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Mr Enrique Alvarez Cordobes
Moray Offshore Windfarm (East) Limited
C/O Shepherd and Wedderburn Llp
Octagon Point
5 Cheapside
London EC2V 6AA

Date: 05 May 2022

Dear Mr Alvarez Cordobes,

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

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017**

THE ELECTRICITY ACT 1989

MARINE (SCOTLAND) ACT 2010

MARINE AND COASTAL ACCESS ACT 2009

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

**CONSTRUCTION AND OPERATION OF THE MORAY EAST OFFSHORE WINDFARM AND
ASSOCIATED OFFSHORE TRANSMISSION INFRASTRUCTURE IN THE MORAY FIRTH**

1. Description of the Application

- 1.1 On 19th March 2014 the Scottish Ministers, granted in favour of 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, Octagon Point, 5 Cheapside, London EC2V 6AA (“the Company”), consents under section 36 (“s.36”) of the Electricity Act 1989 relative to the above works. Condition 31 of the said s.36 consent, requires the Company to submit a Commercial Fisheries Mitigation Strategy (“CFMS”), for approval by the Scottish Ministers.
- 1.2 On 25 September 2014 the Scottish Ministers, granted the company a marine licence under part 4 of the Marine (Scotland) Act 2010 and Marine and Coastal Access Act

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2009 for the Modified Offshore Transmission Infrastructure associated with the Moray East Offshore Wind Farm. The marine licence was subsequently varied by the Scottish Ministers on 19 July 2019, 15 December 2020 and 28 January 2022 (“the OfTI marine licence”). Condition 3.2.1.4 of the OfTI marine licence requires the Company to submit a CFMS and Export Cable Commercial Fisheries Mitigation Strategy (“XCFMS”), for approval by the Scottish Ministers.

- 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 up to two additional OSPs. This marine licence was subsequently varied by the Scottish Ministers on 14 September 2017 and again on 19 July 2019 (“the OSP marine licence”). Condition 3.2.1.4 of the OSP marine licence requires the Company to submit an CFMS and XCFMS for approval by the Scottish Ministers.
- 1.4 On 31 May 2021, the Company submitted to the Scottish Ministers a CFMS for approval and applied for multi-stage regulatory approval in accordance with condition 31 of the s.36 consent and condition 3.2.1.4 of the OSP and the OfTI marine licences.

2. Reasons and Consideration on which this decision is based

- 2.1 The Company consulted with the Moray Firth Commercial Fisheries Working Group. Following consultation, an amended CFMS was submitted to the Scottish Ministers by the Company on 18 January 2022.
- 2.2 The information contained in the CFMS is within the parameters of what has already been assessed within the EIA Report and the additional information submitted in respect of the s.36 consent and OSP and OfTI marine licences.
- 2.3 The Company was not required to submit additional information under regulation 25 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) 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.

3. Determination and Terms of Decisions

- 3.1 The Scottish Ministers hereby approve the CFMS and XCFMS as submitted on 18 January 2022 and grant multi-stage regulatory approval and consent in relation thereto.
- 3.2 In the event the Company wishes to update or amend the CFMS and XCFMS, 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.
- 3.3 Unless otherwise agreed in writing by the Scottish Ministers, all works must proceed in accordance with the CFMS and XCFMS.
- 3.4 This Decision Notice has been published on the Marine Scotland licensing page of the Scottish Government’s website: <https://marine.gov.scot/ml/moray-east-offshore-windfarm>.

3.5 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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