



Mrs Sarah Pirie
Head of Development
Moray Offshore Windfarm (East) Limited
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02 November 2018

Dear Mrs Pirie

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

MARINE (SCOTLAND) ACT 2010

MARINE AND COASTAL ACCESS ACT 2009

**DECISION NOTICE RELATIVE TO APPLICATION FOR MULTI-STAGE 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 3rd September 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, marine licences under part 4 of the Marine (Scotland) Act 2010 and Marine and Coastal Access Act 2009 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 marine licences were varied on 22nd March 2018. The said marine licences were subsequently varied again on 19th July 2018 (“the OWF marine licences”) to change the licensee names to Moray Offshore Windfarm (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 3.1.12 of the OWF marine licences requires the Company to submit an MPCP for approval by the Scottish Ministers, prior to commencing works.

- 1.2. 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 3.2.1.8 of the OSP marine licence requires the Company to submit an MPCP for approval by the Scottish Ministers, prior to commencing works.
- 1.3. 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 3.2.12 of the OfTI marine licence requires the Company to submit an MPCP, for approval by the Scottish Ministers, prior to commencing works.
- 1.4. On 9th July 2018 the Company submitted to the Scottish Ministers the MPCP for approval and applied for multi-stage regulatory approval in relation thereto all in accordance with condition 3.1.12 of the OWF marine licences, condition 3.2.12 of the OfTI marine licence and condition 3.2.1.8 of the OSP marine licence.

2 Summary of Consultation Responses

- 2.1 The Scottish Ministers consulted with Scottish Natural Heritage (“SNH”), Maritime and Coastguard Agency (“MCA”), Northern Lighthouse Board (“NLB”), Scottish Environment Protection Agency (“SEPA”), Historic Environment Scotland (“HES”) and the Royal Society for the Protection of Birds (“RSPB”).
- 2.2 SNH requested that the Ecological Clerk of Works (“ECoW”) report any incident to the Marine Licensing Operations Team (“MS-LOT”) and also include any incident in the monthly ECoW reports. In addition, SNH requested that Toolbox Talks were conducted more frequently at the start of the project and at personnel change times. The Company agreed that the reporting would be reported to MS-LOT and also included in the ECoW report and that the Toolbox Talks frequency would be higher at these times.
- 2.3 SNH requested that the reporting approaches to spills be made clearer in the tables and figures of the MPCP. The Company noted the comment however stated that the intention of the MPCP flowcharts was clear. SNH also requested that the incident response section was highlighted in the contents page and the Company updated the MPCP accordingly.
- 2.4 In addition, SNH recommended that bunkering requirements were identified in a bunker plan, to be submitted to MS-LOT prior to the commencement of works. The Company accepted these comments and included bunkering activities in the ECoW compliance report.
- 2.5 The MCA requested that reference to the Emergency Response Cooperation Plan (“ERCoP”) be included in the MPCP and also that references be updated to Coastguard Operations Centre. In addition, the MCA highlighted that MGN 543 had supersede MGN 371 and should be corrected throughout the MPCP. The Company included reference to the ERCoP and corrected the other incorrect references.

- 2.6 The MCA stated that they would be involved with a Tier 1 incident, however requested that the MPCP clearly detailed that they would manage a Tier 2 or 3 incident, with the Company releasing statements in consultation with them. The Company updated the MPCP in this regard.
- 2.7 The MCA queried if the MPCP was for the life time of the development and highlighted that the plan should contain a list of all relevant emergency contact details. The Company confirmed that as per the Executive Summary of the MPCP it covered the construction and operational phases of the development. The Company also committed to update the MPCP when emergency contact details become available.
- 2.8 HES noted that the majority of the MPCP would not raise any issues within their remit. However, they did highlight that some sinking chemicals would require mechanical recovery (such as via dredging) should they be released in to the marine environment and that this recovery method may impact unscheduled marine archaeology. HES therefore recommended that mechanical recovery should be done according to the agreed Marine Archaeological Reporting Protocol (MARP), Protocol for Archaeological Discoveries and Written Scheme of Investigation. The Company confirmed that the MARP would be followed should this scenario arise.
- 2.9 SEPA confirmed that the MPCP was adequate insofar as their remit was concerned and had no further comments to make.
- 2.10 The RSPB and NLB provided no comments on the MPCP.

3 Reasons and Considerations on which this decision is based

- 3.1 The amended MPCP was submitted to the Scottish Ministers by the Company on 27th September 2018.
- 3.2 The Scottish Ministers have fully considered all representations received regarding the MPCP.
- 3.3 The information contained in the MPCP 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 OWF marine licences 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 27 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) in relation to the application for multi-stage 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 MPCP is within the parameters which have already been considered within the ES, AOI and OfTI ES previously assessed in respect of the marine licences. No new significant effects on the environment have been identified when considering the information detailed within the MPCP.

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 MPCP as submitted on 27th September 2018 and grant multi-stage regulatory approval in relation thereto.

5.2 In the event that the Company wishes to update or amend the MPCP, 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 MPCP.

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-marine-pollution-contingency-plan-mpcp>

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