



MeyGen Limited  
4th floor, Edinburgh Quay 2  
139 Fountainbridge  
Edinburgh  
EH3 9QG

30<sup>th</sup> June 2017  
Our Ref: 009/TIDE/MGIS1

Dear Cara Donovan,

**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 REGULATORY  
CONSENT**

**CONSTRUCTION AND OPERATION OF MEYGEN TIDAL ENERGY PROJECT  
ELECTRICITY GENERATING STATION LOCATED BETWEEN THE ISLAND OF  
STROMA AND THE SCOTTISH MAINLAND IN THE INNER SOUND OF THE PENTLAND  
FIRTH APPROXIMATELY 3km NORTH WEST OF JOHN O' GROATS WITH A  
GENERATION CAPACITY OF UP TO 86MW**

**1.1 Description of the Application**

1.1.1 On 16<sup>th</sup> September 2013 Marine Scotland – Licensing Operations Team (“MS-LOT”), on behalf of the Scottish Ministers, granted in favour of MeyGen Limited (Company Number SC347501) having its registered office at 4<sup>th</sup> Floor, Edinburgh Quay 2, 139 Fountainbridge, Edinburgh, EH3 9QG (“the Company”) consent under section 36 of the Electricity Act 1989 (as amended) relative to the above works. Although the consent granted was for 86MW, the initial stage was limited to a maximum of 6 turbines (only 4 turbines were installed by the developer). Condition 2(b) of the said consent requires the Company to submit an application for approval by the Scottish Ministers prior to proceeding to each subsequent stage of the above works.

1.1.2 On 3<sup>rd</sup> April 2017, in accordance with condition 2(b) of the said consent, the Company submitted to the Scottish Ministers an application to proceed with Phase 1(b) of the above works, which consists of a further four turbines, in addition to the four turbines already installed at the development.

## **1.2 Summary of Consultation Responses**

1.2.1 MS-LOT, on behalf of the Scottish Ministers, have consulted with Scottish Natural Heritage (“SNH”), the Maritime and Coastguard Agency (“MCA”), the Planning Authority (The Highland Council (“THC”)) and the Northern Lighthouse Board (“NLB”) in respect of the Company’s application. The MCA, THC and the NLB have raised no concerns over the application. SNH, whilst acknowledging the uncertainties of the evidence supporting the assessment of impacts on harbour seals, conclude the predicted collisions indicate that the impact of the additional turbines will be similar to the accepted impact which enabled the initial development to proceed. SNH requested monitoring of animal interactions with tidal turbines.

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

1.3.1 The information contained with the Company’s application is within the parameters of what has already been assessed within the Environmental Statement (“ES”) submitted in respect of the said consent.

1.3.2 In addition, the application used collision modelling to determine if deployment of two turbines in addition to the six turbines presently permitted would result in significant adverse effects on harbour seals. The two models used were Encounter Rate Model (“ERM”) and Collision Risk Model (“CRM”) with different seal density estimates. The conclusion from the two models predicted that there will be no further impact on harbour seals from the deployment of up to two further turbines in addition to the six presently permitted. This conclusion was also advised by SNH which has allowed MS-LOT to determine the decision to proceed with Phase 1(b) of the above works, which consists of a further four turbines, in addition to the four turbines already installed at the development.

## **1.4 Reasoned Conclusion**

1.4.1 As set out above MS-LOT, on behalf of the Scottish Ministers, are satisfied that they have sufficient information to enable them to reasonably conclude that the application has already been assessed within the ES previously assessed in respect of the said consent. No new significant effects have been identified as part the Company’s application.

1.4.2 In taking into account the information set out above, MS-LOT, on behalf of the Scottish Ministers are satisfied that this information is relevant, appropriate and up to date.

## **1.5 Determination and Terms of Decision**

1.5.1 MS-LOT, on behalf of the Scottish Ministers, hereby grants approval and consent of the application in relation to condition 2(b) of the said consent.

1.5.2 MS-LOT notes that further works may be necessary in order to carry out the deployment of the additional turbines (deposit of rock bags to assist with cable laying) and that the developer will submit Marine Licence applications to address the need for any such works not addressed within current consents.

1.5.3 MS-LOT notes that various plans under both the s36 consent and under the original marine licence were prepared with respect to Phase 1a. These plans will need to be reviewed and consulted upon for Phase 1b.

1.5.4 MS-LOT notes SNH comments on monitoring , particularly of harbour seals and would expect the developer to review the current Project Environmental Monitoring Programme (“PEMP”) condition 12 of the s36 consent and provide details of proposals for additional monitoring for Phase 1b. This should particularly address concerns on impacts on harbour seals. MS-LOT would note that it considers that further stages of Phase 1 will be difficult to consent without monitoring results providing re-assurance as to impacts.

## 1.6

1.6.1 This Decision Notice has been published on the Marine Scotland licensing page of the Scottish Government’s website:

<http://www.gov.scot/Topics/marine/Licensing/marine/scoping/MeyGen> . A copy of this Decision Notice has also been sent to the relevant planning authority.

Yours sincerely