

2 CLIMATE CHANGE AND MARINE PLANNING POLICY CONTEXT

2.1 INTRODUCTION

1. This Section of the ES presents a summary of key climate change and marine planning policies relevant to the consent applications. Climate change and the need to reduce carbon emissions underpins these policies and at international, national and regional levels planning policy has been designed to support and deliver a move to low carbon energy production. The Project has been driven by these policies and will play a significant role in contributing to these policy goals.
2. The following sections present a summary of the main energy, sustainability and planning policy framework to which the Project relates. The sections focus on the following policy levels:
 - International;
 - UK wide/national;
 - Scotland/regional; and
 - UK and Scottish marine planning policy.
3. The consent applications for the Project will be supported by a standalone Planning and Policy Statement which presents an assessment of the Project's compliance with relevant planning policy considerations.

2.2 INTERNATIONAL CONTEXT

4. The Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997) was ratified by the UK in 2002. It sets obligatory targets for committed Annex I countries (including the UK) to take measures aimed at reducing greenhouse gas emissions, such as carbon dioxide (CO₂), by an average of 5% against 1990 levels over the five year period 2008 -2012. Under the Kyoto Protocol the UK's commitment is for a reduction in greenhouse gas emissions of 12.5% from 1990 levels by 2008-2012. This equates to an 8% reduction in CO₂ emissions over this time period.

2.2.1 20 20 BY 2020

5. In 2008, the European Commission published as Communication 30, its policy target, 20 20 by 2020: Europe's Climate Change Opportunity. The two key policy targets were:
 - A reduction of 20% in greenhouse gases by 2020, although this could rise to 30% if international agreement is reached committing other developed countries to comparable reductions; and
 - 20% of the total European Union (EU) energy consumption from renewable sources by 2020.

2.2.2 THE 2009 RENEWABLES DIRECTIVE

6. European Directive 2009/28/EC (known as the 2009 Renewable Energy Directive) on the promotion of the use of energy from renewable sources, amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC was introduced in

2009 to implement the European Commission's 20 20 by 2020 policy targets. Directive 2009/28/EC sets an updated target for the UK to achieve 15% of its total energy consumption from renewable sources by 2020.

2.3 NATIONAL CONTEXT

7. The objectives of UK renewable energy policy are in accordance with overall European policy objectives, as identified above, and are focused on a number of key challenges including the following:

- The reduction of CO₂ emissions to tackle climate change;
- The promotion of competitive energy markets in the UK and abroad to encourage sustainable economic growth and improve productivity; and
- Securing national energy supply as part of a long term sustainable energy policy.

8. As mentioned above, the UK's target under the Kyoto Protocol is to reduce greenhouse gas emissions by 12.5% from 1990 levels within the five year period 2008 to 2012. As discussed in Section 2.2.2 the 2009 Renewable Energy Directive sets a binding target for the UK to achieve 15% of its total energy consumption from renewable sources by 2020.

2.3.1 UK RENEWABLES OBLIGATION

9. The UK Government introduced the Renewables Obligation (RO) scheme in January 2000 as the principal market based mechanism to support growth of the renewable energy industry. The objective of this scheme is to ensure that renewable sources contribute 10% of UK electricity supply by 2010. The scheme places a mandatory requirement on suppliers of electricity in the UK to source an increasing percentage of the electricity that they supply from eligible renewable sources.

10. The three respective RO schemes for England and Wales, Scotland and Northern Ireland are designed to incentivise renewable generation into the electricity generation market. The first Renewables Obligations Scotland Order (ROS) was introduced by the Scottish Government and came into effect in April 2002. This has subsequently been replaced by an updated ROS in April 2009. The ROS places an obligation on licensed electricity suppliers to source an increasing proportion of electricity from renewable sources.

11. The Scottish Government works closely with other Governments in the UK; Department of Energy and Climate Change (DECC); and the Department of Enterprise, Trade and Investment in Northern Ireland (DETINI) on matters relating to the UK Renewables Obligations. The Scottish Government's Renewables Action Plan, published in June 2009, sets out Scotland's commitment to achieving the EU target and indicates that 20% of primary energy demand should be met from renewable sources by 2020. Realising this ambition will require renewable electricity to exceed 50% of demand in Scotland by 2020, as well as large increases in the renewable heat and transport sectors.

