

Buchan Offshore Wind

Chapter 2 Legislation and Policy

QMS Review

Name	Company	Date	Reviewed	Approved
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2.1 BACKGROUND

- 2-1. This chapter considers key relevant legislation and policy for the Proposed Offshore Development, relating to international obligations, the need for the Proposed Offshore Development including United Kingdom (UK) and Scottish climate change and renewable energy policy and legislation, planning policy and legislation, consent requirements and nature conservation.
- 2-2. A summary of key policy documents that have been reviewed as part of the Environmental Impact Assessment (EIA) is listed in **Table 2-4**.

2.2 CLIMATE CHANGE AND RENEWABLE ENERGY

- 2-3. In reviewing legislation and policy relevant to renewable energy development, it is important to consider the legislative action required to combat climate change, drive decarbonisation and promote renewable energy generation.
- 2-4. The challenges of climate change, energy supply and security of supply are driving government policy and decision making on renewable energy developments. There are now a significant number of regional, national and international policies, strategies and regulations relating to climate change and the development of renewable energy in Scotland, the UK and worldwide.

2.2.1 Scottish Policy and Legislation

2.2.1.1 Climate Change (Scotland) Act 2009

- 2-5. In Scotland, the net zero target must be delivered by 2045 under the Climate Change (Scotland) Act 2009. The target year under this Act was initially 2050 but was amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 in direct response to the Paris Agreement. It includes interim targets of a 56% reduction in net emissions by 2020, 90% by 2040 against the baseline. The Climate Change (Scotland) Act 2009 also required the production of a Scottish Climate Change Adaptation Programme (Scottish Government (SG), 2019). This more ambitious 2045 target, in part, reflects the SG's acknowledgement of a Climate Emergency in 2019 and forms part of an ambitious plan to tackle it. A recent Bill named The Climate Change (Emissions Reduction Targets) (Scotland) Bill was passed in November 2024 which amends the Climate Change (Scotland) Act 2009. This bill proposes to introduce a 5 yearly carbon budget system in Scotland which limits the greenhouse gas emitted in Scotland over each 5-year period (SG, 2024c).

2.2.1.2 The Scottish Energy Strategy

- 2-6. The Scottish Energy Strategy provided a 2030 and 2050 vision for Scotland to deliver secure, affordable, clean energy for Scotland's households, communities and businesses (SG, 2017). In setting out this vision the strategy relies on future delivery of renewable energy with a target of the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030. The Scottish Energy Strategy encompasses 6 priorities and their purpose for Scotland's 2050 vision including:
- consumer engagement and protection – to protect consumers from excessive or avoidable costs and promote smarter energy application benefits;

- energy efficiency – to take actions on improving the use and management of energy in Scotland’s homes, buildings, industrial processes and manufacturing;
- system security and flexibility – to achieve the flexibility and resilience necessary to maintain reliable energy supplies to all homes and businesses;
- innovative local energy systems – to empower communities by supporting the development of innovative and integrated local energy systems and networks;
- renewable and low carbon solutions – to explore Scotland’s renewable energy resource and its ability to meet local and national heat, transport and electrical needs; and
- oil and gas industry strengths – to support investment, innovation and diversification across Scotland’s oil and gas sector, maximising the recovery of remaining resources, subsea engineering, decommissioning and carbon capture and storage.

2.2.1.3 Offshore Wind Policy Statement

- 2-7. The Offshore Wind Policy Statement (SG, 2020b), sets out the ambitions for the future of offshore wind in Scotland and builds upon those outlined within the Scottish Energy Strategy (SG, 2017). It also sets the context for Marine Scotland's¹ Sectoral Marine Plan for Offshore Wind Energy (SMP) and any subsequent updates (SG, 2020a). This also includes Scotland’s offshore wind target to increase Offshore wind capacity in Scotland up to 11 gigawatts (GW) by 2030.
- 2-8. The OWPS (SG, 2020b) highlights the importance of the role of the offshore wind technology in meeting net zero commitments by 2045, as required by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, while maximising the economic benefit of this industry.
- 2-9. The aims outlined in Scotland’s Energy Strategy (SG, 2017) and the Offshore Wind Sector Deal published in 2019 (HM Government, 2019), which details specific actions to be undertaken by governments and industry to promote and grow the sector, are built upon by the OWPS. The implementation of the Offshore Wind Energy Policy Statement (OWEPS) is supported by Scotland’s Energy Strategy which identifies suitable Offshore Wind Farm (OWF) development areas. The SMP (SG, 2020a) provided the framework for spatially defining locations for offshore development which were leased through ScotWind, and further sites were identified as part of Crown Estate Scotland’s (CES’) Innovation and Targeted Oil and Gas (INTOG) leasing round.
- 2-10. It was predicted that the SMP for Offshore Wind Energy which incorporates the INTOG SMP would be adopted in Spring 2025 (Crown Estate Scotland, 2024).

2.2.1.4 Draft Energy Strategy and Just Transition Plan

- 2-11. In January 2023, the SG published the Draft Energy Strategy and Just Transition Plan (SG, 2023a). This Draft Strategy and Plan sets out *“clear policy positions and a route map of actions with a focus out to 2030 that the SG will take and the changes that the UK*

¹ Known as Marine Scotland at the time of the SMP releasing. Now known as the Marine Directorate.

Government must deliver". This is inclusive of the vision that by 2045, Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and businesses (SG, 2023a).

- 2-12. The Draft Energy Strategy and Just Transition Plan sets out four policy areas:
- preparing for a Just Transition;
 - energy supplies – scaling up renewable energy;
 - energy demands – reducing our reliance on fossil fuels; and
 - creating the conditions for a Net Zero energy system.
- 2-13. The consultation on the Draft Energy Strategy and Just Transition Plan sought to gather views on whether the SG should set an increased ambition for offshore wind deployment, as set out in the Offshore Wind Policy Statement, and what the level of ambition should be for 2030 and 2045 (SG, 2023a).
- 2-14. The Draft Energy Strategy and Just Transition Plan acknowledges that the major expansion of offshore wind may impact marine biodiversity and other users of the sea. Consultation on the draft Plan closed in May 2023 (SG, 2023d). Although no update had been announced at that time, the Regulatory Review Group sent a letter in June 2024 to the Cabinet Secretary for Net Zero and Energy regarding the Plan (SG, 2024a). In response, a government letter was published on 9 July 2024, acknowledging the Group's recommendations and stating that the final Energy Strategy and Just Transition Plan would be published shortly. As of June 2025, however, the final Plan remains unpublished.
- 2-15. The Regulatory Review Group proposed four key recommendations for consideration:
- the Business and Regulatory Impact Assessment (BRIA) needs to be clear on the unintended consequences small business may face;
 - alignment with UK Government and other policies taken forward within this space should be extensively considered and prioritised;
 - cumulative impact on business and regulators should be considered ahead of any policy proposals to deliver the Energy Strategy and Just Transition Plan (ESJTP) being finalised; and
 - a clear public communication plan and timeline.
- 2-16. A climate change assessment is provided as part of this EIA Report (EIAR) for the Project, setting out the contribution the Project will make to the aims and targets within the above statutory and policy documents (**Volume 2, Chapter 18: Climate Change**).

2.2.2 UK Policy and Legislation

2.2.2.1 The Climate Change Act 2008

- 2-17. Through the Climate Change Act 2008, the UK government set targets to significantly reduce UK greenhouse gas emissions by 2050 and established a framework to meet them. The Climate Change Act 2008 initially required the net UK greenhouse gas emissions for the year 2050 to be 80% lower than the 1990 baseline. However, this was revised by The Climate

Change Act 2008 (2050 Target Amendment) Order 2019 to a “net zero target” of greenhouse gas emissions to be at least 100% lower than the 1990 levels by 2050.

- 2-18. The Climate Change Act 2008 established the independent, statutory body, the Climate Change Committee (CCC), which advises the UK government on emissions targets and reports to Parliament on progress made in reducing greenhouse gas (GHG) emissions. The CCC has so far produced six carbon budgets, split into 4-year blocks, covering years 2008 to 2037. These carbon budgets constitute a progressive limitation on the total volume of GHG emissions to be emitted over the 4-year period. In March 2023 the UK Government published the Carbon Budget Delivery Plan (HM Government, 2023a), under the Climate Change Act 2008, which outlines a package of measures and associated timings (please refer to **Table 2-1** Error! Reference source not found.), and details how they will contribute to meeting Carbon Budget 4 – 6, which create a restriction on the total amount of greenhouse gases the UK can emit over a 5-year period. Carbon Budget 4 – 6 runs from 2023 to 2037 with Carbon Budget 7 planned to be set in 2025. The ability to meet future carbon budgets requires the delivery of further offshore wind development including floating wind capacity.

