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Mr J Murray
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Date: 18 April 2024

Dear Mr Murray,

DIRECTION UNDER REGULATION 8(4) OF THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

ORBITAL PROJECTS 9 LIMITED – TWO ORBITAL O2-X TIDAL TURBINES, FALL OF WARNESS TIDAL TEST SITE, EUROPEAN MARINE ENERGY CENTRE, ORKNEY

In accordance with regulation 8(4) of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 MW Regulations"), the Scottish Ministers are satisfied that an assessment of the effects on the environment of the construction, alteration or improvement of the two Orbital O2-X tidal turbines granted under marine licence MS-00010628 will be carried out by the Scottish Ministers. This will be carried out in respect of an application for consent under section 36 of the Electricity Act 1989 to be submitted by the European Marine Energy Centre in relation to the Fall of Warness tidal test site.

This assessment will have to meet the requirements of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, which implemented Directive 2011/92/EU (as amended) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment.

The Scottish Ministers therefore direct that the 2017 MW Regulations do not apply.

Yours sincerely,

Emma Lees
Marine Directorate - Licensing Operations Team