12. In December 2010 DECC formally published the UK Government's response to the statutory consultation on the Renewables Obligation (RO) Order 2011, including its consultation on a number of changes to the RO. The publication contains a number of proposals, including the phasing of support for offshore wind projects, transitional arrangements for projects moving from the Feed-in Tariff (FIT) mechanism to the RO, transition between the RO and the proposed Renewable Heat Incentive (RHI), and other issues.
13. In order to retain consistency between and across the UK ROs, the Scottish Government published, in April 2011, the Renewables Obligation (Scotland) Amendment Order 2011 to update the ROS to reflect these changes proposed by DECC. This document states that Scotland should generate the equivalent of 100% of Scotland's gross annual electricity consumption by 2020 by renewable sources.

2.3.2 THE ENERGY WHITE PAPER 2007

14. The Energy White Paper 2007 was written as a response to The Energy Challenge, published in 2006. The White Paper documents the UK Government's international and national strategy in relation to addressing long term energy challenges, which include reducing the UK's carbon emissions. In relation to renewable energy, the White Paper confirms the plans to strengthen the RO in order to develop the renewable industry.
15. The Energy Act 2008 sets out the legislative aspects of the 2007 White Paper.

2.3.3 CLIMATE CHANGE ACT 2008 AND RENEWABLE ENERGY STRATEGY 2009

16. The United Kingdom is obliged to reduce its greenhouse gas emissions (principally carbon dioxide; CO₂) by 12.5% by 2008-2012, from the 1990 emission levels, and by 80% from the 1990 baseline by 2050. This is a requirement of the Kyoto Protocol to the Framework Convention on Climate Change.
17. Latest estimates show that in 2010, the net UK CO₂ emissions were 17% below 1990 levels, but 4% higher than 2009. Further action is required for the UK to curb CO₂ emissions over the next few years if the Government's targets are to be met.

2.3.4 THE UK LOW CARBON TRANSITION PLAN

18. This document was published in July 2009, and presents the Government's plan to tackle climate change. The plan consists of five strands which are as follows:
- 1. Protecting the public from immediate risk;*
 - 2. Preparing for the Future;*
 - 3. Limiting the severity of future climate change through a new international climate agreement;*
 - 4. Building a low carbon UK; and*
 - 5. Supporting individuals, communities and businesses to play their part."*
19. The development of renewable energy proposals will improve energy security in addition to providing low-carbon energy generation and mitigating climate change. Renewable energy developments must be implemented in order for the aims of the Low Carbon Transition Plan to come to fruition and the UK to meet its own targets.

2.3.5 UK RENEWABLE ENERGY ROADMAP 2011

20. This document outlines the Government's commitment to increasing the use of renewable energy. The document outlines that the UK has the potential to meet its 2020 target of 15% of UK electricity consumption from renewable resources, and deliver an operational capacity of 29 Gigawatts (GW) of renewable energy by the same year.
21. With specific regard to offshore wind, the Road Map advises that in July 2011, the UK had 1.3 GW of installed onshore wind in operation, but that the industry has the potential to bring forward between 10 and 26 GW by 2020 ('industry low' and 'industry high' scenarios), with a central range of up to 18 GW. Achieving 18 GW would require an annual growth rate of up to 30%.

2.4 SCOTTISH CONTEXT

22. In addition to the targets and commitments identified above, the Scottish Government has set its own renewable energy targets and these are discussed further in the following sections.

2.4.1 CLIMATE CHANGE (SCOTLAND) ACT 2009

23. The Climate Change (Scotland) Act 2009 was passed by the Scottish Government on June 24, 2009. The Act sets a greenhouse gas emissions target, for a reduction of 80% from 1990 levels by the year 2050, in line with the 2008 UK Act. The Act also requires that annual targets are set for greenhouse gas emissions in Scotland following consultation with the relevant advisory bodies.
24. Provisions are included in the Climate Change (Scotland) Act for the creation of the Scottish Committee on Climate Change. Scottish Ministers are also required by the Act to report on the progress of these targets. From January 2011 public sector bodies in Scotland must now comply with new guidelines set out by the Scottish Government.
25. The Act created the statutory framework for implementing greenhouse gas emissions reductions and, as discussed above, targets are reviewed and set annually. As at September 2011 the current Scottish targets are:
 - At least 30% of all energy demand (heat and transport, as well as electricity) will be from renewables by 2020; and
 - An output equivalent to 100% of Scotland's demand for electricity to be met from renewables.
26. A number of technologies will contribute to these targets, including tidal, biomass technologies and landfill gas, but onshore and offshore wind are recognised as offering the most reliable and likely sources of a considerable portion of this target.
27. It is recognised by the Scottish Government that there are significant opportunities to develop Scotland's capacity to generate electricity from offshore wind technologies to help meet these ambitious targets. A number of key plans and policies have therefore been developed by the Scottish Government and these are described below.

