

moray offshore renewables ltd

Environmental Statement

Technical Appendix 1.2 A - Relevant Legislation

Telford, Stevenson, MacColl Wind Farms
and associated Transmission Infrastructure
Environmental Statement



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Appendix – Relevant Legislation

1. International Law

Statute	Year	Summary
OSPAR Convention on the conclusion of the Convention for the protection of the marine environment of the North-East Atlantic	1998	Inter-governmental treaty regulating international cooperation on environmental protection in the North-East Atlantic including in respect of dumping waste at sea and marine pollution. Work carried out under the convention is managed by the OSPAR Commission, which is made up of representatives of the Governments of the 15 signatory nations, and representatives of the European Commission, representing the European Community.
Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas	1994	Inter-governmental treaty covering the Conservation of Small Cetaceans of the Baltic and North Seas under the auspices of the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention).
Convention on Biological Diversity	1992	Inter-governmental treaty with aims related to the conservation of biodiversity, the sustainable use of the components of biological diversity the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.
United Nations Framework Convention on Climate Change	1992	Inter-governmental treaty which sets an overall framework for inter-governmental efforts to tackle the challenge posed by climate change.
International Convention on Oil Pollution Preparedness, Response and Co-operation	1990	Inter-governmental treaty requiring signatories to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries.
Bonn Convention on the Conservation of Migratory Species of Wild Animals (as amended)	1979	Inter-governmental treaty concerned with the conservation of wildlife and habitats specializing in the conservation of migratory species, their habitats and migration routes.
MARPOL 73/78 International Convention for the Prevention of Pollution From Ships	1973	Inter-governmental treaty covering the prevention of pollution of the marine environment by ships from operational or accidental causes.
Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter	1972	Inter-governmental treaty for the protection of the marine environment from human activities. It is administered by the International Maritime Organisation.
Ramsar Convention on Wetlands of International Importance	1971	Inter-governmental treaty that embodies the commitments of its member countries to maintain the ecological character of their Wetlands of International Importance and to plan for the sustainable use of all of the wetlands in their territories.

2. EU Law

Statute	Year	Summary
Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment	2011	Codifies amendments to the 1985 EIA Directive.
Birds Directive (Directive 2009/147/EC on the conservation of wild birds)	2009	Provides a framework for the conservation and management of, and human interactions with, wild birds in Europe. Parts of the study area qualify for designation under this directive for regularly supporting wildfowl populations of European importance.
Directive 2009/17/EC amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system	2009	Amends Directive 2002/59/EC on vessel traffic monitoring. Stipulates that by 2014 all fishing vessels 15 m in length or greater, will be required to carry AIS.
Renewable Energy Directive 2009/28/EC	2009	Implements the 2020 targets and places an obligation on the UK to generate 15% of its total energy requirements from renewable energy by 2020.
Marine Strategy Framework Directive (Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy)	2008	Outlines a transparent, legislative framework for an ecosystem-based approach to the management of human activities which supports the sustainable use of marine goods and services.
Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice	2003	Amends the 1985 EIA Directive and introduces legislation to address the requirements of the Aarhus Convention.
Water Framework Directive (Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy)	2000	Introduces a framework of water protection in order to deal with the continuous growth in demand for sufficient quantities of good quality water for all purposes. Water quality in rivers flowing through the study area is monitored by SEPA under this directive.

Statute	Year	Summary
Habitats Directive (Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora)	1992	Requires Member States to take measures to maintain or restore natural habitats and wild species listed on the Annexes to the Directive at a favourable conservation status and introduce robust protection for those habitats and species of European importance.
The Valletta Convention on the Protection of the Archaeological Heritage	1992	Inter-governmental treaty by the European Council. Contains provisions for the identification and protection of archaeological heritage, its integrated conservation, the control of excavations, the use of metal detectors and the prevention of illicit circulation of archaeological objects, as well as for dissemination of information.
EIA Directive Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment	1985	Environmental Impact Assessments (EIAs) are required for a wide range of public and private projects under this Directive.

