

# moray offshore renewables ltd

Developing Wind Energy In The Outer Moray Firth

## Environmental Statement

Modified Transmission Infrastructure for  
Telford, Stevenson and MacColl Wind Farms

## Technical Appendix 1.2 A

Relevant Legislation





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# 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.

Statute	Year	Summary
<p>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)</p>	2000	<p>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.</p>
<p>Habitats Directive (Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora)</p>	1992	<p>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.</p>
<p>The Valletta Convention on the Protection of the Archaeological Heritage</p>	1992	<p>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.</p>
<p>EIA Directive Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment</p>	1985	<p>Environmental Impact Assessments (EIAs) are required for a wide range of public and private projects under this Directive.</p>

### 3 UK Law

Statute	Year	Summary
Energy Act	2013	The Energy Act makes provisions to incentivise investment in low carbon electricity generation, ensure security of supply, and help the UK meet its emission reduction and renewables targets. In particular the Energy Act contains provisions from the Department of Energy and Climate Change (DECC) for Electricity Market Reform (EMR).
Energy Act	2011	Updates obligations to reduce carbon emissions.
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.

Statute	Year	Summary
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.

## 4 Scots Law

Statute	Year	Summary
Town and Country Planning (Development Management Procedure) (Scotland) Regulations	2013	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 developments and major development.
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 Nature Conservation (Scotland) Act	2004	Contains offences relating to SSSIs, Nature Conservations Orders, Land Management Orders, etc.
Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act	2003	Offers protection to salmon and sea trout.
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