



Morven South Offshore Wind Array Project

Additional Application Information

Chapter 1: Section 36 Letter and Application

MVCNS-J1201-RPS-10082
May 2026

B01





Date: **20 May 2026**

Marine Directorate – Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

FAO: Emma Lees

Subject: Application for Consent under Section 36 of the Electricity Act 1989 for the construction and operation of an offshore generation station: Morven South Offshore Wind Array Project.

Electricity Act 1989

The Electricity (Applications for Consent) Regulations 1990

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

Marine and Coastal Access Act 2009

The Marine Works (Environmental Impact Assessment) Regulations 2007

Dear **Emma Lees**,

Morven Offshore Wind Limited is a joint venture between JERA Nex bp Limited, and EnBW Energie Baden-Württemberg AG (hereafter referred to as **"the Applicant"**).

The Applicant hereby applies for consent under Section 36 of the Electricity Act 1989 (**"Section 36 Consent"**) for the construction and operation of the Morven South Offshore Wind Array Project (hereafter referred to as **"Morven South"**).

Two separate marine licence applications for Morven South, submitted under Part 4 of the Marine and Coastal Access Act 2009, accompany this Section 36 Consent submission:

- a marine licence covering the generating station assets located beyond 12 nautical miles (nm), within the Exclusive Economic Zone¹;
- a marine licence covering offshore transmission infrastructure (Offshore Substation Platforms (OSPs) and interconnector cables), beyond 12nm, within the Exclusive Economic Zone.

Each marine licence application includes plans, technical assessments, and supporting information.

Overview of Morven South

Morven South is a fixed-foundation offshore wind farm located seaward of Mean High Water Springs in Scottish offshore waters, approximately 86 kilometres (km) off the Aberdeenshire coast, that will occupy an area of approximately 348 kilometres squared (km²). Morven South

¹ Please refer to the Environmental Impact Assessment Report Volume 1: Overarching Glossary, Units and Acronyms, for definitions of terms used within this letter.



will be comprised of an offshore generating station (fixed-foundation wind turbines, inter-array cables and associated infrastructure) and offshore transmission infrastructure (fixed-foundation OSPs, interconnector cables and associated infrastructure). Wind turbines will be connected to each other and to the OSPs by inter-array cables, while the OSPs will be connected to each other by interconnector cables.

Morven South forms part of the wider Morven Programme, comprising of the Morven North Offshore Wind Array Project, and two potential grid connections, Morven Hawthorn Pit Grid Connection Project and Morven Branxton Area Grid Connection Project, for which the Applicant will make separate consent applications. This submission relates solely to the infrastructure located within the Morven South Boundary (as shown in Figure 1.1 of Chapter 3: Marine Licence Application: Generation Assets, of the Additional Application Information).

Offshore generating station

- Up to 95 wind turbines, each comprising a tower section, nacelle, hub and three rotor blades, together with associated support structures and foundations.
- Maximum blade tip height of 363 metres (m) above lowest astronomical tide (LAT) and a maximum rotor diameter of 320m, with a minimum blade tip clearance of 34m above LAT.
- Minimum wind turbine spacing of 1,000m.
- Fixed wind turbine foundations, which may comprise monopiles, piled jackets, or suction bucket jackets.
- Inter-array cables: maximum voltage 132 kilovolts (kV), maximum length 420km.
- Scour and cable protection: Scour protection may be employed to mitigate scour around wind turbine foundations. Cable protection may be employed where target burial depth cannot be achieved.

Offshore transmission infrastructure (noting this does not form part of the Section 36 Consent application as it is not part of the “generating station” and is the subject of a marine licence application only)

- Up to five OSPs, to include:
 - Up to four High Voltage Alternating Current (HVAC) collector substations.
 - Up to one High Voltage Direct Current (HVDC) converter substation.
- Fixed OSP foundations, which may comprise piled jackets, suction bucket jackets, monopiles (HVAC substations only), or gravity base structures.
- Interconnector cables: maximum voltage 275kV, maximum route length 264km, with a maximum of 10 cables and up to five cable crossings.
- Scour and cable protection: Scour protection may be employed to mitigate scour around foundations. External cable protection may be employed where target burial depth cannot be achieved.

Construction, operations and maintenance and decommissioning summary

Construction is anticipated to take up to five years, comprising:



- site preparation (pre-construction site investigation surveys, Unexploded Ordnance, boulder and sandwave clearance and removal of disused cables);
- foundation installation (piled, drilled, or suction bucket installation, or with gravity base placement considered for OSPs only);
- wind turbine installation and commissioning;
- OSP installation and commissioning;
- cable installation;
- cable and scour protection installation, where required.