Table 2-1 Carbon Budget Delivery Plan (HM Government, 2023a)

Budgetary Period	Years Covered	Carbon Budget (MtCO ₂)	Average Annual Reduction of Emissions (cf 1990)	Progress on Budgetary Period
1	2008-2012	3,018	-26%	-27%
2	2013-2017	2,782	-32%	-42%
3	2018-2022	2,544	-38%	-47.4%
4	2023-2027	1,950	-52%	N/A
5	2028-2032	1,725	-58%	N/A
6	2033-2037	965	-78%	N/A
7	2038-2042	To be set in 2025	N/A	N/A

- 2-19. The CCC released an update to the progress of these targets in July 2024. The CCC came to a conclusion that there is a need for rapid policy action and a sharp-eyed focus on removing barriers to development (CCC, 2024a). The report also stated that the seventh carbon budget will be announced to allow for further actions to be implemented to achieve Net Zero, which will be run in parallel with 10 priority actions for the new government to consider which were included within the July 2024 Progress Report to Parliament.
- 2-20. In late July 2024 following the change of Government and the progress report published by the CCC, a partnership between Great British Energy and The Crown Estate was formed to invest in clean power. This partnership hopes to increase the new offshore wind developments reaching operation by 2030 (HM Government, 2024a).
- 2-21. Currently, the UK has met the set targets for the first, second and third carbon budgets, although has seen a slowing pace in reducing emissions with reversed or delay to key policies (CCC, 2024b). The current position from the CCC is that the UK is currently not on track to reach the 2030 target to reduce emissions in 2030 by 68% compared to 1990 levels and stated that “*only a third of the emissions reductions required to achieve the 2030 target are currently covered by credible plans. Action is needed across all sectors of the economy, with low-carbon technologies becoming the norm*” making targets set in the remaining budgetary periods unlikely to be met without the implementation of credible green initiatives (CCC, 2024b).

2.2.2.2 The Energy Act 2013

- 2-22. In December 2013, the UK Parliament passed the Energy Act 2013, which succeeded the Energy Act 2010. The Energy Act 2013 focuses on incentivising investment in low carbon electricity generation to help meet targets set by the Climate Change Act 2008. The Electricity Market Reform (EMR) was introduced as part of the Energy Act 2013 which aims to incentivise investment in secure, low carbon electricity, increase the security of Great Britain's electricity supply and improve affordability for consumers. The reformed electricity market aims to deliver the low carbon energy and reliable supplies that the UK needs, while minimising costs to consumers. A key mechanism of the EMR is the Contracts for Difference (CfD) which is a long-term contract between an electricity generator and a Low Carbon Contracts Company (LCCC), see **Section 2.2.2.4** for information on CfD and EMR.

2.2.2.3 The Energy Act 2023

- 2-23. In October 2023, The Energy Act 2023 was passed by the UK parliament. The Energy Act 2023 makes provisions about energy production and the security and regulation of the energy market. It also makes provisions about offshore energy production, including environmental protection, licensing and decommissioning.

2.2.2.4 The Electricity Market Reform

- 2-24. The EMR introduced two key mechanisms to provide incentives for the investment required in energy infrastructure;
- CfD provides long-term price stabilisation to low carbon energy producers, allowing investment to come forward at a lower cost of capital and therefore at a lower cost to consumers.
 - the Capacity Market provides a regular retainer payment to reliable forms of capacity (both demand and supply side), in return for such capacity being available when the system is tight.
- 2-25. The EMR aims to deliver greener energy and reliable supplies, while minimising costs for consumers in the long term. Its objective is to transform the UK electricity sector to one in which low-carbon generation can compete with conventional, fossil-fuel generation, ensuring a cleaner, more sustainable, energy mix.

2.2.2.5 Offshore Wind Sector Deal

- 2-26. In March 2019 the UK Government and the Offshore Wind Industry Council signed the UK Offshore Wind Sector Deal (HM Government, 2019). The Sector Deal is a long-term strategy which sets out an ambitious partnership between government and industry to raise the productivity and competitiveness of UK companies to ensure the UK continues to play a leading role as the global market grows in the decades to come.
- 2-27. This Sector Deal builds on the UK's global leadership position in offshore wind and seeks to maximise the advantages for UK industry by the shift to Net Zero by providing clarity on future CfD rounds, increasing the UK content of renewable energy to 60% by 2030 and increasing investment in UK supply chain, along with increasing the number of women in offshore wind to at least 33% by 2030. The ongoing development of the renewable energy

sector will be required to meet these targets, with offshore wind playing a significant role as the development and operation costs are reduced. The most recent CfD round (AR6) recently concluded in September 2024 resulting in a total of 5.3 GW of offshore wind awarded in AR6. Of the 5.3 GW awarded to offshore wind developments, 400 megawatts (MW) was awarded to floating offshore wind at the Green Volt Offshore Windfarm (CfD Allocation Round, 2024).

2.2.2.6 British Energy Security Strategy

- 2-28. In April 2022, the UK government published the British Energy Security Strategy (HM Government, 2022) in response to global rises in energy costs. It sets out the UK Government's ambition to deliver up to 50 GW of offshore wind energy development by 2030, including up to 5 GW of innovative floating wind. This is an increase of 10 GW of offshore wind and 4 GW of floating offshore wind energy in comparison to the Net Zero Strategy: Build Back Greener policy set out in 2021 (HM Government, 2021a). The British Energy Security Strategy also sets out steps that the UK Government aims to take to reduce the time taken to develop and deploy offshore wind projects (HM Government, 2022).

2.2.2.7 Powering up Britain

- 2-29. The UK Government also published the Powering Up Britain policy papers (HM Government, 2023b) which further details how the UK Government will improve energy security, take advantage of the economic opportunities of the transition to low carbon energy generation and deliver on the commitment to achieving net zero by 2050. The role of offshore wind is a key element of these publications which includes commitment to developing 5 GW of floating wind by 2030, and helping to expand and increase the benefits of floating projects by committing to a floating Offshore Wind Manufacturing Investment Scheme, which will provide up to £160 million to kick start investment in port infrastructure projects. Furthermore, the Great British Energy Bill, with £8.3 billion in backing, will aim to accelerate investment into renewable energy.

2.2.3 International Policy and Legislation

2.2.3.1 Kyoto Protocol

- 2-30. The Kyoto Protocol came into effect in 2005, setting internationally binding emission reduction targets and commits state parties to reduce GHG emissions (UNFCCC, 2024a). The UK is a signatory of this Protocol, with its commitments transposed into UK law by the Climate Change Act 2008 (Institute for Government, 2008).

2.2.3.2 The Paris Agreement

- 2-31. The Paris climate conference (COP21), held in December 2015, established the first-ever universal, legally binding global climate deal which was adopted by 195 countries. The Paris Agreement (2016), arising out of COP21, sets out a global action plan towards climate neutrality with the aims of limiting the increase in global average temperature to below 2°C above pre-industrial levels, and to pursue efforts to limit global warming to below 1.5°C.

In November 2024, the most recent global climate change conference (COP29) was held in Baku, Azerbaijan. Countries agreed to power towards a clean energy transition by the deployment of cheap solar and wind in moving towards the global goal of tripling renewable capacity and doubling energy efficiency by 2030. Further commitments from countries were also

aligned with achieving the 1.5°C goal (UNFCCC, 2024b). The Proposed Offshore Development will help the UK in reaching the goal of net zero by 2050 in accordance with goals set out with the Paris Agreement.

2.3 MARINE PLANNING FRAMEWORK

- 2-32. Marine planning in Scotland's inshore waters (out to 12 nautical miles (nm)) and offshore waters (12 to 200 nm) is governed by two acts: the Marine (Scotland) Act 2010 (applies out to 12 nm) and the Marine and Coastal Access Act 2009 (applies from 12-200 nm). The two Acts (hereafter referred to as the Marine Acts) established a legislative framework for marine planning to enable demands on marine resources to be managed in a sustainable way across all of Scotland's seas.
- 2-33. The Marine Acts set out a tiered approach to developing marine planning in the UK and Scotland. The framework includes the following elements:
- UK Marine Policy Statement (MPS);
 - Scotland's National Marine Plan (NMP);
 - Regional Marine Plans (RMPs); and
 - Sectoral Marine Plan (SMP).
- 2-34. The UK MPS is the framework for preparing Marine Plans and taking decisions on matters affecting the marine environment. It was prepared and adopted for the purpose of Section 44 of the Marine and Coastal Access Act 2009. **Marine (Scotland) Act 2010**
- 2-35. Under the Marine (Scotland) Act 2010 a NMP covering Scottish inshore waters must be prepared (which is discussed in more detail in **Section 2.3.1**). In addition, the Marine and Coastal Access Act 2009 seeks to ensure that in the offshore region a marine plan is in place when a MPS is in effect.
- 2-36. The policies and objectives of the Plan will also be reflected in the development of RMPs. RMPs will be developed by Regional Marine Planning Partnerships (RMPPs) and will implement national policies at a regional level, taking account of local circumstances and issues. Further detail on RMPs is set out in **Section 2.3.3** however it should be noted that there is currently no RMP in place where the Proposed Offshore Development is located.