2.4.2 ELECTRICITY GENERATION POLICY STATEMENT

28. The Draft Electricity Generation Policy Statement 2010: Scotland – A Low Carbon Society sets out the Scottish Government's position on the role of both renewable electricity and fossil fuel thermal generation (coal, gas, oil) in Scotland's future energy mix. It gives a clear view on the need for rapid expansion of renewable electricity across Scotland.
29. The Policy Statement acknowledges a greater than expected role to be played by wind energy in the future electricity generation mix and highlights the Offshore Wind Industry Group document, Scotland's Offshore Wind Route Map: Developing Scotland's Offshore Wind Industry to 2020 (2010), a tool which sets out the opportunities, challenges and the priority recommendations designed to help the Scottish renewables sector realise its full potential.

2.4.3 NATIONAL PLANNING FRAMEWORK FOR SCOTLAND 2

30. The National Planning Framework for Scotland 2 (NPF2), published in 2009, presents a long term spatial strategy for Scotland's development. In considering the strategy for renewable energy the Government commits to establishing Scotland as a leading location for the development of renewable energy technology and an energy exporter over the long term. The strategy also encompasses a commitment to encourage a mix of renewable energy technologies with a growing contribution from, amongst others, offshore wind. The Moray Firth is referenced in the NPF2 as a location with potential for the development of offshore wind farms. This potential is also recorded in 'Matching Renewable Electricity Generation with Demand' published by the Scottish Government in 2006.

2.4.4 CHOOSING OUR FUTURE: SCOTLAND'S SUSTAINABLE DEVELOPMENT STRATEGY

31. Choosing Our Future: Scotland's Sustainable Development Strategy (2005) sets out the national and international context that drives the Scottish Government's sustainable development agenda. The strategy document highlights the need to protect and manage natural resources for the long term; the need to protect the historic environment; the need to change the way Scotland generates and uses energy with a view to reducing greenhouse gas emissions; and maximising its considerable renewable energy potential.
32. The contribution of offshore wind to meeting carbon reduction targets is recognised within this strategy document.

2.5 MARINE PLANNING POLICY AND GUIDANCE

33. The Scottish Government was involved with the UK Government, Welsh Assembly and Northern Ireland Executive in working towards the adoption of a UK wide Marine Policy Statement. The UK Marine Policy Statement draws from the UK High Level Marine Objectives which presented a clear and consistent framework for coastal and marine planning and which set the platform for a move towards common objectives in UK waters.

34. In March 2011 the UK's Marine Policy Statement was agreed and set a high level policy context within which marine plans will be developed, including a Scottish National Marine Plan (currently in draft) and Scottish Marine Regions for Scottish seas (see Section 2.5.1). Once finalised the Scottish National Marine Plan must be in conformity with the UK Marine Policy Statement, unless relevant considerations indicate otherwise. In turn, any Regional Marine Plans must be in accordance with any National Marine Plan unless relevant considerations indicate otherwise.

2.5.1 THE MARINE (SCOTLAND) ACT 2010 AND MARINE AND COASTAL ACCESS ACT 2009

35. The Marine (Scotland) Act 2010 introduced new marine planning provisions with the aim of ensuring better management of marine resources. There are two levels of planning provisions introduced by the Act:

- The national level, by creating Scotland's first National Marine Plan (Statement of Public Participation now available and the responses to the pre-consultation draft are currently being evaluated); and
- The regional level, by creating Scottish Marine Regions (consultation closed and now awaiting next stage).