Operational activities include routine inspections, geophysical and geotechnical surveys, major component replacements, repair and maintenance of foundations, wind turbines and OSPs, cable repair works and scour protection management.

The decommissioning process will follow the principles of the Energy Act 2004 and will generally follow the reverse of the construction sequence. It is currently anticipated that all structures above the seabed will be removed (with the exception of monopiles/pin piles which will be cut to below seabed level, scour protection and cable protection), with some buried components left *in situ* where appropriate

Section 36 commencement of development condition

The Applicant has opened discussions with MD-LOT regarding the commencement of the development condition that would be included in any awarded Section 36 Consents. As standard, historically this condition enforces a five-year validity period from consent award to commencement of development. It is currently the case that there is a significant risk of not commencing development within this consent validity period for Morven South, due to factors not within the control of the Applicant, such as uncertainty on grid connection dates, and lead times for HVDC procurement. Therefore, to avoid undue cost or complication (and therefore delay to delivering low carbon generation capacity) the Applicant is seeking to establish a viable solution pathway, being a longer validity period, in advance of issues arising. Based on its current understanding of its grid connection window and current procurement timelines, the Applicant considers that an appropriate period of consent validity would be ten years from the date of consent.

In pre-application consultation with MD-LOT, the Applicant was instructed to highlight the need for a longer validity period in the application for Section 36 Consent, along with a clear justification for why this was the case. This has been presented in Section 1.3.3 of Chapter 6: Planning Statement and Needs Case of the Additional Application Information.

Compliance with Environmental Impact Assessment (EIA) and Habitats Regulations

A full EIA has been undertaken for Morven South in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Marine Works (Environmental Impact Assessment) Regulations 2007 (together, the “EIA Regulations”).

Likely Significant Effects (as defined by the EIA Regulations) on key environmental receptors have been assessed across construction, operations and maintenance, and decommissioning phases within the topic-specific chapters of Volume 2 of the EIA Report, following the methodology set out in Volume 1, Chapter 6. The EIA also considers cumulative, in-combination, and inter-related effects. Appropriate mitigation and monitoring measures are described within the relevant topic chapters, with management and mitigation plans



presented in Volume 4, including a consolidated EIA Commitments Register (Volume 4, Annex 6.3).

A Habitats Regulations Appraisal (HRA) has been undertaken in accordance with the Conservation of Offshore Marine Habitats and Species Regulations 2017 (hereafter the "**Habitats Regulations**"), which apply as Morven South is located in Scottish offshore waters beyond 12 nautical miles.

The HRA screening undertaken for the Morven Option Lease Agreement Site (and subsequent re-screening for Morven South) identified the potential for Likely Significant Effects (as defined by the Habitats Regulations) on Annex II diadromous fish features of five Special Areas of Conservation (SACs), Annex II marine mammal features of five SACs, and offshore ornithological features of 24 Special Protection Areas (SPAs). No SACs were screened in for Annex I habitats and Annex II otter due to distance from Morven South. No Likely Significant Effects (as defined by the Habitats Regulations) were identified for qualifying offshore ornithological features of any Ramsar site.

Accordingly, a Report to Inform Appropriate Assessment (RIAA) has been prepared to assess the potential for Adverse Effects on Integrity (AEOI), which included the subsequent re-screening for Likely Significant Effects (as defined by the Habitats Regulations) for Morven South. The RIAA concludes that there would be no AEOI on any SAC or SPA from Morven South alone, or on any SAC in-combination with other plans and projects; however, a potential in-combination AEOI has been identified for four SPAs supporting kittiwake, guillemot and razorbill.

Derogation Case

Under the Habitats Regulations, where the RIAA identifies the potential for AEOI on sites within the National Site Network, a Derogation Case is required to provide evidence of the absence of alternative solutions, to set out Imperative Reasons of Overriding Public Interest, and to identify any necessary compensatory measures. Accordingly, a Derogation Case and associated Compensation and Evidence Plan have been prepared and submitted as part of this application for Section 36 Consent.

The Derogation Case establishes that there are no feasible alternative solutions that would meet Morven South's objectives to maximise generation capacity within Scottish seabed constraints, export electricity to the national grid, and significantly contribute to Scotland and the UK's offshore generation, decarbonisation and climate change targets and need for energy security and increased electricity supply.