2.3.1 National Marine Plan

- 2-37. Scotland's first NMP was adopted and published in March 2015 (SG, 2015). The Plan supports development and activity in Scotland's seas, out to 200 nm (i.e., the contribution of waters offshore from Scotland's territorial waters (0-12 nm) to outermost edge of the UK's Exclusive Economic Zone (EEZ) and offshore waters (12-200 nm)), while incorporating environmental protection into decision making to achieve sustainable management of Scotland's marine resources.
- 2-38. The NMP is required to be compatible with the UK MPS (HM Government, 2011) and existing marine plans across the UK, in particular where there is interaction between England's inshore and offshore marine plans and Northern Ireland's Marine Plans. There are a number of strategic objectives which aim to integrate both the ecosystem approach and the guiding principles of sustainable development to deliver a robust approach to managing human impact on Scotland's seas. These strategic objectives are:
- achieving a sustainable marine economy;
 - ensuring a strong, healthy and just society;

- living within environmental limits;
 - promoting good governance; and
 - using sound science responsibly.
- 2-39. General policies support the above strategic objectives, and sectoral objectives (e.g. offshore wind and marine renewable energy) provide the context for NMP's strategic objectives and general policies. Sectoral objectives may be achievable over the life of the NMP, or may set the direction for longer-term achievement. The objectives for offshore wind and marine renewable energy are shown in **Table 2-2** Table 2-2. It is recognised by the Scottish Government that not all of the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Table 2-2 Offshore Wind and Marine Renewable Energy Objectives from Scotland's National Marine Plan (SG, 2015)

Objective	
1	Sustainable development of offshore wind, wave and tidal renewable energy in the most suitable locations.
2	Economic benefits from offshore wind, wave and tidal energy developments maximised by securing a competitive local supply chain in Scotland.
3	Alignment of marine and terrestrial planning and efficient consenting and licensing processes including but not limited to data sharing, engagement and timings, where possible.
4	Aligned marine and terrestrial electricity transmission grid planning and development in Scottish waters.
5	Contribute to achieving the renewables target to generate electricity equivalent to 100% of Scotland's gross annual electricity consumption from renewable sources by 2020.
6	Contribute to achieving the decarbonisation target of 50gCO ₂ /kWh by 2030 (to cut carbon emissions from electricity generation by more than four-fifths).
7	Sustainable development and expansion of test and demonstration facilities for offshore wind and marine renewable energy devices.
8	Co-ordinated government and industry-wide monitoring.

- 2-40. The NMP has been reviewed and the effectiveness of its implementation has been reported on twice since its adoption as required by the Marine Acts. The latest 2021 review concluded that, whilst the NMP remains effective, there have been significant national and global developments, such as the ScotWind leasing round (see **Section 2.3.2**), which impact the use and management of Scotland's marine resources. The assessment also highlights significant emerging challenges, primarily around the UK's exit from the European Union (EU), the Global Climate Emergency, the Covid-19 pandemic, the Blue Economy Action Plan, and changes in technology. In September 2023, the NMP 2 Strategic Environmental Assessment (SEA) Scoping Report was published. The Scoping Report sets out the proposed scope of the assessment and proposed assessment methodology (SG, 2023e). According to the NMP2 SEA Scoping Report, the NMP2 will contain:
- the vision for the plan, as set out in Marine Directorate's marine vision, and agreed at the UK level;
 - high-level objectives, aligned with SG ambitions and commitments, UK High-Level Objectives (HLOs), and international commitments such as objectives set out in OSPAR's (Oslo and Paris Conventions) North-East Atlantic Environment Strategy 2030, or the

criteria for good environmental status under the Marine Strategy Framework Directive; and

- sector- or region- specific objectives and policies.

- 2-41. Consultation on the NMP2 planning position statement closed in January 2025, with inclusion of proposals for the draft NMP2 HLOs. 12 draft HLOs were developed in line with the requirements of the Marine Acts, subject to review and comment by representatives from across government, marine sectors and non-governmental organisations through an extensive engagement programme from April - August 2024 (SG, 2024d). These were subsequently then reduced to five HLOs following this engagement programme to improve plan usability and reduce duplication or incompatibility across other plans and strategies. The draft HLOs are detailed below in **Table 2-3**. The plan adoption and publication of the post-adoption statement is proposed for 2025.
- 2-42. NMP2, once adopted, will provide the overarching framework for the sectoral marine planning process and the context for Regional Marine Plans in Scotland.

Table 2-3 Draft High Level Objectives from draft NMP 2(SG, 2025d)

Thematic Area	Draft HLO
Climate Change Mitigation and Adaption	Mitigate and adapt to the impacts of climate change in Scotland's seas
Nature	Protect and enhance Scotland's marine nature to support functioning and resilient ecosystems.
Sustainable Marine Economy	Support sustainable economic development and use of Scotland's seas.
Accessibility and Wellbeing	Enable safe and fair access to Scotland's coast and seas, whilst protecting and promoting valuable cultural assets.
Implementation	Enable consistent and transparent decision-making to ensure sustainable use of Scotland's seas.

2.3.2 Sectoral Marine Plan for Offshore Wind

- 2-43. The first SMP for Offshore Wind Energy (Blue Seas Green Energy) (Marine Scotland, 2011) was adopted in 2011, following which draft wind, wave and tidal SMPs were produced in 2013 (Marine Scotland, 2013).
- 2-44. In November 2017, Crown Estate Scotland (CES) announced their intention to run a leasing round ('ScotWind') for commercial scale offshore wind energy projects in Scottish Waters. To inform the spatial development of this leasing round, MD-LOT, as the Planning Authority for Scotland's Seas, were required to undertake a planning exercise in accordance with relevant UK and Scottish legislation. This was to identify areas suitable for the development of offshore wind.
- 2-45. The SMP for Offshore Wind Energy published in October 2020 (SG, 2020a) builds upon the work undertaken in the 2011 and 2013 plans, and incorporates recent technological, policy, regulatory and market development to create a new strategic planning process. The SMP seeks to contribute to achieving Scotland's and the UK's energy and climate change objectives by providing a spatial strategy and has been used to inform the ScotWind leasing process which concluded in 2022.

- 2-46. The SMP was also developed to ensure consistency with Scotland's National Marine Plan (SG, 2015) and the MPS (HM Government, 2011), sitting alongside the Offshore Wind Policy Statement (OWPS) (SG, 2020b) to build a framework towards Scotland's sustainable green recovery.
- 2-47. In the ScotWind Leasing process, a total of 20 proposed OWF projects were awarded option agreements within 15 Plan Options (POs), for a total of 27.6 GW of capacity. This includes 17 proposed OWF projects awarded in January 2022, with a further three sites awarded in August 2022 as part of the ScotWind '*Clearing*' process. SEA, Habitats Regulations Appraisal (HRA) and socio-economic assessments have been carried out for the POs included in the SMP.
- 2-48. The SMP identified that NE8 is a site suitable for offshore wind development, and it is noteworthy that the plan-level HRA concluded that the site, along with only two other POs (NE1 and NE7) in the NE and E zones, were free from plan level constraints relating to the potential for adverse effects on the site integrity of any European site.
- 2-49. The key issues identified as part of the SMP and supporting documents are discussed in the relevant topic chapters of this EIAR, and such matters including those relating to offshore ornithology, commercial fisheries and potential aviation radar interference will be addressed (and a parallel HRA process run for nature conservation designated sites).
- 2-50. The SMP is subject to iterative plan review process to ensure that it is underpinned by best available evidence, taking into account updates and progression of developments e.g., detailed site survey results and assessments for projects, the construction of projects, the INTOG leasing round, and further changes to policy and regulatory context.
- 2-51. The iterative review of the SMP is expected to take place every two years (SG, 2020c). At this time, the iterative review process is currently ongoing with a letter to the Energy and Transport Committee sent in March 2024 providing an update to the delivery of the Sectoral Marine Plan for Offshore Wind Energy (SG, 2024b).

2.3.3 Regional Marine Plan

- 2-52. As part of the NMP, marine planning will be implemented at a local level within Scottish Marine Regions (SMRs) (out to 12 nm). Within the SMRs, RMPs will be developed by the RMPP to take account of local circumstances and smaller ecosystem units.
- 2-53. RMPs are required to be developed in accordance with Scotland's NMP (unless relevant considerations indicate otherwise) and the UK's MPS to ensure they are consistent with national objectives and priorities. They will also be required to consider the PO areas identified via the sectoral marine planning process, as well as co-ordination with CES's ScotWind and INTOG Leasing regime and any relevant grid requirements and initiatives.
- 2-54. The latest update of the RMP was a report from the Marine Planning Monitoring Surveys of 2022 which was published in February 2024 (HM Government, 2024b).
- 2-55. Elements of the Proposed Offshore Development are within the North-East SMR which encompasses the coastal waters from Fraserburgh to the River North Esk, extending from Mean High Water Springs (MHWS) out to 12 nm. However, at this time no RMP for this Region has been published.

2.4 RELEVANT SCOTTISH MARINE POLICY

- 2-56. Policy documentation is available from the UK and SGs, and from industry leaders which will be used to inform the EIA process. Error! Reference source not found.Error! Reference source not found.sets out the key policy documents that have been reviewed as part of the EIA.

