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Mrs Sarah Pirie  
Head of Development  
Moray Offshore Windfarm (East) Limited  
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CF24 3DL

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 19<sup>th</sup> 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 22<sup>nd</sup> March 2018 (“the s.36

consents”). Subsequently, on 8<sup>th</sup> June 2018, the s.36 consents were assigned, with the authority of the Scottish Ministers, to Moray Offshore Windfarm (East) Limited (Company Number 07101438), previously known as Moray Offshore Renewables Limited, having its registered office at C/O 7side Secretarial Limited, 1st Floor 14/18 City Road, Cardiff, CF24 3DL (“the Company”). Condition 14 of the s.36 consents requires the Company to submit an Environmental Management Plan (“EMP”) for approval by the Scottish Ministers, prior to commencing works.

- 1.2. On 25<sup>th</sup> 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 3.2.1.2 of the OfTI marine licence requires the Company to submit an EMP, for approval by the Scottish Ministers, prior to commencing works.
- 1.3. On 1<sup>st</sup> 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 14<sup>th</sup> September 2017 (“the OSP marine licence”). Condition 3.2.1.2 of the OSP marine licence requires the Company to submit a EMP, for approval by the Scottish Ministers, prior to commencing works
- 1.4. On 3<sup>rd</sup> August 2018 the Company submitted to the Scottish Ministers the EMP for approval and applied for multi-stage consent in relation thereto in accordance with condition 14 of the current s.36 consents and condition 3.2.1.2 of both the OfTI marine licence and the OSP marine licence.

## 2. Summary of Consultation Responses

- 2.1. The Scottish Ministers consulted with Scottish Natural Heritage (“SNH”), Aberdeenshire Council (“AC”), The Royal Society for the Protection of Birds (“RSPB”) and Scottish Environmental Protection Agency (“SEPA”).
- 2.2. SNH stated that the EMP clearly communicated its purpose for environmental management during construction and operation phases. SNH highlighted that the Transport Audit Sheets could include steps taken to confirm the vessel has undertaken any relevant biosecurity checks. This was acknowledged by the Company however they advised that these steps were already covered in the vessel checks.
- 2.3. SNH requested confirmation on when the appointment of the principal contractor will be made. SNH requested further clarity to be provided on how the ‘*Empowerment to stop the job*’ will work and that tool box talks should occur more frequently. The Company responded that the principle is well established and therefore the EMP would not be updated. In addition the Company confirmed that they would be the principal contractor.
- 2.4. SNH welcomed the inclusion of the five key aims of the EMP, excluding decommissioning, however requested clarification on how it would be updated to reflect the final layout. SNH requested to be copied in to the ECoW Reports which should be submitted monthly. The Company amended the EMP accordingly.
- 2.5. SEPA confirmed that they were satisfied that the EMP meets the requirements of condition 14 of the s.36 consents and condition 3.2.1.2 of both the OfTI marine licence and the OSP marine licence.

2.6. RSPB and AC provided no comments on the EMP.

### **3. Reasons and Considerations on which this decision is based**

3.1. The EMP was amended to incorporate the revisions detailed above and was submitted to the Scottish Ministers by the Company on 2nd October 2018.

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

3.3. The information contained in the EMP 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 EMP 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 EMP.

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 EMP as submitted on 2<sup>nd</sup> 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 EMP, 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, the works must be constructed and operated in accordance with the EMP.

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-environmental-management-plan-emp>

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

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Aberdeen AB11 9DB  
[www.gov.scot/Topics/marine/Licensing/marine](http://www.gov.scot/Topics/marine/Licensing/marine)



Authorised on behalf of the Scottish Ministers  
By a member of staff of the Scottish Government

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02 November 2018