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C/O Shepherd And Wedderburn Llp
Condor House,
10 St. Paul's Churchyard
London
EC4M 8AL

29 April 2019

Dear Redacted

**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 CONSENT AND
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 at C/O Shepherd And Wedderburn Llp, Condor House, 5-10 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 3.2.2.10 of the OfTI marine licence requires the Company to submit a Cable Plan ("OfTI CaP"), for approval by the Scottish Ministers, prior to commencing works.

1.2. On 7 February 2019 the Company submitted to the Scottish Ministers an OfTI CaP for approval and applied for multi-stage consent and regulatory approval in relation thereto all in accordance with condition 3.2.2.10 of the OfTI marine licence.

2 Summary of Consultation Responses

- 2.1 The Scottish Ministers consulted with Scottish Natural Heritage (“SNH”), the Maritime and Coastguard Agency (“MCA”) and the Scottish Fishermen’s Federation (“SFF”).
- 2.2 SNH advised that the proposal is capable of affecting the burrowed mud feature of the Southern Trench pMPA but that these effects are insignificant. SNH noted that that an area of stony reef had been identified within the shallow waters close to the landfall site at Inverboyndie but advised that the area likely to be affected is relatively small in the context of the wider area and the cable installation is unlikely to have a significant impact. SNH further noted that any impacts within the intertidal area were unlikely and that the electromagnetic field (“EMF”) from the cabling will not be greater than baseline and thus will not give rise to any significant impacts on fish or benthic interests. SNH agreed that there will be no changes to the predicted impacts (assessed as minor) from the proposed trencher on the benthic ecology and fish and shellfish ecology, acknowledging that the total footprint of habitat loss due to trenching has reduced.
- 2.3 It should be noted that the Southern Trench pMPA which SNH refer to is currently in the draft stage as consultation on the proposal to designate the site has not yet commenced.
- 2.4 The MCA had no significant concerns to raise with regards to the OfTI CaP but highlighted that any consented cable protection works must ensure existing and future safe navigation is not compromised, accepting a maximum of 5% reduction in surrounding depth referenced to Chart Datum. The MCA stated that they would expect all maritime safety legislation to be adhered to during the operation. The Company noted these comments, stating that no reduction in depths of 5% or more was expected.
- 2.5 SFF noted that the Company could have engaged more extensively with relevant fishers at the beginning of the cable design process. The Company responded that extensive engagement has been undertaken with the local fishermen and fishing bodies and that the cable route and installation methods were designed specifically with fishing activities and the site specific ground conditions in mind.
- 2.6 SFF noted that the protection of the offshore substation platform (“OSP”) end of the offshore export cable should ensure that any deposits used are within the 50m zone. The Company noted that the cable protection system and any external coverage will be within 50m of the OSPs.
- 2.7 SFF queried the feasibility of burial in areas of rock outcrops along the cable route, stating that this could create a safety hazard which would deny fishing access and therefore must be mitigated. The Company responded that outcrops of boulder clay, rather than rock, have been identified along the route and that the results of the Cable Burial Risk Assessment (“CBRA”) suggest that burial will be possible and that the target Depth of Lowering (“DoL”) will be achieved along the entire length of route. The Company note that, should minimum DoL not be achieved, then appropriate means of additional protection will be employed.
- 2.8 SFF noted the likelihood of a 1.2km wide route being impacted, from the development to shore, and stated that if fishing in this area would be no longer possible, mitigation would be required. The Company noted that the CBRA took into account fishing activities in the area and the target DoL exceeds those recommended to avoid interactions with fishing activities. Should minimum DoL not be achieved in areas of high fishing intensity and substantial lengths of OEC require mechanical protection, any requirement for

overtrawlability surveys and the appropriate methodologies will be discussed with the local fishing industry and agreed with Scottish Ministers.

- 2.9 SFF stated that if any habitat areas required protection, any impact on fisheries should be mitigated, also highlighting the importance of timing operations so as not to interfere with any spawning activity. The Company noted two biotopes of valued seabed features but that no significant impacts are predicted on any sediment habitats or communities during the construction or operational phases.
- 2.10 SFF requested that the final cable route be timeously shared with the fishing industry, particularly regarding crossings and other unburied sections, alongside details of any boulder movements. In the interim, SFF stated that any unburied sections must be guarded. SFF further stressed the necessity of having a competent FLO during the installation phase to liaise with the local fleet. The Company responded that, once operational, the final data will be provided to the UKHO for aviation and nautical charting purposes and that information would be disseminated to fishermen, mostly likely via the Commercial Fisheries Working Group, as well as directly with particular fishermen and fishing representation organisations such as the SFF. During installation of the export cables there will be both an offshore FLO and a company FLO employed to ensure fishing vessels in the area are kept fully aware of the works underway. It is envisaged that any temporarily unburied cables along the export cable route will be monitored by guard vessels, subject to risk assessment.
- 2.11 SFF noted that trenching and use of the associated machinery must not result in clay berms or other hazards to fishing, which would require mitigation. The Company acknowledged that, while trenching activity is not expected to produce any clay berms, if boulder relocation is required some small areas of clay berm may be created. This would be confirmed through post-installation surveys and any remedial action or mitigation will be agreed with Scottish Ministers in consultation with the SFF.
- 2.12 SFF lastly stated that the operational phase must set out how monitoring will be undertaken, especially where mobile seabed is identified. Reporting of any unburied sections must also be considered and explain how fishing will be compensated in such a situation. The Company noted that burial of the cable will be monitored immediately after installation and that successful installation will need to be demonstrated when the asset is handed over to an offshore transmission operator within the first year of operation. The design and frequency of post-construction surveys will be determined from the evaluation of asset integrity risks presented by the site conditions, asset design and results from through-life surveys.

3 Reasons and Considerations on which this decision is based

- 3.1 The Company did not propose any amendments to the OfTI CaP as a result of the above consultation.
- 3.2 The Scottish Ministers have fully considered all representations received regarding the OfTI CaP.
- 3.3 The information contained in the OfTI CaP is within the parameters of what has already been assessed within the the Environmental Statement submitted in respect of the OfTI 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 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 OfTI CaP is within the parameters which have already been considered within the OfTI ES previously assessed in respect of the marine licence. No new significant effects on the environment have been identified when considering the information detailed within the OfTI CaP.

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 CaP as submitted on 7 February 2019 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 OfTI CaP, 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 CaP.

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-offshore-transmission-infrastructure-cable-plan>

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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