Table 2-4 Key Policy Documents

Policy
UK Renewable Energy Roadmap: 2013 update (DECC, 2013)
Clean Growth Strategy (2017) (HM Government, 2017)
Build Back Better: our plan for growth (HM Government, 2021b)
UK Marine Policy Statement (HM Government, 2011)
National Planning Framework 4 (SG, 2023b)
Scottish Planning Policy (SG, 2014)
Scotland's National Marine Plan (SG, 2015)
Sectoral Marine Plan for Offshore Wind Energy (SG, 2020a)
Scottish Electricity Generation Policy Statement (SG, 2013a)
Scottish Energy Strategy (SG, 2017)
Draft Energy Strategy and Just Transition Plan – delivering a fair and secure zero carbon energy system for Scotland. (SG, 2023a).
Climate Change Plan, Third Report on Proposals and Policies (2018-2032) (SG, 2018a) and update (SG, 2020d)
Net Zero Strategy: Build Back Greener policy set out in 2021 (HM Government, 2021a)
Offshore Wind Sector Deal (HM Government, 2019)
The European Biodiversity Strategy for 2030 (European Commission, 2020)
Scottish Biodiversity Strategy to 2045 (SG, 2022a)
Scottish Priority Marine Features (NatureScot, 2023)
Scottish Biodiversity Strategy to 2045 (SG, 2022a)

2.5 NATIONAL PLANNING FRAMEWORK 4

- 2-57. National Planning Framework 4 (NPF4), approved by Scottish Parliament on the 11 January 2023, and formally adopted on the 13 February 2023, is Scotland's national spatial strategy. It sets out spatial principles, regional priorities, national developments and national planning policy in support of achieving net zero in Scotland by 2045 (SG, 2023b). The NPF4 is most directly relevant to the intertidal area where there is an overlap between terrestrial and marine planning systems, although as the most up to date national planning document it sets a clear direction of travel and stresses the urgency of addressing the Climate Emergency.
- 2-58. NPF4 identifies net zero energy solutions as a key contributor to net zero emissions by 2045 and includes National Planning Policies to achieve this aim, such as a Climate Emergency Policy which encourages and promotes development that addresses the global climate emergency and a Green Energy Policy which encourages and promotes all forms of renewable energy development both onshore and offshore. The NPF4 Policy 11 on Energy carries the intent to *"encourage, promote and facilitate all forms of renewable energy development onshore and offshore"*. Under definitions set out in NPF4 'Annex B – National Developments Statements of Need', Buchan is designated as a national development under

the designation “on and offshore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity”

2.6 ABERDEENSHIRE LOCAL DEVELOPMENT PLAN

- 2-59. Having been through an extensive period of consultation, including the publication of a Main Issues Report and a Proposed Local Development Plan, Aberdeenshire Council adopted the Aberdeenshire Local Development Plan 2023 on 13 January 2023. The Local Plan is most relevant to the onshore elements of the Project (those landward of Mean Low Water Springs (MLWS)) which will be subject to the separate onshore planning application. However, this will be considered where relevant to the Proposed Offshore Development, which is likely to be of relevance to the socio-economic assessment in particular. Relevant policies which are discussed further in **Volume 2, Chapter 17: Socio-Economics, Tourism and Recreation** are the National Performance Framework (SG, 2018b) and National Strategy for Economic Transformation (SG, 2022b).
- 2-60. The Aberdeenshire Local Development Plan was adopted in January 2023 and contains a total of nine policies. Section 13 (Climate Change) of the Development Plan includes the Policy C2 on Renewable Energy. It states here that “*Renewable energy developments will be supported, including solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydroelectricity projects, as well as energy storage projects, which are in appropriate sites and of the appropriate design*” (Aberdeenshire Council, 2023).

2.7 APPLICATION AND CONSENTING PROCESS

- 2-61. As the Proposed Offshore Development comprises both an offshore generating station with a capacity of greater than 50 MW along with associated transmission infrastructure, and is located in Scottish Offshore Waters, the consents, licences and permissions set out in **Table 2-5** are anticipated to be required.

Table 2-5 Consenting Requirements

Consent	Mechanism for consent	Infrastructure
Section 36 Consent	Required under s36 of the Electricity Act 1989. It will be submitted alongside Marine licence application.	Generating stations and inter-array cables
Marine licence 1 – Generation station	Part 4 of the Marine and Coastal Access Act 2009 from 12 nm to EEZ boundary.	Offshore Generation Infrastructure (OGI) of the Proposed Offshore Development
Marine licence 2 – Transmission Infrastructure	Part 4 of the Marine and Coastal Access Act 2009 from 12 nm to EEZ boundary, and Marine (Scotland) Act 2010 covering all licensable activities from MHWS to the 12 nm limit.	Offshore Transmission Infrastructure (OTI) of the Proposed Offshore Development
Safety Zones	Section 95 of the Energy Act 2004	Area around installed renewable energy installations during construction and, where appropriate, major maintenance activities associated with the Proposed Offshore Development. The standard

Consent	Mechanism for consent	Infrastructure
		safety zone is 500 metres for construction and 50 metres for operation, but this may be restricted or affected by constraints including navigable routes
Decommissioning scheme	Sections 105 to 114 of the Energy Act 2004	Infrastructure seaward of MHWS

2-62. Each of these consents, licences and permissions are described below. Should additional pre-construction licences be required, these will be discussed and agreed with the relevant consenting authority at the appropriate time.

2.7.1 Electricity Act 1989

- 2-63. To construct and operate an electricity generating station, such as a wind farm, with a capacity in excess of 1 MW in Scottish Territorial Waters (from MHWS out to 12 nm) or the Scottish Renewable Energy Zone (REZ), and greater than 50 MW in the Scottish Offshore Region (12 – 200 nm), consent is required under Section 36 of the Electricity Act 1989. An application for consent under Section 36 is made to the Marine Directorate -Licencing and Operations Team (MD-LOT), which acts on behalf of Scottish Ministers.
- 2-64. The scope of the consent applications, that this EIA supports, will include the construction, installation and Operations and Maintenance (O&M) of generation infrastructure including Wind Turbine Generators (WTGs), floating foundations, mooring lines, anchors and inter-array cables (IAC). A comprehensive description of the Proposed Offshore Development components is provided in **Volume 1, Chapter 4: Project Development Description**.
- 2-65. Schedule 9 of the Electricity Act 1989, with regards to preservation of fisheries and amenity, requires the licence holder when producing any relevant proposals to:
- have regard to natural and historical features of special interest, whilst considering their preservation; and
 - do what they reasonably can to mitigate any effects which the proposal could have on relevant receptors.
- 2-66. Assessments for all relevant natural and historic features, and on relevant receptors are included within this EIAR for the Ministers' consideration.
- 2-67. When considering the application for consent under Section 36 of the Electricity Act 1989, Scottish Ministers must factor in, to what extent on what can be reasonably achieved to mitigate the effects of the proposal, and if this has been adhered to. The EIAR sets out the assessment and proposed mitigation of any potential environmental effects due to the construction, operation and maintenance and decommissioning phases of the Proposed Offshore Development. Accordingly, the Applicant has acknowledged the benefit of preserving the natural and historical features of special interest and has set out, within in the assessments, what it reasonably can do to mitigate any effects which the proposal will have on these interests.
- 2-68. Consultation took place in 2024 regarding the reforming of Section 36 consenting in Scotland. In March 2025 the UK Government published a response (HM Government, 2025)

and proposes to reform the electricity consenting process in Scotland to be more efficient and ensure that local communities are consulted on project proposals at an early stage. Proposals which are to be implemented following the consultation are as follows:

- *'pre-application requirements;*
- *application information requirements;*
- *application input from statutory consultees;*
- *the examination process when a planning authority raises an objection to an application;*
- *processes for variations of consents;*
- *fees for pre-application activities and necessary wayleaves processing; and*
- *the process to challenge the electricity infrastructure consenting decisions of Scottish Ministers'.*

2.7.2 Marine (Scotland) Act 2010

2-69. The Marine (Scotland) Act 2010 provides the legislative and management framework for the marine environment within Scottish Territorial Waters (from MHWS out to 12 nm). Under the Act, the Proposed Offshore Development requires a Marine Licence for the construction, alteration or deposition of structures below MHWS.

2-70. Part 4 (Marine Licensing) of the Marine (Scotland) Act 2010 includes licensable marine activities (Section 21) for which the following would apply to the Proposed Offshore Development:

- 1) *To deposit any substance or object within the Scottish marine area, either in the sea or on or under the seabed, from any of the following:*
 - a) *a vehicle, vessel, aircraft or marine structure,*
 - b) *a container floating in the sea, or*
 - c) *a structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea*
- 2) *To deposit any substance or object anywhere in the sea or on or under the seabed from a vehicle, vessel, aircraft, marine structure or floating container which was loaded with the substance or object either:*
 - a) *in Scotland, or*
 - b) *in the Scottish marine area*
- 5) *To construct, alter or improve any works within the Scottish marine area either:*
 - a) *in or over the sea, or*
 - b) *on or under the seabed.*
- 6) *To use a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the seabed within the Scottish marine area.*

- 7) *To carry out any form of dredging within the Scottish marine area (whether or not involving the removal of any material from the sea or seabed)*
- 2-71. The Scottish Ministers may grant a Marine Licence under Part 4 of the Marine (Scotland) Act 2010 with consideration of input and recommendations from MD-LOT.

