updates or amendments to the Scottish Ministers for their written approval prior to the planned implementation of the proposed updates or amendments. It is not permissible for any works associated with the proposed updates or amendments to proceed prior to the granting of such approval.

5.3 Unless otherwise agreed, in writing by the Scottish Ministers, all works must proceed in accordance with the LMP.

5.4 This Decision Notice has been published on the Marine Scotland licensing page of the Scottish Government’s website: <http://marine.gov.scot/data/moray-east-offshore-windfarm-lighting-and-marking-plan-lmp>

5.5 A copy of this Decision Notice has also been sent to the relevant planning authorities.

Authorised on behalf of the Scottish Ministers

By a member of staff of the Scottish Government

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02 November 2018