



Mrs Sarah Pirie  
Head of Development  
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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

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[www.gov.scot/Topics/marine/Licensing/marine](http://www.gov.scot/Topics/marine/Licensing/marine)

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”). Conditions 9 and 10 of the s.36 consents require the Company to submit a Construction Programme (“CoP”) and Construction Method Statement (“CMS”) respectively, 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”). Conditions 3.2.2.3 and 3.2.2.4 of the OfTI marine licence require the Company to submit a CoP and CMS, 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”). Conditions 3.2.2.3 and 3.2.2.4 of the OSP marine licence require the Company to submit a CoP and CMS, for approval by the Scottish Ministers, prior to commencing works.
- 1.4. On 9<sup>th</sup> July 2018 the Company submitted to the Scottish Ministers the CoP and CMS for approval and applied for multi-stage consent and regulatory approval in relation thereto all in accordance with conditions 9 and 10 of the s.36 consents and conditions 3.2.2.3 and 3.2.2.4 of both the OfTI marine licence and OSP licence.

## 2 Summary of Consultation Responses

- 2.1 The Scottish Ministers consulted with Scottish Natural Heritage (“SNH”), the Maritime and Coastguard Agency (“MCA”), the Northern Lighthouse Board (“NLB”), Scottish Environment Protection Agency (“SEPA”), The Royal Society for the Protection of Birds (“RSPB”), Aberdeenshire Council (“AC”), the Highland Council (“THC”) and Moray Council (“MC”).
- 2.2 SNH requested confirmation of when the principal contractor will be appointed and how the plans will be updated to reflect this appointment. SNH also stated a specific need to mention any bunkering plans, requested clarification in regards to when the unexploded ordnance (“UXO”) surveys will occur and advised that any scour protection used should be mapped and notified to Marine Scotland - Licensing Operations Team (“MS-LOT”). The Company clarified that Moray East is the principal contractor, confirmed that a template for a bunkering plan will be included as an appendix to the Environmental Management Plan and committed to mapping scour protection activities ensuring MS-LOT are notified. In addition, the Company confirmed they would keep MS-LOT and SNH informed of the detailed UXO inspection plans once they were confirmed. The Company updated the CoP and CMS to include this information as appropriate.
- 2.3 The MCA stated they had no concerns regarding the CMS but noted that reference to adhering to all maritime safety related legislation should be included. In reference to the pre-construction bathymetry, geotechnical, geophysical and UXO surveys undertaken by the Company, the MCA requested that the associated hydrographic survey data obtained should be submitted to the MCA as per Marine Guidance Note 543 (“MGN 543”). The MCA also requested that the Emergency Response Cooperation Plan (“ERCoP”)

referred to in the CMS be reviewed and updated in consultation with the MCA. The Company updated the CMS to include a commitment to adhere to all maritime safety related legislation. The Company also confirmed that they will provide the hydrographic survey data to the MCA, as per MGN 543, prior to commencing construction and that the MCA will be consulted in regards to the ERCoP as requested.

- 2.4 SEPA stated that the CMS proposals seem adequate regarding the landfall elements insofar as SEPA's remit is concerned. Notwithstanding this, with regards to the issue of seabed preparations, SEPA advised that any waste recovered to the surface and taken onshore for disposal must be taken to a suitably licensed facility for disposal/recycling of that waste type and that waste must only be transported by a registered waste carrier. Furthermore, SEPA noted that the preference should always be to recover waste, particularly fishing nets which can contain large amounts of plastic, for disposal onshore. The Company amended the CMS accordingly to include SEPA's advice.
- 2.5 The NLB confirmed they were content with the CoP and CMS. RSPB, AC, MC and THC did not submit comments.

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

- 3.1 The amended CoP and CMS, incorporating the revisions detailed above, were submitted to the Scottish Ministers by the Company on 27<sup>th</sup> September 2018.
- 3.2 The Scottish Ministers have fully considered all representations received regarding the CoP and CMS.
- 3.3 The information contained in the CoP and CMS 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 CoP and CMS are 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 CoP and CMS.
- 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 CoP and CMS as submitted on 27<sup>th</sup> September 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 CoP or CMS, 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 CoP and CMS.
- 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-construction-programme-and-construction-method-statement-cop-cms>
- 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