3. UK Law

Statute	Year	Summary
Conservation of Habitats and Species Regulations	2010	Updates and consolidates the Conservation (Natural Habitats, &c.) Regulations 1994.
Marine and Coastal Access Act 2009	2009	Gave powers to the Scottish Ministers in respect of licensing and enforcement for the Scottish offshore region (from 12-200nm) other than in respect of reserved matters. Makes provision in relation to marine functions and activities; to make provision about migratory and freshwater fish. This Act largely replaces licensing requirements under Part 2 of the Food and Environment Protection Act 1985 and Part 2 of the Coast Protection Act 1949 which required separate licences with a single Marine Licence.
Energy Act	2008	Updates obligations in relation to electricity generated from renewable sources including updates to the renewable obligation scheme and further requirements in respect of the offshore renewables decommissioning regime.
Climate Change Act	2008	Set out UK's targets to improve carbon management to help the transition towards a low-carbon economy.
Offshore Marine Conservation (Natural Habitats, &c.) Regulations	2007	Transposes Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) and Directive 79/409/EEC on the conservation of wild birds (Wild Birds Directive) into national law.
Electricity (Offshore Generating Stations) (Safety Zones) (Applications Procedures and Control of Access) Regulations	2007	Details requirements for establishing safety zones around wind farm infrastructure during its construction and operation phases.
Construction (Design and Management) Regulations	2007	Details requirements and obligations relating to risk assessments for construction/decommissioning of the project for on land activities and those within territorial waters.
Marine Works (Environmental Impact Assessment) Regulations	2007	Makes provision requiring environmental impact assessments to be carried out prior to the granting of consent for certain regulated activities in UK waters and UK controlled waters, where this is required to comply with Council Directive 85/337/EC.
Natural Environment and Rural Communities Act	2006	Provides for the publication of lists of nationally important habitats and species.

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Energy Act	2004	Declared UK's exclusive rights over production of energy from water or wind the REZ (s 81). Sections 105 to 114 of the Energy Act 2004 introduced a decommissioning scheme for offshore wind and marine energy installations and section 95 and schedule 16 introduced the ability for the Secretary of State to declare safety zones around wind farm infrastructure during its construction and operation phases.
Civil Contingencies Act	2004	Requires local and regional authorities to design detailed plans for natural disasters caused by climate change.
Offshore Installations (Emergency Pollution Control) Regulations	2002	Together with other Health and Safety legislation, give the Secretary of State powers to direct dutyholders to take action in the event of a pollution incident or accident involving an offshore installation where there is, or may be a risk of, significant pollution or an operator is failing or has failed to implement effective control and preventative operations. DECC has a monitoring role.
Offshore Chemicals Regulations	2002	Apply the provisions of a decision made by the Convention for the Protection of the Marine Environment of the North-East Atlantic (the OSPAR Convention) to implement a harmonised mandatory control system for the use and discharge of chemicals by the offshore oil and gas industry.
The Pollution Prevention and Control Act	1999	Implements the requirements of the IPPC Directive and gives powers to the Scottish Ministers to make regulations in respect of pollution prevention and control. Also makes provision about certain expired or expiring disposal or waste management licenses.
Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations	1998	Requires that every offshore installation and oil-handling facility must have an approved oil pollution emergency plan (OPEP) setting out arrangements for responding to incidents that cause or may cause marine pollution by oil, with a view to preventing such pollution or reducing or minimising its effect.
Merchant Shipping Act	1995	Includes provisions relating to liability and compensation for pollution in territorial waters.
Conservation (Natural Habitats, &c.) Regulations (as amended)	1994	Make provision for the purpose of implementing Directive 92/43/EEC (the Habitats Directive) on the conservation of natural habitats and of wild fauna and flora.
The Protection of Badgers Act	1992	Provides for the protection of badgers and their habitat from 'disturbance'. Also provides for the licensing of 'disturbances' to badger habitat.
Electricity Act	1989	Section 36 of the Electricity Act 1989 is the legislative provision under which the Secretary of State grants development consents for to construct and operate a electricity generating station (above 50MW). Applications for sites in Scotland are determined by the Scottish Ministers and administered by Marine Scotland.