36. From the National Marine Plan, the Scottish Marine Regions and their Regional Marine Plans will be the means by which marine planning and management takes place at regional levels. Although plan preparation in Scotland is still at the draft stage, due consideration will be given to the emerging plans during the Project's determination process. Under the Marine and Coastal Access Act 2009, a UK Marine Policy Statement has been adopted by the Scottish Ministers and the National Marine Plan must be in accordance with this (unless relevant considerations indicate otherwise). Therefore the UK Marine Policy Statement will be relevant in the consideration of any consent applications in the absence of adopted Scottish plans.

37. Further discussion and consideration relating to the emerging Scottish National Marine Plan and potential Regional Marine Plans is provided in the Planning and Policy Statement accompanying the consent applications.

2.5.2 SCOTTISH TERRITORIAL WATERS STRATEGIC ENVIRONMENTAL ASSESSMENT

38. The Strategic Environmental Assessment (SEA) process to assess the potential environmental effects of policies and plans include the Draft Plan for Offshore Wind Energy in Scottish Territorial Waters, as required by the Environmental Assessment (Scotland) Act 2005, was started in January 2009. The Draft Plan and SEA Environmental Report were issued for consultation in May 2010 and consultation responses were published in January 2011.

2.5.3 BLUE SEAS - GREEN ENERGY: A SECTORAL MARINE PLAN FOR OFFSHORE WIND ENERGY IN SCOTTISH TERRITORIAL WATERS

39. In March 2011 the Scottish Government published Blue Seas - Green Energy: A Sectoral Marine Plan for Offshore Wind Energy in Scottish Territorial Waters. The SEA Post Adoption Statement was published as part of this Sectoral Marine Plan.

40. The Sectoral Marine Plan investigates regional ‘Opportunities and Issues’ for Offshore Wind Farm Regions within Scottish Territorial Waters. The Beatrice Offshore Wind Farm is noted as a site to be developed in the short term within the North East Region and the key findings identified within the Plan for this region were as follows:
- There is significant potential for the development in the short term;
 - The development of the short term option appears to be publicly and environmentally acceptable; and
 - The region relates closely to areas where there is significant potential for economic investment and employment.
41. The Sectoral Marine Plan identifies the Moray Firth as having “favourable conditions and significant potential for the development of offshore wind”.
42. The Post Adoption Statement summarises the consultees’ views on the Sectoral Marine Plan and the technical and environmental issues considered within the Plan. The Statement summarises the key effects and the opinions of consultees relating to each of the regions’ short and medium term options. For the North East region, the Beatrice Project is described as a ‘short term site’, and the Wind Farm is located within this site. The key potential environmental effects identified as likely to be associated with this site and the opinions expressed by consultees are summarised in Table 2.1. The table also indicates how these views have been responded to in the Post Adoption Statement.

Table 2.1 Post Adoption Statement Summary of Consultee Views on The North East: Short Term Site

North East: Short Term Site	
Potential Environmental and Technical Effects	<ul style="list-style-type: none"> • Potential adverse effects on marine mammals, including the Moray Firth dolphins, common and grey seals, harbour porpoise and various species of dolphin and whale. • Potential impacts on resident, breeding and migratory birds and fish. • Direct effects on fish spawning and nursery areas. • Minor changes in views for land based receptors, and minor seascape effects. • Impacts on commercial fishing activity.
Opinions	<ul style="list-style-type: none"> • Information on spawning and nursery grounds is incomplete –project level data can provide a more accurate source. • Interim objection by HIAL (Highlands and Islands Airports Ltd) on basis of impact on Instrument Approach Procedures to Wick Airport. • Limited general public interest / concern.
Recommendations	<p>The following matters require further consideration within the Plan review process and/or project level Environmental Impact Assessment, which has to take account of the adjacent Round 3 site:</p> <ul style="list-style-type: none"> • Further information on fish, being gathered at the project level should be taken into account. • Further discussion of the proposal with HIAL will be required. • Potential impacts on birds and marine mammals require further exploration, including within project specific HRA (Habitats Regulations Appraisal). • Further liaison with the fishing and shipping industries will be required.

43. The recommendations identified within Table 2.1 have been taken into account during the course of the EIA. The Moray Firth Offshore Wind Developers Group (MFOWDG) was formed by BOWL and MORL, in partnership with The Crown Estate, to work collaboratively on potential regional cumulative effects arising from the proposed offshore wind developments.