

Mr Neil Kermode
The European Marine Energy Centre
The Charle Clouston Building
O.R.I.C. Back Road
Stromness
Orkney
KW16 3AW

14 February 2024

Dear Mr Kermode

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

THE ELECTRICITY ACT 1989

DECISION NOTICE RELATIVE TO APPLICATION FOR MULTI-STAGE CONSENT

BILLIA CROO WAVE TEST SITE, APPROXIMATELY 2.2KM WEST OF THE ORKNEY COASTLINE

1. Description of the Application

- 1.1 On 21 December 2022 the Scottish Ministers, granted in favour of The European Marine Energy Centre (“EMEC”), (Company Number SC249331), having its registered office at The Charles Clouston Building, O.R.I.C, Black Road, Stromness, Orkney, KW16 3AW (“the Company”) consent under section 36 (“s.36”) of the Electricity Act 1989 relative to the above works. Condition 12 of the s.36 consent requires the Company to submit an Marine Mammal Recording Protocol (“MMRP”) for approval by the Scottish Ministers prior to commencing the above works.
- 1.2 On 16 March 2023 the Company submitted to the Scottish Ministers the MMRP for approval and applied for multi-stage consent in accordance with condition 12 of the s.36 consent.

2. Reasons and Considerations on which this decision is based

- 2.1 Following consultation with NatureScot, an amended MMRP was submitted to the Scottish Ministers by the Company on 14 September 2023.
- 2.2 The information contained with the MMRP is within the parameters of what has already been assessed within the Environmental Impact Assessment Report (“EIA Report”).
- 2.3 The Company was not required to submit additional information under regulation 25 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the application for multi-stage consent.

3. Determination and Terms of Decision

- 3.1 The Scottish Ministers, hereby approve the MMRP as submitted on 14 September 2023 and grant multi-stage consent in relation thereto.
- 3.2 In the event that the Company wishes to update or amend the MMRP, 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.

Unless otherwise agreed, in writing by the Scottish Ministers, all works must proceed in accordance with the MMRP.

- 3.3 This decision notice has been published on the Scottish Government's website: <https://marine.gov.scot/ml/section-36-consent-billia-croo>
- 3.4 A copy of this decision notice has also been sent to the relevant planning authority/authorities.

Authorised on behalf of the Scottish Ministers

By a member of staff of the Scottish Government

Marine Directorate - Licensing Operations Team
Scottish Government
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Aberdeen
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