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Ms Cara Donovan  
Project Developer  
MeyGen Limited  
90A George  
Street  
Edinburgh  
EH2 3DF

8 November 2016

Our Ref: 009/TIDE/MGIS – 6

Dear Ms Donovan,

**ELECTRICITY ACT 1989**

*The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000*  
*The Electricity (Applications for Consent) Regulations 1990*

**CONSENT GRANTED BY THE SCOTTISH MINISTERS TO CONSTRUCT AND OPERATE THE MEYGEN TIDAL ENERGY PROJECT ELECTRICITY GENERATING STATION IN THE INNER SOUND, PENTLAND FIRTH**

Thank you for your correspondence dated 28<sup>th</sup> October 2016 requesting that Marine Scotland Licensing Operations Team ("MS-LOT") give their written approval to the revised version of the Project Environmental Monitoring Programme ("PEMP") (Revision 4, issued 28/10/16). The PEMP was first submitted on 27<sup>th</sup> June 2016. However, further amendments to the document were required by MS-LOT and therefore the final revised version (Revision 4) of the PEMP was submitted on 28<sup>th</sup> October 2016.

MS-LOT, on behalf of the Scottish Ministers, consulted with the following consultees on revision 1 of the PEMP: Scottish Natural Heritage, The Royal Society for the Protection of Birds Scotland, the Whale and Dolphin Conservation, Marine Scotland Science, Sea Mammal Research Unit, Aberdeen University and Orkney Islands Council. Marine Scotland – Marine Planning and Policy, The Association of Salmon Fishery Boards, The Crown Estate and The Highland Council were also consulted but did not provide a response to the consultation.

MS-LOT, following consultation as described above, can confirm that, subject to it being fully implemented, the submitted PEMP fulfils the requirements of, and is sufficient to discharge condition 12 of the section 36 consent for Stage 1a of the MeyGen Tidal Energy Project. The following parts of condition 12 have been discharged for Stage 1a:

*b) Collision / encounter interactions with the tidal turbines for diving birds, marine mammals and fish of conservation concern – Discharged*

*d) Migratory salmonids – Discharged*

The following parts of condition 12 have not yet been discharged as agreed with the Advisory Group for Stage 1a:

*a) Hydro dynamics / benthic surveys, export cable route and turbine locations and modelling to validate EIA predictions – Not discharged*

*c) Disturbance and displacement of birds, marine mammals and basking sharks during construction and operation. This must also link to the species protection plan for seals at haul outs – Not discharged*

Further updates to the PEMP will need to be submitted to and approved by the Scottish Ministers, in order to fulfill the remaining requirements of condition 12 of the section 36 Consent as further stages of Phase 1 may be approved.

Any further updates or amendments made to this PEMP by MeyGen Limited, must be submitted in writing by MeyGen Limited to the Scottish Ministers for their written approval.

The PEMP is a live document and will be regularly reviewed by the Scottish Ministers, at timescales to be determined by the Scottish Ministers, in consultation with the SNH and the Advisory Group. Following such review the Scottish Ministers may, in consultation with SNH and the Advisory Group, require the Company to amend the PEMP and submit such an amended Programme to them, in writing, for their approval, in consultation with SNH and any other ecological, or such other advisors as required at the discretion of the Scottish Ministers.

The Company must submit written reports of such monitoring to the Scottish Ministers at timescales to be determined by the the Advisory Group. Subject to any legal restrictions regarding the treatment of the information, the results are to be made publicly available by the Scottish Ministers, or by such other party appointed at their discretion.

MS-LOT, on behalf of the Scottish Ministers, can confirm that the PEMP is approved for Stage 1a and that MeyGen may proceed with said works.

Yours sincerely

Roger May  
Marine Scotland – Licensing Operations Team