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The Protection of Military remains Act	1986	Provides protection for the wreckage of military aircraft and designated military vessels and restricts activity at such sites.
Food and Environment Protection Act	1985	Provisions relating to the control of the deposit of substances and articles in the sea and provisions relating to the control of the deposit of substances and articles under the sea-bed through licensing. FEPA licences have now been replaced by Marine Licences managed by Marine Scotland.
Wildlife and Countryside Act	1981	Consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Directive 79/409/EEC on the conservation of wild birds (Birds Directive). Contains offences related to the disturbance of wild birds and lists species of national nature conservation importance.
Ancient Monuments and Archaeological Areas Act	1979	Consolidates and amends law relating to ancient monuments. Makes provision for the investigation, preservation and recording of matters of archaeological or historical interest and for the regulation of operations or activities affecting such matters.
Health & Safety at Work Act	1974	Details requirements and obligations relating to risk assessments for construction/ decommissioning of the project.
The Control of Pollution Act	1974	Contains provisions with respect to waste disposal, water pollution, noise, atmospheric pollution and public health. Taken into account for the onshore noise assessment.
Protection of Wrecks Act	1973	Provides protection of wrecks in territorial waters and the sites of such wrecks, from interference by unauthorised persons by identifying designated wreck sites on admiralty charts and through physical markers at sea or at port.
Prevention of Oil Pollution Act	1971	Consolidates the Oil in Navigable Waters Acts 1955 to 1971 and section 5 of the Continental Shelf Act 1964. Taken into account for the Marine Pollution Contingency Plan.
Crown Estate Act	1961	Sets out the rights and obligations of the Crown Estate Commissioners in respect of managing the Crown Estate in the UK. The Crown Estate administers UK's sovereign rights over the REZ in respect of renewable energy projects and is responsible for issuing licences or leases for development of offshore wind farms on the marine estate.
National Parks and Access to the Countryside Act (as amended)	1949	Confers on the Nature Conservancy and local authorities powers for the establishment and maintenance of nature reserves. Also makes provision for the recording, creation, maintenance and improvement of public paths and securing access to open country, and amends the law relating to rights of way.
Coast Protection Act	1949	Includes provisions on the management and protection of the UK coastline including the requirements for offshore installations. CPA consents have now been replaced by Marine Licences, managed by Marine Scotland.

4. Scots Law

Statute	Year	Summary
The Water Environment (Controlled Activities) (Scotland) Regulations	2011	If an entity intends to carry out any activity which may affect Scotland's water environment, it must be authorised to do so under these regulations. Discharges, disposal to land, abstractions, impoundments and engineering works are all regulated by the Scottish Environment Protection Agency.
Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations	2011	Details procedures concerning applications for planning permission and the preparation of environmental statements.
Wildlife and Natural Environment (Scotland) Act	2011	Includes provisions on biodiversity, SSSIs and the protection of wildlife.
Marine (Scotland) Act	2010	Introduces a new marine planning system and updates the marine licensing system within the Scottish Marine Area (0-12 nm) and includes provisions on marine conservation, seal conservation and enforcement procedures. Also provides for the publication of Priority Marine Features.
Climate Change (Scotland) Act	2009	Sets carbon targets for Scotland for 2050 and interim targets for 2020.
The Town and Country Planning (Development Management)(Scotland) Regulations	2008	Makes detailed provision for submission of planning permissions. Also states that prescribed public consultation activities are required to be undertaken to the satisfaction of local planning authorities for national development and major development.
The Nature Conservation (Scotland) Act	2004	Contains offences relating to SSSIs, Nature Conservations Orders, Land Management Orders, etc.
Water Environment and Water Services (Scotland) Act	2003	Makes provision, and enables provision to be made, for or in connection with the implementation of Directive 2000/60/EC establishing a framework for Community action in the field of water policy.
Land Reform (Scotland) Act	2003	Established statutory rights of responsible access to land and inland water for outdoor recreation, crossing land and some educational and commercial purposes

Statute	Year	Summary
Electricity Works (Environmental Impact Assessment) (Scotland) Regulations	2000	The Regulations relate to the construction and operation of electricity power stations and overhead lines in Scotland.
Planning (Listed Buildings and Conservation Areas) (Scotland) Act	1997	Consolidates certain enactments relating to special controls in respect of buildings and areas of special architectural or historic interest.
The Town and Country Planning (Scotland) Act 1997	1997	Framework act for planning permission in relation to land based development. Provides the Scottish Ministers with the power to make Regulations governing the EIA process generally and to make directions to planning authorities including whether an environmental statement should be submitted in any particular case.
Conservation (Natural Habitats, &c.) Regulations (as amended in Scotland)	1994	Transposes Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law.
The Salmon and Freshwater Fisheries (Protection) (Scotland) Act	1951	Contains the right to fish for salmon in Scotland, whether inland or at sea. Rights are heritable and coastal heritable rights extend out to 12 nm.