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

THE ELECTRICITY ACT 1989 (AS AMENDED)

**DECISION NOTICE RELATIVE TO APPLICATION FOR MULTI-STAGE CONSENT
AND REGULATORY APPROVAL**

**FOR THE CONSTRUCTION AND OPERATION OF MORAY EAST OFFSHORE
WINDFARM IN THE OUTER MORAY FIRTH**

1. Description of the Application

1.1. On 19 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 C/O Shepherd And Wedderburn Llp, Condor House, 5-10 St. Paul's Churchyard, London, EC4M 8AL, 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 March 2018 ("the s.36 consents"). Subsequently, on 8 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 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"). Condition 18 of the

s.36 consents requires the Company to submit a Cable Plan (“CaP”), for approval by the Scottish Ministers, prior to commencing works.

- 1.2. On 12 November 2018 the Company submitted to the Scottish Ministers a CaP for approval and applied for multi-stage consent and regulatory approval in relation thereto all in accordance with condition 18 of the s.36 consents.

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 noted that the CaP was consistent with the Environmental Statement (“ES”) submitted in respect of the s.36 consents and that the electromagnetic fields (“EMFs”) 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 observed that due to a reduction in cable length, predicted impacts caused by trenching will be reduced.

- 2.3 The MCA raised no significant concerns with regards to the 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, of particular concern in shallower waters. In response, the Company noted that the primary means of cable protection is cable burial and alternatives would only be considered where unforeseen soil conditions affect the burial performance of the proposed tooling. The Company further noted that due to water depths within the wind farm site, the navigable depth is unlikely to be significantly reduced.

- 2.4 SFF raised a number of concerns which included the gap between cable lay and cable burial, the collection of EMF data via desktop study, the lack of assessment of risk to fishing within the Cable Burial Risk Assessment (“CBRA”), the lack of consideration of fishing activity as a constraint and the wording specifying that that over trawl surveys “could be employed” rather than “will be employed”. SFF also requested further clarity on the mechanical protection methods for the cables and how the Moray East Marine Co-ordination function (“MEMC”) and contractors will interact to avoid conflict with fishing. The Company responded that the base case is that the cables will be buried within one month following installation and that guard vessels will be operating during construction. The Company noted that the fishing industry would be informed of the progress of construction activities via regular Notices to Mariners (“NtMs”), Commercial Fisheries Working Group (“CFWG”) meetings and the appointed Fisheries Liaison Officer (“FLO”). The Company stated that the EMF calculations incorporate up-to-date peer-reviewed research and various conservative assumptions and, as such, the confidence in the predicted maximum EMF levels is very high. The Company further noted that over trawl would be undertaken if deemed necessary by Scottish Ministers. The Company also updated the CaP to clarify the consideration of fishing activities as a constraint, MEMC related interactions, remedial protection measures and a statement concerning the various fishing gear types reviewed within the CBRA.

3 Reasons and Considerations on which this decision is based

- 3.1 The amended CaP, incorporating the revisions detailed above, was submitted to the Scottish Ministers by the Company on 18 March 2019.
- 3.2 The Scottish Ministers have fully considered all representations received regarding the CaP. The information contained in the CaP is within the parameters of what has already been assessed within the ES and Additional Ornithological Information (“AOI”) submitted in respect of the s.36 consents.
- 3.3 The Company was not required to submit additional information under regulation 25 of the Electricity 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 CaP is within the parameters which have already been considered within the ES and AOI and previously assessed in respect of the s.36 consents. No new significant effects on the environment have been identified when considering the information detailed within the 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 CaP as submitted on 18 March 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 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 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-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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Marine Planning and Policy Licensing Operations Team
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