

# MachairWind Offshore Windfarm

## Chapter 2 Policy and Legislative Context



**TABLE OF CONTENTS**

**Glossary of Acronyms ..... iii**

**Glossary of Terms ..... v**

**2 Policy and Legislative Context ..... 1**

2.1 Introduction..... 1

2.2 Context ..... 1

2.3 ScotWind Offshore Wind Leasing ..... 2

2.4 Planning, Climate Change and Renewable Energy Policy ..... 3

2.5 Marine Planning Policy..... 12

2.6 Consenting Legislation ..... 14

2.7 Environmental Impact Assessment Regulations..... 15

2.8 Nature Conservation Legislation and Policy ..... 16

2.9 Other Consenting Requirements..... 18

**References ..... 20**

**List of Tables**

Table 2.1 Scottish planning, climate change and energy legislation and policy ..... 5

Table 2.2 UK planning, climate change and energy legislation and policy ..... 8

Table 2.3 European planning, climate change and energy legislation and policy ..... 11

Table 2.4 International planning, climate change and energy legislation and policy ..... 12

Table 2.5 Summary of marine planning policy ..... 12

**List of Plates**

Plate 2.1 Legislation and policy hierarchy ..... 4



## GLOSSARY OF ACRONYMS

Term	Definition
BEIS	Department for Business, Energy and Industrial Strategy
CCC	Convention on Climate Change
CES	Crown Estate Scotland
COP	Conference of Parties
ECC	Export Cable Corridor
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EPS	European Protected Species
ESO	Electricity System Operator
EU	European Union
GBE	Great British Energy
GHG	Greenhouse Gas
GW	Gigawatt
HM	His Majesty's
HND	Holistic Network Design
HRA	Habitats Regulations Appraisal
IAC	Inter-Array Cable
INTOG	Innovation and Targeted Oil and Gas
IPCC	Intergovernmental Panel on Climate Change
IPR	Iterative Plan Review
JNCC	Joint Nature Conservation Committee
MD-LOT	Marine Directorate – Licensing Operations Team
MPA	Marine Protected Area
MW	Megawatt
ncMPA	Nature Conservation Marine Protected Areas
NESO	National Energy System Operator's
NMP	National Marine Plan
NPF4	National Planning Framework 4
O&M	Operation and Maintenance
OAA	Option Agreement Area
OnTDA	Onshore Transmission Development Area



Term	Definition
OREI	Offshore Renewable Energy Installations
OWEIP	Offshore Wind Environmental Improvement Package
PAC	Pre-Application Consultation
PMF	Priority Marine Feature
POA	Plan Option Area
REZ	Renewable Energy Zone
RIAA	Report to Inform Appropriate Assessment
SAC	Special Areas of Conservation
SEA	Strategic Environmental Assessment
SMP	Sectoral Marine Plan
SPA	Special Protection Area
T&D	Test and Demonstration
UK	United Kingdom
UNFCC	United Nations Framework Convention on Climate Change
WDA	Windfarm Development Area
WTG	Wind Turbine Generator



## GLOSSARY OF TERMS

Term	Definition
Cable protection	Protective measure to minimise the effects of scour and hazards along the offshore cables (e.g. to prevent cable exposure or snagging of vessel anchors or fishing gear), as well as for protecting these cables at infrastructure crossing points.
Development Area	Application boundary for consenting purposes which, for the Project, consists of a Windfarm Development Area, Offshore Export Cable Corridor, and Onshore Transmission Development Area. Separate consent and marine licence applications will be submitted for each Development Area where applicable.
Environmental Impact Assessment (EIA)	The process of evaluating the likely significant environmental effects of a proposed development over and above the existing circumstances (or 'baseline').
Environmental Impact Assessment (EIA) Regulations	A collective term referring to The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive as transposed by the Habitats Regulations and comprise Special Areas of Conservation and Special Protection Areas. In accordance with Scottish Government and UK Government policy, candidate SACs, potential SPAs and Ramsar sites are also afforded equivalent protection for assessment purposes, despite not being formally designated European sites.
Greenhouse gas	A gas in the Earth's atmosphere that traps heat by absorbing and emitting infrared radiation, a process known as the greenhouse effect. Also known by the collective shorthand "carbon".
Habitats Regulations	A collective term used to describe the Conservation of Habitats and Species Regulations 2017 and The Conservation (Natural Habitats, &c.) Regulations 1994.
Holistic Network Design (HND) process	An integrated approach for connecting 23 GW of offshore wind (including from ScotWind projects) to Great Britain providing a recommended offshore and onshore design for a 2030 electricity network, that facilitates the Government's ambition for 50 GW of offshore wind by 2030. The recommended design in the HND has equally considered four objectives to make sure the most appropriate approach is taken forwards, including: cost to consumer, deliverability and operability, impact on environment; and impact on local communities. An integrated approach to planning of upgrades to the entire electricity network accounting for offshore generation at Scotwind projects and associated transmission through to the National Electricity Transmission System. The HND process aims to consider all technical, economic, environmental and operational factors together rather than in isolation.
Inter-array cables (IACs)	Armoured cable containing electrical and fibre optic cores which link the wind turbine generators to each other and to the offshore substation platform(s).
Landfall	The area from Mean Low Water Springs to a transition bay(s), where the offshore export cable(s) come ashore.
MachairWind Offshore Windfarm	An offshore windfarm capable of exporting around 2 GW of renewable energy to the National Electricity Transmission System. MachairWind Offshore Windfarm comprises three Development Areas: <ul style="list-style-type: none"> <li>• The WDA – located on the west coast of Scotland to the northwest of Islay and west of Colonsay;</li> <li>• The Offshore Export Cable Corridor – a preliminary boundary extending from the WDA to mean high water springs at a landfall location near Girvan, South Ayrshire; and</li> <li>• The Onshore Transmission Development Area – a preliminary boundary which extends landward from mean low water springs and includes the land required for the landfall of the</li> </ul>