Furthermore, the Derogation Case demonstrates that Morven South must be carried out for Imperative Reasons of Overriding Public Interest. The RIAA has found that the AEOI cannot be ruled out for four SPAs, supporting kittiwake, guillemot and razorbill, arising from potential collision and displacement effects during the operational phase of Morven South in-combination with other plans and projects. Additionally, and on a *without prejudice* basis, the Derogation Case acknowledges the potential for further conclusions of AEOI based on previous derogation decisions by the Scottish Ministers and the assessment conclusions applying the NatureScot most precautionary approach. None of the impacted species are priority species as defined by the Habitats Directive. Despite the conclusions of the RIAA, in consideration of the impacts of climate change and in the pursuit of energy security, supply and affordability the reasons for Morven South are imperative and in the long-term public



interest. These reasons are overriding when weighed against the conservation interests of the qualifying features of the affected and potentially affected SPAs. This position is emphasised when the contribution of Morven South to decarbonisation is considered against the threat of climate change on these species.

The Derogation Case and Compensation and Evidence Plan have set out project-led compensatory measures, including invasive mammal control (rat eradication) on the Isle of Muck, with provision for additional or strategic compensation if required, which demonstrates to Scottish Ministers that compensatory measures can be put in place if necessary to ensure the overall coherence of the National Site Network. The Applicant is confident that the compensation package presented is sufficient to fully compensate for the AEOI concluded in the RIAA, both in respect of the Applicant's conclusions and its without prejudice consideration of the potential for further AEOI based on precedent and NatureScot's more precautionary approach.

Documentation enclosed:

- Additional Application Information:
 - Section 36 Consent Application Letter (this document);
 - Marine Licence Application: Generation Assets;
 - Marine Licence Application: Transmission Assets (OSPs and interconnectors);
 - Scoping Report for the Morven Option Lease Agreement Site;
 - Planning Statement and Needs Case;
 - Application Contents List/Index;
 - Gap Analysis for the Morven South Offshore Wind Array Project.
- EIA Report:
 - Morven South EIA Report: Non-Technical Summary;
 - Volume 1: Morven South EIA Report: Introductory Chapters;
 - Volume 2: Morven South EIA Report: Topic Assessment Chapters;
 - Volume 3: Morven South EIA Report: EIA Report Annexes;
 - Volume 4: Morven South EIA Report: Management and Mitigation Plans;
- Habitats Regulations Appraisal:
 - Volume 1: Morven Option Lease Agreement Site: HRA Stage 1 Screening Report;
 - Volume 2: Morven South: Report to Inform Appropriate Assessment:
 - Part 1 – Introduction (including Executive Summary);
 - Part 2 – Special Area of Conservation (SAC) assessments;
 - Part 3 – Special Protection Area (SPA) and Ramsar Site assessments.
 - Volume 3: Morven South Derogation Case and Compensation Plan:
 - Derogation Case;
 - Compensation and Evidence Plan, and annexes;
 - Outline Compensation Implementation, Monitoring and Adaptive Management Plan;
 - Compensation: EIA of Compensation Measures;



- Compensation: HRA of Compensation Measures.

Public notices and consultation

In accordance with the EIA Regulations and the Electricity (Applications for Consent) Regulations 1990 (hereafter “**Electricity Applications Regulations**”), public notices advising that the Applicant has submitted an application for a Section 36 Consent for Morven South, together with accompanying marine licence applications, to the Scottish Ministers will be placed in the following publications on dates to be agreed with MD-LOT:

- The Edinburgh Gazette;
- The East Lothian Courier;
- The Courier (Tayside and Fife coverage);
- Press and Journal;
- The Herald (national);
- Fishing News.

These notices will invite the public to submit comments on the applications and will explain how to participate in the consultation, in accordance with the EIA Regulations and the Electricity Applications Regulations.

Following acceptance of the applications by MD-LOT, the application documentation, including the EIA Report, will be made available online and at the following public deposit locations:

Location	Address	Opening hours
Stonehaven Library	Evan Street, Stonehaven, AB39 2ET.	Monday, Thursday, Sunday: closed Tuesday: 9am – 6pm Wednesday: 9am – 5pm Friday: 9am – 5pm Saturday: 10am – 2pm
Carnoustie Library	21 High Street, Carnoustie, DD7 6AN.	Monday: 10am – 4pm Tuesday: 2pm – 8pm Wednesday: 10am – 2pm Thursday: 10am – 4pm Friday: 10am – 4pm Saturday: 10am – 1pm Sunday: closed
Dunbar Library	Bleachingfield Community Centre, Dunbar, EH42 1DX	Monday: 9am -1pm, 2pm - 5pm Tuesday: 9am – 1pm, 2pm – 5pm Wednesday: 10am – 1pm, 2pm-5pm Thursday: 9am – 1pm, 2pm – 5pm Friday: 9am – 1pm, 2pm – 5pm Saturday: 10am – 1pm Sunday: closed



We trust the enclosed information provides MD-LOT with everything required to validate and progress this Section 36 Consent application for Morven South.

We look forward to confirmation of the application's formal acceptance.

Yours faithfully,



Thomas Hudson, Morven Project Director, Morven Offshore Wind Limited