2.7.3 Marine and Coastal Access Act 2009

- 2-72. In addition to applications for consent under Section 36 of the Electricity Act 1989 throughout both the inshore and offshore region, Scottish Ministers have devolved powers over marine planning, marine licensing and nature conservation in the Scottish Offshore Region (from 12 -200 nm) under the Marine and Coastal Access Act 2009. Under this Act (in the context of the Scottish Offshore Region), the Proposed Offshore Development requires a Marine Licence for the construction, alteration or deposition of structures beyond 12 nm as seen in **Table 2-5** above.
- 2-73. Part 4 (Marine Licensing) of the Marine and Coastal Access Act 2009 includes licensable marine activities (Section 66) for which the following would apply to the Proposed Offshore Development:
 - 1) *To deposit any substance or object within the UK marine licensing area, either in the sea or on or under the sea bed, from—*
 - a) *any vehicle, vessel, aircraft or marine structure,*
 - b) *any container floating in the sea, or*
 - c) *any structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea.*
 - 3) *To deposit any substance or object anywhere in the sea or on or under the sea bed from a vehicle, vessel, aircraft, marine structure or floating container which was loaded with the substance or object—*
 - a) *in any part of the United Kingdom except Scotland, or*
 - b) *in the UK marine licensing area.*
 - 4) *To scuttle any vessel or floating container in the UK marine licensing area.*
 - 7) *To construct, alter or improve any works within the UK marine licensing area either—*
 - a) *in or over the sea, or*
 - b) *on or under the sea bed.*
 - 8) *To carry out any form of dredging within the UK marine licensing area (whether or not involving the removal of any material from the sea or sea bed).*
 - 9) *To deposit or use any explosive substance or article within the UK marine licensing area either in the sea or on or under the sea bed.*
 - 13) *To load a vehicle, vessel, aircraft, marine structure or floating container in any part of the United Kingdom except Scotland, or in the UK marine licensing area, with any substance or object for incineration anywhere at sea.*

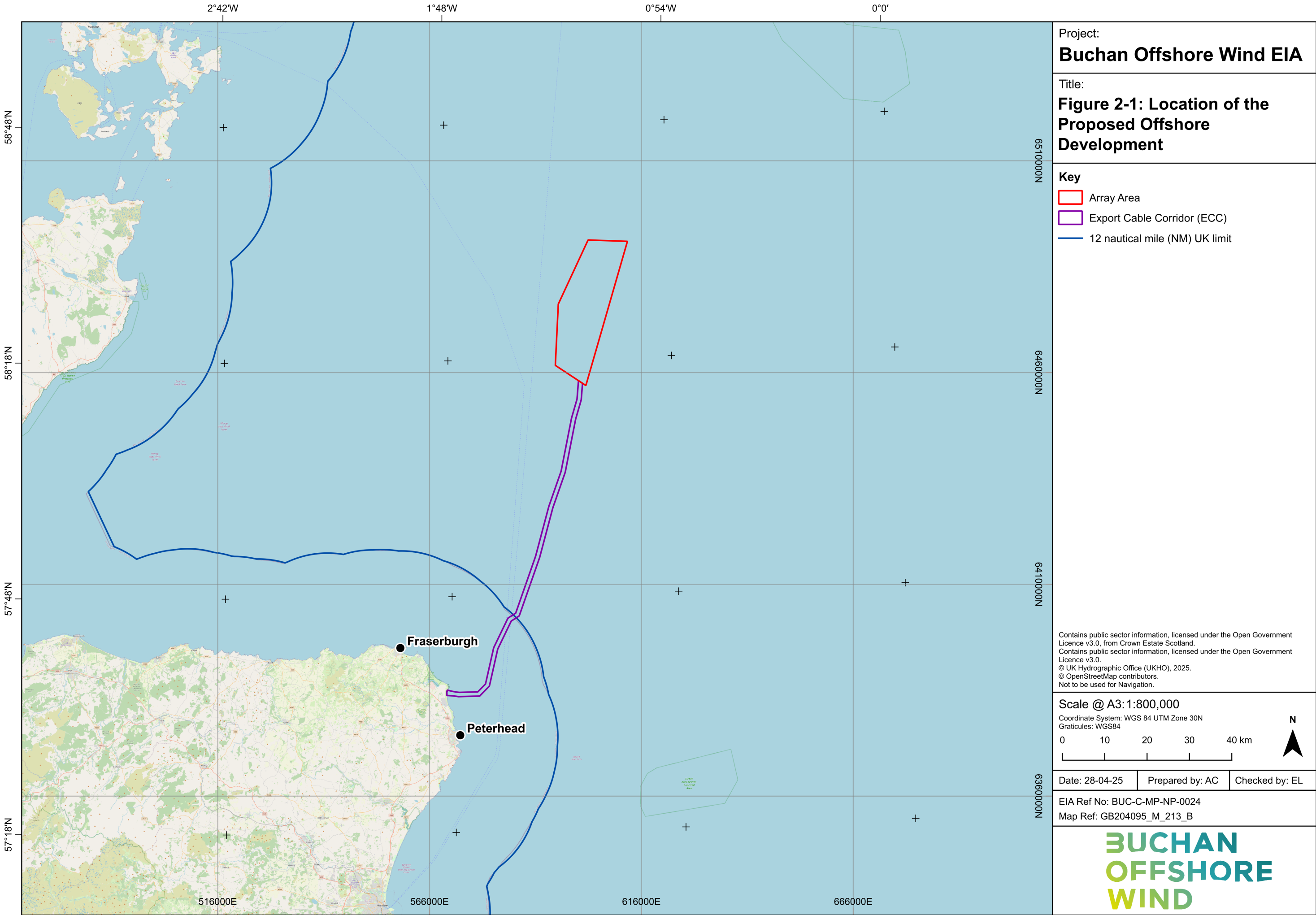
- 2-74. These are broadly the same activities listed in **Section 2.7.2** for the Marine (Scotland) Act 2010, some of which would apply to the Proposed Offshore Development (e.g., deposits, removals and construction). Scottish Ministers can grant a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009 with consideration of input and recommendations from MD-LOT.

2.7.4 The Town and Country Planning (Scotland) Act 1997

- 2-75. Whilst the Electricity 1989 Act allows for ‘*deemed*’ permission for associated onshore elements of an offshore project, it is the intention that consent for the onshore aspects of the Proposed Development (not considered within this EIAR, other than as part of the cumulative assessment process) will be secured through a separate planning consent under the Town and Country Planning (Scotland) Act 1997.

2.7.5 The Energy Act 2004

- 2-76. The Energy Act 2004 (as amended by the Energy Act 2008 and the Scotland Act 2016) makes provision for, among other aspects, the development, regulation and encouragement of the use of renewable energy sources and giving effect to international agreements relating to pipelines and offshore installations.
- 2-77. Under Section 95 of the Energy Act 2004, where a renewable energy installation is proposed to be constructed, and the Scottish Ministers consider it appropriate for safety reasons, designated areas may be declared as safety zones. Safety zones are intended to ensure the safety of the renewable energy installation or other installations in the vicinity during construction, operation, extension or decommissioning. Safety zones may exclude non-OWF vessels from navigating through a designated area for a specific period. The Proposed Offshore Development expects to apply for safety zones during construction and major maintenance activities, and potentially around certain offshore structures (i.e., floating WTGs) during the operational phase.
- 2-78. In addition, Sections 105 to 114 of the Energy Act 2004 require a Decommissioning Programme for an offshore renewable energy installation (OREI) in Scottish Waters to be approved by the Scottish Ministers. Decommissioning Programmes are expected to include decommissioning standards, financial security, residual liability, and industry cooperation and collaboration.
- 2-79. The scope of decommissioning requirements in Scotland is between MLWS and the seaward limits of the territorial waters, including coastal waters and the Scottish part of the EEZ (see **Figure 2-1: Scottish Territorial Waters and Scottish Offshore Region**).



Notes: a) Information on this plan is directly reproduced from digital and other material from different sources. Minor discrepancies may therefore occur. Where further clarification is considered necessary, this is noted through the use of text boxes on the plan itself. b) For the avoidance of doubt and unless otherwise stated: 1. this plan should be used for identification purposes only, unless otherwise stated in accompanying documentation. 2. Buchan Offshore Wind Ltd accepts no responsibility for the accuracy of data supplied by third parties. 3. Buchan Offshore Wind Ltd accepts no liability for any use which is made of this plan by a party other than its client. No third party who gains access to this plan shall have any claim against Buchan Offshore Wind Ltd in respect of its contents.

2.7.6 The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013

- 2-80. Where a relevant development is planned within Scottish Territorial Waters (MHWS out to 12 nm), the Marine Licensing (Pre-Application Consultation) (Scotland) Regulations 2013, commonly referred to as the Pre-Application Consultation (PAC) Regulations, apply. They prescribe the marine licensable activities that are subject to pre-application consultation and, in combination with the Marine (Scotland) Act 2010, set out the nature of the pre-application process.
- 2-81. Whilst these requirements do not apply in respect of relevant applications in the Scottish Offshore Region (beyond 12 nm) (noting this does apply to part of our OTI inside 12nm), the principles of the PAC Regulations has been followed for all offshore aspects of the Proposed Offshore Development.
- 2-82. The purpose of these regulations is to allow local communities, environmental groups and other interested parties to comment upon proposed marine developments at an early stage - before an application is submitted to the MD-LOT.
- 2-83. For renewable energy structures which includes submarine cables, developers must hold at least one public pre-application events (local to the location of the Project) where local communities, stakeholders and interested parties are given the opportunity to engage and participate in developing proposals, prior to an application being submitted.
- 2-84. Notification must be given to statutory consultees that an application is to be submitted to MD-LOT. Statutory consultees are:
- Northern Lighthouse Board (NLB);
 - Maritime and Coastguard Agency (MCA);
 - Scottish Environment Protection Agency (SEPA);
 - NatureScot; and
 - any delegate for the relevant marine region or regions, when such delegates have been established under Section 12(1) of the Marine (Scotland) Act 2010.
- 2-85. Developers must publish, within at least one local newspaper, no less than 6 weeks in advance of the public pre-application consultation event:
- a notice containing a description and location of the activity;
 - details where further information concerning the activity may be obtained;
 - the date and place of the pre-application consultation event;
 - a statement explaining how persons wishing to provide comments may do so and the date by which this must be done; and
 - a statement clarifying that comments are made to the prospective applicant and are not representations to the Scottish Ministers and that there will be an opportunity for representations to be made to- Scottish Ministers on the application.
- 2-86. A Pre-Application Consultation Report (PAC) has been submitted alongside the EIA, the PAC report for the Proposed Offshore Development provides a detailed account of the PAC

process undertaken in support of the application. Individual topic chapters also include details of the wider consultation undertaken in the development of this EIAR.

