

Mrs Sarah Pirie
Moray Offshore Windfarm (East) Limited
C/O Shepherd And Wedderburn LLP
Condor House,
10 St. Paul's Churchyard
London
EC4M 8AL

14 June 2019

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
ASSOCIATED OFFSHORE TRANSMISSION INFRASTRUCTURE IN THE OUTER MORAY
FIRTH**

1. Description of the Application

1.1. On 25 September 2014 the Scottish Ministers granted in favour of Moray Offshore Windfarm (East) Limited (Company Number 07101438), previously known as Moray Offshore Renewables Limited and having its registered office formerly at 1st Floor 14/18 City Road, Cardiff, CF24 3DL and now at C/O Shepherd And Wedderburn LLP, Condor House, 10 St. Paul's Churchyard, London, EC4M 8AL ("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 associated with the Moray East Offshore Windfarm ("the OfTI marine licence"). Condition 3.2.2.5 of the OfTI marine licence requires the Company to submit a Piling Strategy ("OfTI PS"), for approval by the Scottish Ministers, prior to commencing works.

1.2. On 1 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 September 2017 (“the OSP marine licence”). Condition 3.2.2.6 of the OSP marine licence requires the Company to submit an OfTI PS, for approval by the Scottish Ministers, prior to commencing works.

- 1.3. On 5 July 2018 the Company submitted to the Scottish Ministers an OfTI PS for approval and applied for multi-stage regulatory approval in relation thereto in accordance with condition 3.2.2.5 of the OfTI marine licence and 3.2.2.6 of the OSP marine licence.

2 Summary of Consultation Responses

- 2.1 The Scottish Ministers consulted with Scottish Natural Heritage (“SNH”) and Whale and Dolphin Conservation (“WDC”).

In their initial advice SNH noted that preliminary results from the Beatrice Offshore Windfarm has suggested that the use of Acoustic Deterrent Devices (“ADD”) as pre pile mitigation are potentially working more effectively than is needed and resulting in further disturbance than necessary. SNH therefore advised that ADD use should be reduced to 5-10 minutes (allowing for slightly different deployment times) followed by soft start and ramp up before the first pile in each set of three but that the subsequent two piles may be installed with only the soft start and ramp up. SNH further advised that if there is a 24 hour break in piling then the ADD should be used before the next pile is installed regardless of whether it is the first one or not. SNH also requested clarification regarding that the number of potential simultaneous piling activities to be carried out.

- 2.2 SNH subsequently revised their advice regarding the appropriate duration of a break in piling after which ADD mitigation would be required again. SNH advised that after a 6 hour break in piling ADD should be used before the next pile regardless if it is the first one or not.
- 2.3 The Company amended the OfTI PS in accordance with SNH’s revised advice on ADD use and confirmed their commitment to limiting the number of concurrent piling activities to two in the Moray East site.
- 2.4 WDC were content with the OfTI PS and had no further comments to make.

3 Reasons and Considerations on which this decision is based

- 3.1 The amended OfTI PS, incorporating the revisions detailed above, was submitted to the Scottish Ministers by the Company on 11 March 2019.
- 3.2 The Scottish Ministers have fully considered all representations received regarding the OfTI PS.
- 3.3 The Scottish Ministers have considered advice provided by Marine Scotland Science that concurs with the advice from SNH and agrees that the recommendations on ADD use are based on best scientific knowledge at present.
- 3.4 The information contained in the OfTI PS is within the parameters of what has already been assessed within the Environmental Statement (“ES”) submitted in respect of the OfTI marine licence and OSP marine licence.

3.5 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 OfTI PS is within the parameters which have already been considered within the 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 OfTI PS.

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 OfTI PS as submitted on 11 March 2019 and grant multi-stage regulatory approval in relation thereto.

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

5.4 This Decision Notice has been published on the Marine Scotland licensing page of the Scottish Government's website: <http://marine.gov.scot/ml/moray-east-offshore-windfarm>

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

Marine Scotland
Marine Planning and Policy Licensing Operations Team
375 Victoria Road
Aberdeen
AB11 9DB
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