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

THE 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 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 15 of the s.36 consents requires the Company to submit a Vessel Management Plan (“VMP”), for approval by the Scottish Ministers, prior to commencing works. Condition 17 of the s.36 consents requires the Company to submit a Navigation Safety Plan (“NSP”), for approval by the Scottish Ministers, prior to commencing works.

- 1.2. On 25 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 3.2.2.8 of the OfTI marine licence requires the Company to submit a VMP, for approval by the Scottish Ministers, prior to commencing works. Condition 3.2.2.9 of the OfTI marine licence requires the Company to submit a NSP, for approval by the Scottish Ministers, prior to commencing works.
- 1.3. 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 3.2.2.9 of the OSP marine licence requires the Company to submit a VMP, for approval by the Scottish Ministers, prior to commencing works. Condition 3.2.2.10 of the OSP marine licence requires the Company to submit a NSP, for approval by the Scottish Ministers, prior to commencing works.
- 1.4. On 31 October 2018 the Company submitted to the Scottish Ministers a combined VMP and NSP (“VMP/NSP”) for approval and applied for multi-stage consent and regulatory approval in relation thereto all in accordance with conditions 15 and 17 of the s.36 consents, conditions 3.2.2.8 and 3.2.2.9 of the OfTI marine licence and conditions 3.2.2.9 and 3.2.2.10 of the OSP marine licence. On 26 March 2019, a revised VMP/NSP was submitted to the Scottish Ministers which included an extra vessel route for transporting a proportion of the piles from the north of Scotland.
- 1.5. A separate Emergency Response Co-operation Plan (“ERCoP”), prepared to address the requirements of the NSP conditions required under part f. for the s.36 consents and the OfTI marine licence, was submitted to the Scottish Ministers separately to the VMP/NSP and was discharged on 13 February 2019.

2 Summary of Consultation Responses

- 2.1 The Scottish Ministers consulted with Scottish Natural Heritage (“SNH”), Whale and Dolphin Conservation (“WDC”), the Maritime and Coastguard Agency (“MCA”), the Northern Lighthouse Board (“NLB”), and the Scottish Fishermen’s Federation (“SFF”).
- 2.2 SNH noted the indicative vessel transit corridors and advised that, once all ports have been confirmed, vessel transit corridors should follow established shipping routes. The Company responded that the VMP/NSP will be updated as advised but noted that there are no established shipping routes in the area. SNH noted that the VMP does not mention the role of the Environmental Clerk of Works (“ECoW”) and advised that the VMP should include this. The Company responded that the role of the ECoW is clearly stated within the Environmental Management Plan and therefore no amendments to the VMP/NSP

were required. SNH recommended that Section 15 should mention that vessel operators are made aware of the Scottish Marine Wildlife Watching Code. SNH also stated that bunkering should be addressed in a further version of this plan if such activities are likely to occur. The Company amended the VMP/NSP to include reference to the Scottish Marine Wildlife Watching Code and an explanation on when and how bunkering details would be provided. SNH was consulted on a further revised VMP/NSP which was submitted to the Scottish Ministers on 26 March 2019 which included an extra vessel route for transporting a proportion of the piles from the north of Scotland. SNH confirmed they were content with the inclusion of the new vessel route.

2.3 The MCA noted that Marine Guidance Note (“MGN”) 543 had been referenced throughout the VMP/NSP and noted that they expect all hydrographic surveys to be conducted to MGN 543 specifically the Hydrography Guidelines for Offshore Developers. The MCA did not comment on aspects relating to the development layout plans, Lighting and Marking Plans and the Safety Zone applications, having already provided comments to these under separate consultations. The MCA noted that they expect all vessels involved in the project to comply with all maritime safety legislation and encourage operators to contact the local MCA Marine Office with regards to any survey, inspection or safety related certification. The Company noted the comments provided by the MCA – clarifying that that compliance with the MGN had been covered within the VMP/NSP in section 17.

2.4 The NLB confirmed they were content with the details contained within the VMP/NSP. The NLB noted that the VMP/NSP for the site apply to the construction and operational phases of the wind farm and highlighted that they would require to be consulted on any additional VMPs and NSPs submitted relating to the de-commissioning phase of the wind farm. The Company noted the comments provided by the NLB and stated that the Company would consult with the NLB on any additional VMPs and NSPs relating to the decommissioning phase of the wind farm and will continue regular engagement with the NLB as the project progresses to ensure mariners are informed of the works and location of operations being carried out.

2.5 SFF highlighted the importance of enforcing full compliance by all contractors or sub-contractors with the VMP/NSP and that comprehensive consultation with local fishers, including a fisheries liaison officer (“FLO”), was essential in minimising any disruption, especially with regards to prelay grapnel clearance, cable laying and burial, anchoring areas and use of transport barges. SFF also noted that the FLO must ensure that the marine coordination centre (“MCC”) is aware of all relevant fishing vessels, that routes are planned which avoid fishing gear and that SFF would expect a detailed protocol for compensation of any fishing gear compromised agreed prior to construction. SFF noted that prompt delivery of as-laid and as-built charter to SFF, Kingfisher and United Kingdom Hydrographic Office (“UKHO”) is essential. The Company responded that the majority of SFF comments are addressed in other post-consent plans, including the Commercial Fisheries Mitigation Strategy (“CFMS”), Wind Farm Cable Plan (“CaP”) and OfTI CaP, and within the VMP/NSP itself. The Company confirmed that construction activity will be communicated to the fishing industry via the Commercial Fisheries Working Group (“CFWG”) and through the Company FLO and Offshore FLOs.

2.6 WDC did not submit any comments to the consultation.

3 Reasons and Considerations on which this decision is based

3.1 The amended VMP/NSP, incorporating the revisions detailed above, was submitted to the Scottish Ministers by the Company on 7 March 2019. On 26 March 2019, a further revised

VMP/NSP was submitted to the Scottish Ministers which included the revisions detailed above and an extra vessel route for transporting a proportion of the piles from the north of Scotland.

- 3.2 The Scottish Ministers have fully considered all representations received regarding the VMP/NSP.
- 3.3 The information contained in the VMP/NSP 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 VMP/NSP 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 VMP/NSP.
- 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 VMP/NSP as submitted on 26 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 VMP/NSP, 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 VMP/NSP.
- 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-vessel-management-plan-vmp-and-navigational-safety-plan-nsp>
- 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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