

Ms Catarina Rei
Moray Offshore Windfarm (West) Limited
C/O Shepherd and Wedderburn LLP
Octagon Point
5 Cheapside
London
EC2V 6AA

1 December 2022

Dear Ms Rei

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

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

MARINE (SCOTLAND) ACT 2010

MARINE AND COASTAL ACCESS ACT 2009

THE ELECTRICITY ACT 1989

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

**CONSTRUCTION AND OPERATION OF THE MORAY WEST OFFSHORE WIND
FARM AND ASSOCIATED OFFSHORE TRANSMISSION INFRASTRUCTURE,
APPROXIMATELY 22.5KM SOUTHEAST FROM THE CAITHNESS COASTLINE**

1. Description of the Application

- 1.1 On 14 June 2019 the Scottish Ministers granted in favour of Moray Offshore Windfarm (West) Limited (Company Number 10515140), having its registered office formerly at Condor House, 10 St. Paul's Churchyard, London EC4M 8AL and now at Shepherd and Wedderburn LLP Octagon Point, 5 Cheapside,

London, England, EC2V 6AA, (“the Company”), consent under section 36 (“the s.36 consent”) of the Electricity Act 1989 for the construction and operation of the Moray West Offshore Wind Farm. Subsequently the s.36 consent was varied by the Scottish Ministers on 7 March 2022. Condition 9 of the s.36 consent requires the Company to submit a Construction Programme (“CoP”) for approval by the Scottish Ministers, prior to commencing works and condition 10 of the s.36 consent requires the Company to submit a Construction Method Statement (“CMS”) for approval by the Scottish Ministers, prior to commencing works.

- 1.2 On 14 June 2019 the Scottish Ministers, granted in favour of the Company a marine licence under part 4 of the Marine and Coastal Access Act 2009 for the construction of the generating station relative to the above works. This marine licence was subsequently varied by the Scottish Ministers on 7 March 2022 and again on 11 April 2022 (“the GS marine licence”). Condition 3.2.2.6 of the GS marine licence requires the Company to submit a CoP for approval by the Scottish Ministers prior to commencing the above works and condition 3.2.2.7 of the GS marine licence requires the Company to submit an CMS for approval by the Scottish Ministers prior to commencing the above works.
- 1.3 On 14 June 2019 the Scottish Ministers also granted in favour of the Company a marine licence under part 4 of the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 for the construction of the Offshore Transmission Infrastructure (“OfTI”), relative to the above works. This marine licence was subsequently varied by the Scottish Ministers on 11 April 2022 (“the OfTI marine licence”). Condition 3.2.2.5 of the OfTI marine licence requires the Company to submit a CoP for approval by the Scottish Ministers prior to commencing the above works and condition 3.2.2.6 of the OfTI marine licence requires the Company to submit an CMS for approval by the Scottish Ministers prior to commencing the above works.
- 1.4 On 26 May 2022 the Company submitted to the Scottish Ministers a combined CoP and CMS (“CoP and CMS”) for approval and applied for multi-stage regulatory approval and consent in relation thereto in accordance with condition 9 and 10 of the s.36 consent, condition 3.2.2.6 and 3.2.2.7 of the GS marine licence and condition 3.2.2.5 and 3.2.2.6 of the OfTI marine licence.

2. Reasons and Considerations on which this decision is based

- 2.1 Following consultation with NatureScot, Aberdeenshire Council, the Scottish Fishermen’s Federation, the Maritime and Coastguard Agency, Northern Lighthouse Board, SEPA, Mountaineering Scotland, RSPB, and the Fordyce Sandend & District Community Council an amended CoP and CMS was submitted to the Scottish Ministers by the Company on 16 November 2022.
- 2.2 The information contained with the CoP and CMS are within the parameters of what has already been assessed within the Environmental Impact Assessment Report and additional information submitted in respect of the GS marine licence, the OfTI marine licence and the s.36 consent.

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 Decision

3.1 The Scottish Ministers, hereby approve the CoP and CMS as submitted on 16 November 2022 and grant multi-stage regulatory approval and consent in relation thereto.

3.2 In the event that the Company wishes to update or amend the CoP and CMS, 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 CoP and CMS.

3.3 This Decision Notice has been published on the Scottish Government's website: <https://marine.gov.scot/ml/moray-west-offshore-windfarm>

3.4 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

Marine Scotland
Marine Planning and Policy
Licensing Operations Team
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1 December 2022