2.8 ENVIRONMENTAL IMPACT ASSESSMENT

- 2-87. The requirement for an EIA originally stemmed from the (EIA) Directive (2011/92/EU, as amended by Directive 2014/52/EU). The aim of an EIA is to protect the environment by ensuring that the likely significant environmental effects of a development proposal are properly understood before relevant consents are granted. The regulations set out a procedure for identifying those developments which should be subject to an EIA, and for assessing, consulting and coming to a decision on those developments which are likely to have significant environmental effects by virtue of its size, nature or location.
- 2-88. Post EU Exit, EU-derived legislation continues to have effect under the European Union (Withdrawal) Act 2018. The national legislation which implements the EU EIA Directive and that is relevant to Scotland's inshore and offshore waters, and thus applicable to the Proposed Offshore Development are as follows:
- the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Applicable to all projects applying for a Section 36 (s.36) consent in Scottish waters out to 200 nm;
 - the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Applicable to projects seeking a marine licence from 0-12 nm; and
 - the Marine Works (Environmental Impact Assessment) Regulations 2007. Applicable to projects seeking a marine licence from 12-200 nm.
- 2-89. The Applicants approach to EIA, including consideration of cumulative and transboundary impacts is detailed in **Volume 1, Chapter 5: EIA methodology**.

2.9 NATURE CONSERVATION LEGISLATION AND POLICY

2.9.1 Habitats Regulations

2.1.1.1 EU Council Directive 92/43/EEC

- 2-90. Article 3 of the EU Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) requires the establishment of a European network of important high quality conservation sites known as Special Areas of Conservation (SACs), that contribute to conserving habitats and species identified in Annexes I and II of the Directive. The listed habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).

2.1.1.2 EU Directive 2009/147/EC

- 2-91. In accordance with Article 4 of the EU Directive on the conservation of wild birds, commonly known as the Birds Directive (2009/147/EC), Special Protection Areas (SPAs) are strictly protected sites classified for rare and vulnerable birds (Annex I of the Directive), and for regularly occurring migratory species.
- 2-92. The requirements of the Habitats and Birds Directives relevant to the Proposed Offshore Development are transposed into domestic law by the following pieces of legislation (collectively the Habitats Regulations):

- Conservation (Natural Habitats, &c.) Regulations 1994 (applicable onshore);
- the Conservation of Habitats and Species Regulations 2017 (of relevance to consents under Section 36 of the Electricity Act 1989); and
- the Conservation of Offshore Marine Habitats and Species Regulations 2017 (applicable to marine licence and s.36 applications within Scotland's offshore region beyond 12 nm).

2.1.1.3 EU Exit

- 2-93. As a consequence of the UK's departure from the EU on 31 December 2020, the UK is no longer an EU Member State. It has been necessary to make a number of changes to the above Regulations to ensure that they remain operable, and that Scotland continues to maintain the standards required by the Habitats and Birds Directives (SG, 2020c).
- 2-94. The functions which once lay with the European Commission, have been transferred to the appropriate authorities or bodies in the UK/Scotland, with SACs and SPAs in the UK no longer forming part of the EU's Natura 2000 network.
- 2-95. Instead, the Habitats Regulations have created a UK-wide network of protected sites on land and at sea, including both the inshore and offshore marine areas in the UK, which retain the same protections as previously. This network of protected sites is referred to as the National Site Network. It includes all existing SACs and SPAs, and new SACs and SPAs designated under the Habitats Regulations (including candidate or proposed SPA's). These European sites are still protected in Scotland and the rest of the UK and the terms "*European site*", "*European marine site*" and "*European offshore marine site*" have been retained, as have "*Special Area of Conservation*" (SAC) and "*Special Protection Area*" (SPA).
- 2-96. Under SG policy, Ramsar sites are also protected under the same statutory regimes, although there is no need to consider Ramsar sites separately if they overlap with SACs and/or SPAs. Ramsar sites are wetlands of international importance designated under the Ramsar Convention (adopted in 1971 and came into force in 1975), providing a framework for the conservation and wide use of wetlands and their resources.
- 2-97. Under the Habitats Regulations, all competent authorities must consider whether any plan or project, could have a likely significant effect on a European site before it can be granted consent. If likely significant effects cannot be ruled out, then an Appropriate Assessment (AA) of the implications on that site in view of that site's Conservation Objectives must be undertaken by the competent authority. This process, which was implemented under the Habitats Directive continues to remain active, although is subject to minor changes affected by the EU Exit Regulations (HM Government, 2024c).
- 2-98. The HRA process, comprising Stage 1 (HRA screening) and, if required, Stage 2 (AA), must be carried out before consent or authorisation can be given for the Proposed Offshore Development.
- 2-99. The HRA process has been progressed alongside this offshore EIA. The Applicant's Report to inform Appropriate Assessment (Offshore RIAA) has been submitted together with the consent application(s), noting that the EIA and Offshore RIAA draw from, and cross reference, similar and complimentary ecological information. An HRA Screening Report (BOWL, 2023b) was submitted to MD-LOT in December 2023. A HRA Screening response was received from MD-LOT in May 2024 (MD-LOT, 2024) and informed the Offshore RIAA.

2.9.2 Nature Conservation Marine Protected Areas (NCMPAs)

- 2-100. Under Part 5 of the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009, MD-LOT is required to consider whether a licensable activity is capable of affecting (other than insignificantly) a protected feature of a Nature Conservation Marine Protected Area (NCMPA) or any protected ecological or geomorphological process on which the conservation of any protected feature of an NCMPA is dependant.
- 2-101. Impacts on relevant NCMPAs have been considered as part of the application for the Proposed Offshore Development which is supported by a standalone NCMPA Report (Please refer to **Volume 3, Appendix 7.3** of the EIAR).

2.9.3 European Protected Species

- 2-102. European protected species (EPS) are species of plants and animals (other than birds) protected by law throughout the European Union. They are listed within Annex IV of the Habitats Directive and are also listed in the Schedules of the Habitats Regulations. It is an offence, with certain exceptions, to deliberately or recklessly capture/collect, disturb or injure an EPS.
- 2-103. Under these Regulations certain activities likely to cause disturbance or injury which would otherwise constitute an offence, can be carried out legally under an EPS Licence, as follows:
- within 12 nm of the coast (Scottish Territorial Water): An EPS Licence may be required under the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) where there is potential for activities to injure or cause disturbance to an EPS. NatureScot is responsible for the administration of most licences in relation to EPS in Scotland. The exception is for purely marine species for purposes under regulation 44(2)(e) to (f), where MD-LOT on behalf of the Scottish Ministers, is the licensing authority; and
 - outside 12 nm (Scottish Offshore Region): An EPS Licence may be required under the Conservation of Offshore Marine Habitats and Species Regulations 2017 where there is potential for activities to injure or cause significant disturbance to an EPS (defined as a population level effect rather than at the level of individuals). MD-LOT is the licensing authority for these EPS Licences.
- 2-104. Relevant assessments within this EIAR have been undertaken in light of the requirements of the legislation governing EPS and the subsequent licencing requirements. Accordingly, though EPS licences will be applied for after the main application and consent process has concluded, it is considered that there will be no hindrance to the progression of the project due to the requirements relevant to EPS in Scottish waters.

2.9.4 Wildlife and Countryside Act 1981

- 2-105. The Wildlife and Countryside Act 1981 is an Act prohibiting and limiting actions involving wild animals and is a primary piece of legislation for wildlife protection in the UK. Schedule 5 of the Wildlife and Countryside Act 1981 prohibits the killing, injuring, taking or disturbing by any method of those wild animals listed in that Schedule. It is also an offence to disturb places used for shelter and protection and provides protections for wild bird nests and eggs, as well as for other relevant species as listed in the schedule.

2.1.1.4 The Nature Conservation (Scotland) Act 2004

- 2-106. The Nature Conservation (Scotland) Act 2004, Part 3 and Schedule 6 make amendments to the Wildlife and Countryside Act 1981, strengthening the legal protection for threatened species to include ‘reckless’ acts. The Act makes it an offence to intentionally or recklessly disturb basking sharks (*Cetorhinus maximus*) in British waters.
- 2-107. Licensing requirements under the Wildlife and Countryside Act 1981 are similar to those for EPS described above. For Basking sharks, a licence may be required for commercial survey activities (e.g., geophysical surveys) and MD-LOT (on behalf of the Scottish Ministers) is the licensing authority under the Wildlife and Countryside Act 1981.

2.9.5 The Protection of Seals (Designation of Haul-Out Sites) (Scotland) Order 2014

- 2-108. The main legislation that protects seals in Scottish waters is the Marine (Scotland) Act 2010 – Part 6 Conservation of Seals. This makes it an offence to kill or take any seal at any time except under specific licence or to alleviate suffering. It also introduces in Section 117, an offence of intentional or reckless harassment of seals at haul-out sites designated as such by The Protection of Seals (Designation of Haul-Out Sites) (Scotland) Order 2014. The purpose of the Protection of Seals (Designation of Haul-Out Sites) (Scotland) Order 2014 was to designate a total of 194 seal haul-out sites around Scotland. The Natural Environment Research Council (NERC), which has a statutory duty to provide scientific advice on seal management, developed the scientific methodology that identified these sites. A haul-out site is a location on land where seals come ashore at times to rest, breed, have pups or moult. Section 117 of the Marine (Scotland) Act 2010, in conjunction with this Order, is designed to offer protection to seals on land, when they are at their most vulnerable. The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) also prohibits certain methods of catching or killing seals.

2.9.6 Priority Marine Features

- 2-109. In July 2014, Scottish Ministers formally adopted a list of 81 priority marine features (PMFs). The list, which covers a variety of habitats and species that are a priority for conservation in Scotland’s seas, was developed by Marine Scotland, (as Marine Directorate was named then) the Joint Nature Conservation Committee (JNCC) and NatureScot. PMFs include a range of intertidal and continental shelf habitats, deep sea habitats, mammals, fish, shellfish and other invertebrates.
- 2-110. Some PMFs are already protected features of European sites or are protected under species specific legislation (e.g. cetaceans, basking sharks), and as such will be considered from an EIA perspective as well as part of the HRA where relevant. Potential impacts and appropriate mitigation measures will be considered with regards to PMFs.
- 2-111. The Priority Marine Features Guidance (SNH, 2016) addresses the policy requirement to conserve PMFs as ‘wider seas’ biodiversity as established through:
- the Scottish Government Strategy for Marine Nature Conservation in Scotland's Seas (SG, 2010);

- the Scottish Biodiversity Strategy 2020 Challenge²; and
- Scotland's NMP – Gen 9 Natural heritage (SG, 2015).

² Superseded by the Scottish Biodiversity Strategy to 2045 (SG, 2022a)

2.10 REFERENCES

Aberdeenshire Council (2023). Aberdeenshire Local Development Plan. Available online at: <https://online.aberdeenshire.gov.uk/ldpmedia/LDP2021/AberdeenshireLocalDevelopmentPlan2023IntroductionAndPolicies.pdf>. [Accessed August 2024].

Buchan Offshore Wind Ltd (BOWL) (2023a) Offshore Scoping Report. Available online at: <https://marine.gov.scot/node/24504>. [Accessed August 2024].

Buchan Offshore Wind Ltd (BOWL) (2023b) Offshore HRA Screening Report. Available online at: <https://marine.gov.scot/node/24837>. [Accessed August 2024].

Climate Change Act (2008). Available online at: [Climate Change Act 2008 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2008/27/contents). [Accessed August 2024].

Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. Available online at: [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2019/12/contents). [Accessed August 2024].

Climate Change (Scotland) Act 2009. Available online at: [Climate Change \(Scotland\) Act 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2009/12/contents). [Accessed August 2024].

Climate Change Committee (2024a). Advice on reducing the UK's emissions. Available online at: [Advice on reducing the UK's emissions - Climate Change Committee \(theccc.org.uk\)](https://www.theccc.org.uk/publication/advice-on-reducing-the-uks-emissions/). [Accessed August 2024].

Climate Change Committee (2024b). 2024 Progress Report to Parliament. Available online at: [Progress in reducing emissions 2024 Report to Parliament - Climate Change Committee \(theccc.org.uk\)](https://www.theccc.org.uk/publication/progress-in-reducing-emissions-2024-report-to-parliament/). [Accessed August 2024].

CfD Allocation Round (2024). Allocation Round 6 update: Allocation Process. Available online at: [Allocation Round 6 update: Allocation Process | Contracts for difference CfD \(cfdallocationround.uk\)](https://www.cfdallocationround.uk/). [Accessed August 2024].

CfD Allocation Round (2024). Contracts for Difference (CfD) Allocation Round 6: results. Available online at: [Contracts for Difference \(CfD\) Allocation Round 6: results - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/contracts-for-difference-cfd-allocation-round-6-results). [Accessed September 2024].

Crown Estate Scotland (2024). INTOG leasing round. Available online at: [INTOG leasing round | Crown Estate Scotland](https://www.crownestate.scot/intog-leasing-round/). [Accessed November 2024].

DECC (2013). UK Renewable Energy Roadmap Update 2013. Available online at: [UK Renewable Energy Roadmap - 5 November - FINAL DOCUMENT FOR PUBLICATION .pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/244441/UK_Renewable_Energy_Roadmap_-_5_November_-_FINAL_DOCUMENT_FOR_PUBLICATION.pdf). [Accessed August 2024].

Electricity Act 1989. Available online at: <https://www.legislation.gov.uk/ukpga/1989/29/contents>. [Accessed August 2024].

Energy Act 2004. Available online at: [Energy Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/27/contents). [Accessed August 2024].

Energy Act 2008. Available online at: [Energy Act 2008 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2008/31/contents). [Accessed August 2024].

Energy Act 2010. Available online at: [Energy Act 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2010/32/contents). [Accessed August 2024].

Energy Act 2013. Available online at: [Energy Act 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2013/27/contents). [Accessed August 2024].

Energy Act 2023. Available online at: [Energy Act 2023](#). [Accessed December 2024].

European Commission (2020). Biodiversity strategy for 2030. Available online at:

<https://environment.ec.europa.eu/strategy/biodiversity-strategy-cific%20actions%20and%20commitments>. [Accessed August 2024].

European Union (Withdrawal) Act 2018. Available online at: [European Union \(Withdrawal\) Act 2018 \(legislation.gov.uk\)](#). [Accessed September 2024].

HM Government (2008). Climate Change Act 2008. . Available online at: [Climate Change Act 2008](#). [Accessed October 2024].

HM Government (2011). UK Marine Policy Statement. Available online at: <https://www.gov.uk/government/publications/uk-marine-policy-statement>. [Accessed August 2024].

HM Government (2017). Clean Growth Strategy. Available online at: <https://www.gov.uk/government/publications/clean-growth-strategy>. [Accessed August 2024].

HM Government (2019). Industrial Strategy - Offshore Wind Sector Deal. Available online at: <https://www.gov.uk/government/publications/offshore-wind-sector-deal>. [Accessed August 2024].

HM Government (2021a). Net Zero Strategy: Build Back Greener. Available online at: <https://www.gov.uk/government/publications/net-zero-strategy>. [Accessed August 2024].

HM Government (2021b). Build Back Better: our plan for growth. Available online at: <https://www.gov.uk/government/publications/build-back-better-our-plan-for-growth>. [Accessed August 2024].

HM Government (2022). British Energy Security Strategy. Available online at: <https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy#introduction>. [Accessed August 2024].

HM Government (2023a). Carbon Budget Delivery Plan. Available online at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147369/carbon-budget-delivery-plan.pdf. [Accessed August 2024].

HM Government (2023b). Powering Up Britain. Available online at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1147340/powering-up-britain-joint-overview.pdf. [Accessed August 2024].

HM Government (2024a). New Great British Energy partnership launched to turbocharge energy independence. Available online at: [New Great British Energy partnership launched to turbocharge energy independence - GOV.UK \(www.gov.uk\)](#). [Accessed August 2024].

HM Government (2024b). North East Marine Plans. Available online at: [North East Marine Plans - GOV.UK \(www.gov.uk\)](#). [Accessed August 2024].

HM Government (2024c). What is the relationship between the UK Supreme Court, the European Court of Human Rights, and the Court of Justice of the European Union?. Available online at: [The Supreme Court and Europe - The Supreme Court](#). [Accessed August 2024].

HM Government (2025). Consultation outcome Electricity infrastructure consenting in Scotland. Available online at: [Electricity infrastructure consenting in Scotland - GOV.UK](#). [Accessed March 2025].

Institute for Government (2008). The Climate Change Act (2008). Available online at: [Microsoft Word - The S Factors Final Version \(instituteforgovernment.org.uk\)](#). [Accessed September 2024].

Marine and Coastal Access Act 2009. Available online at: [Marine and Coastal Access Act 2009 \(legislation.gov.uk\)](#). [Accessed August 2024].

Marine (Scotland) Act 2010. Available online at: [Marine \(Scotland\) Act 2010 \(legislation.gov.uk\)](#). [Accessed August 2024].

Marine Scotland (2011). Blue Seas Green Energy. A Sectoral Marine Plan for Offshore Wind Energy in Scottish Territorial Waters. Available online at: https://tethys.pnnl.gov/sites/default/files/publications/Blue_Seas_Green_Energy.pdf. [Accessed August 2024].

Marine Scotland (2013). Planning Scotland's Seas: SEA of Plans for Wind, Wave and Tidal Power in Scottish Marine Waters Environmental Report. Available online at: <https://www.gov.scot/binaries/content/documents/govscot/publications/impact-assessment/2013/07/draft-sectoral-marine-plans-offshore-renewable-energy-scottish-waters-strategic/documents/00428212-pdf/00428212-pdf/govscot%3Adocument/00428212.pdf.%20Accessed%20August%202021>. [Accessed August 2024].

MD-LOT (2024). HRA Screening Response – Buchan Offshore Wind Farm. Available online at: [HRA Screening Response - Buchan Offshore Wind Farm | marine.gov.scot](#). [Accessed September 2024].

Nature Conservation (Scotland) Act 2004. Available online at: [Nature Conservation \(Scotland\) Act 2004 \(legislation.gov.uk\)](#). [Accessed September 2024].

NatureScot (2023). Priority marine features in Scotland's seas. Available online at: <https://www.nature.scot/professional-advice/protected-areas-and-species/priority-marine-features-scotlands-seas>. [Accessed August 2024].

Scotland Act 2016. Available online at: [Scotland Act 2016 \(legislation.gov.uk\)](#). [Accessed August 2024].

SG (2010). A Strategy for marine nature conservation in Scotland's seas. Available online at: <https://www.webarchive.org.uk/wayback/archive/20160107013417mp/http://www.gov.scot/Resource/Doc/295194/0115590.pdf>. [Accessed August 2024].

SG (2013a). Electricity generation policy statement 2013. Available online at: <https://www.gov.scot/publications/electricity-generation-policy-statement-2013>. [Accessed August 2024].

SG (2013b). Planning Advice Note 1/2013: Environmental Impact Assessment. Available online at: <https://www.gov.scot/publications/planning-advice-note-1-2013-environmental-impact-assessment/documents/>. [Accessed August 2024].

SG (2015). A Single Framework for Managing Our Seas. Available online at: <https://www.gov.scot/publications/scotlands-national-marine-plan>. [Accessed August 2024].

SG (2017). Scottish Energy Strategy: The future of energy in Scotland. Available online at: <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276>. [Accessed August 2024].

SG (2018a). Climate Change Plan: third report on proposals and policies 2018-2032 (RPP3). Available online at: <https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018>. [Accessed August 2024].

SG (2018b). Scotland's National Performance Framework. Available online at: https://nationalperformance.gov.scot/sites/default/files/documents/NPF_A4_Booklet.pdf. [Accessed August 2024].

SG (2019). Climate Ready Scotland: Second Scottish Climate Change Adaptation Programme 2019-2024. Available online at: <https://www.gov.scot/publications/climate-ready-scotland-second-scottish-climate-change-adaptation-programme-2019-2024/pages/1/>. [Accessed August 2024].

SG (2020a). Sectoral marine plan for offshore wind energy. Available online at: <https://www.gov.scot/publications/sectoral-marine-plan-offshore-wind-energy>. [Accessed August 2024].

SG (2020b). Offshore Wind Policy Statement. Available online at: <https://www.gov.scot/publications/offshore-wind-policy-statement>. [Accessed August 2024].

SG (2020c). EU Exit: The Habitat Regulations in Scotland. Available online at: <https://www.gov.scot/publications/eu-exit-habitats-regulations-scotland-2/pages/1>. [Accessed August 2024].

SG (2020d). Update to the Climate Change Plan. 2018-2032. Securing a Green Recovery on a Path to Net Zero. Available online at: <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032>. [Accessed August 2024].

SG (2022a). Scottish Biodiversity Strategy to 2045: Tackling the Nature Emergency in Scotland. Available online at: <https://www.gov.scot/publications/scottish-biodiversity-strategy-2045-tackling-nature-emergency-scotland>. [Accessed August 2024].

SG (2022b). National Strategy for Economic Transition. Available Online at: [Scotland's National Strategy for Economic Transition - gov.scot](https://www.gov.scot/publications/scotland-s-national-strategy-for-economic-transition). [Accessed March 2025].

SG (2023a). Draft Energy Strategy and Just Transition Plan delivering a fair and secure zero carbon energy system for Scotland. Available online at: <https://www.gov.scot/publications/draft-energy-strategy-transition-plan/pages/1/>. [Accessed August 2024].

SG (2023b). National Planning Framework 4 (NPF4). Available online at: <https://www.gov.scot/publications/national-planning-framework-4>. [Accessed August 2024].

SG, (2023c). Sectoral Marine Plan for Offshore Wind Energy (updated) Strategic Environmental Assessment Screening and Scoping Report. [Accessed August 2024].

SG (2023d). Draft Energy Strategy and Just Transition Plan. Available online at: [Chapter 3: Energy supply - Draft Energy Strategy and Just Transition Plan - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/draft-energy-strategy-just-transition-plan/pages/1/). [Accessed August 2024].

SG (2023e). National Marine Plan 2 - strategic environmental assessment: scoping report. Available online at: [National Marine Plan 2 - strategic environmental assessment: scoping report - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/nmp2-strategic-environmental-assessment-scoping-report/pages/2-1-introduction/pages/2-1-1-national-marine-plan-2-strategic-environmental-assessment-scoping-report-gov.scot) . [Accessed August 2024].

SG (2024a). Energy Strategy and Just Transition Plan (ESJTP): letter to Cabinet Secretary for Net Zero and Energy. Available online at: [Energy Strategy and Just Transition Plan \(ESJTP\): letter to Cabinet Secretary for Net Zero and Energy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/energy-strategy-and-just-transition-plan-esjtp-letter-to-cabinet-secretary-for-net-zero-and-energy/pages/2-1-introduction/pages/2-1-1-energy-strategy-and-just-transition-plan-esjtp-letter-to-cabinet-secretary-for-net-zero-and-energy-gov.scot) . [Accessed August 2024].

SG (2024b). Update on delivery of an updated Sectoral Marine Plan for Offshore Wind Energy (SMP-OWE). Available online at: [sectoral-marine-plan-update-offshore-wind-4-march-2024.pdf \(parliament.scot\)](https://www.parliament.scot/SMP-OWE) . [Accessed August 2024].

SG (2024c). Climate Change Bill passed. Available online at: [Climate Change Bill passed - gov.scot](https://www.gov.scot/publications/climate-change-bill-passed/pages/2-1-introduction/pages/2-1-1-climate-change-bill-passed-gov.scot), [Accessed December 2024].

SG (2024d). Acting Cabinet for Net Zero and Energy. National Marine Plan 2 – Planning Position Statement: Consultation. Available online at: www.gov.scot/publications/nmp2-planning-position-statement [Accessed April 2025]

SNH (2014b). Renewable energy and the natural heritage Position statement. Available online at: <https://www.nature.scot/sites/default/files/2017-06/C272217.pdf>. [Accessed August 2024].

SNH (2016). SNH Priority Marine Features Guidance. Document ID: A2086517. Available online at: <https://www.webarchive.org.uk/wayback/archive/20220928124939/https://www.nature.scot/doc/priority-marine-features-guidance>. [Accessed August 2024].

The Climate Change Act 2008 (2050 Target Amendment) Order 2019. Available online at: [The Climate Change Act 2008 \(2050 Target Amendment\) Order 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2019/1000/made). [Accessed August 2024].

The Conservation (Natural Habitats, &c.) Regulations 1994. Available online at: [The Conservation \(Natural Habitats, &c.\) Regulations 1994 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/1994/1771/made). [Accessed September 2024].

The Conservation of Offshore Marine Habitats and Species Regulations 2017. Available online at: [The Conservation of Offshore Marine Habitats and Species Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2017/1217/made). [Accessed September 2024].

The Conservation of Habitats and Species Regulations 2017. Available online at: [The Conservation of Habitats and Species Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2017/1003/made). [Accessed September 2024].

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Available online at: [The Electricity Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2017/1217/made). [Accessed September 2024].

The Environmental Impact Assessment (Miscellaneous Amendments) (Scotland) Regulations 2017. Available online at: [The Environmental Impact Assessment \(Miscellaneous Amendments\) \(Scotland\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2017/1217/made). [Accessed September 2024].

The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013. Available online at: [The Marine Licensing \(Pre-application Consultation\) \(Scotland\) Regulations 2013](https://www.legislation.gov.uk/uksi/2013/1217/made). [Accessed September 2024].

The Marine Works (Environmental Impact Assessment) Regulations 2007. Available online at: [The Marine Works \(Environmental Impact Assessment\) Regulations 2007 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2007/1217/made). [Accessed September 2024].

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Available online at: [The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2017/01/13/ukdsi20170113_130001/130001). [Accessed September 2024].

The Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019. Available Online at: [The Marine Environment \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2019/01/13/ukdsi20190113_130001/130001). [Accessed September 2024].

The Protection of Seals (Designation of Haul-Out Sites) (Scotland) Order 2014. Available online at: [The Protection of Seals \(Designation of Haul-Out Sites\) \(Scotland\) Order 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2014/01/13/ukdsi20140113_130001/130001). [Accessed September 2024].

Town and Country Planning (Scotland) Act 1997. Available online at: [Town and Country Planning \(Scotland\) Act 1997 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/1997/01/13/ukdsi19970113_130001/130001). [Accessed August 2024].

UK Parliament (2024). Great British Energy Bill. Available online at: [Great British Energy Bill - Parliamentary Bills - UK Parliament](https://www.parliament.uk/bills/2024/great-british-energy-bill). [Accessed August 2024].

UNFCCC (2024a). What is the Kyoto Protocol?. Available online at: [What is the Kyoto Protocol? | UNFCCC](https://unfccc.int/kyoto-protocol). [Accessed September 2024].

UNFCCC (2024b). COP29 UN Climate Conference Agrees to Triple Finance to Developing Countries, Protecting Lives and Livelihoods. Available online at: [COP29 UN Climate Conference Agrees to Triple Finance to Developing Countries, Protecting Lives and Livelihoods | UNFCCC](https://unfccc.int/news/cop29-un-climate-conference-agrees-to-triple-finance-to-developing-countries-protecting-lives-and-livelihoods). [Accessed December 2024].

Wildlife and Countryside Act 1981. Available online at: [Wildlife and Countryside Act 1981 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/1981/01/13/ukdsi19810113_130001/130001). [Accessed September 2024].