Term	Definition
	<p>offshore export cable(s) and their route up to but not including the proposed high voltage direct current switching station which will be developed and constructed by Transmission Owner, ScottishPower Transmission.</p> <p>Separate consent and licence applications will be submitted for each Development Area.</p>
Mean High Water Springs (MHWS)	The average, over a year, of the heights of two successive high waters during those periods of 24 hours (once every fortnight) when the range of the tide is greatest.
Mean Low Water Springs (MLWS)	The average, over a year, of the heights of two successive low waters during those periods of 24 hours (once every fortnight) when the range of the tide is greatest.
National Electricity Transmission System	The high-voltage electricity power transmission network serving Great Britain which receives electricity from generators (such as offshore windfarms) and transmits that electricity to anywhere on the National Electricity Transmission System to satisfy demand.
Offshore cables	The collective term for all offshore cables i.e. IACs, offshore substation platform link cables, offshore export cables and associated fibre optic cables.
Offshore ECC infrastructure	The offshore transmission infrastructure located within the boundary of the Offshore Export Cable Corridor, namely the offshore export cable(s).
Offshore export cable	Armoured cable containing electrical cores between the offshore substation platform(s) and landfall. Offshore export cables will include bundled fibre optic cables. The offshore export cables are subject to Marine Licence applications under the Marine (Scotland) Act 2010. The portion of the offshore export cable(s) located within the WDA is assessed as part of this MachairWind WDA EIA and a marine licence application to construct, alter or improve this portion has been submitted alongside the WDA application. A separate marine licence application will be submitted for the portion of the offshore export cable(s) from the WDA boundary to mean high water Mean High Water Springs.
Offshore Export Cable Corridor (ECC)	The preliminary boundary extending from the WDA to mean high water springs near Girvan, South Ayrshire and within which the offshore export cable(s) will be located. A separate marine licence application will be submitted for the offshore export cable(s) located within the Offshore ECC.
Offshore Substation Platform (OSP)	An offshore platform with a fixed foundation located within the WDA which houses electrical equipment such as transformers, switchgear, protection and control systems, and enables the windfarm's renewable electricity to be collected via inter-array cables and exported to the National Electricity Transmission System via offshore export cable(s).
Offshore Substation Platform (OSP) link cables	Electrical cables which link OSPs (if more than one OSP is required). These cables will include fibre optic cores or bundled fibre optic cables. OSP link cables will be wholly located within the WDA.
Onshore Transmission Development Area (OnTDA)	<p>The preliminary boundary which extends landward from mean low water springs and includes the land required for the landfall of the offshore export cable(s) and their route up to but not including the proposed high voltage direct current switching station which will be developed and constructed by Transmission Owner, ScottishPower Transmission. This Transmission Owner is responsible for consenting the high voltage direct current switching station. Onward connections to the National Electricity Transmission System will be consented by National Grid Electricity Transmission and ScottishPower Transmission. Where relevant, these are considered as part of cumulative effects assessment in the EIA.</p> <p>The Transmission Owner is responsible for consenting the high voltage direct current switching station and onwards connections to the National Electricity Transmission System. Where relevant, these are considered as part of cumulative effects assessment in the EIA.</p>



Term	Definition
Operational life	The operational life is the expected length of time from final commissioning of the WDA until the cessation of commercial operations. This is anticipated to be 35 years.
Option Agreement Area (OAA)	The seabed area awarded to ScottishPower Renewables in January 2022 through the ScotWind leasing round. Project-specific surveys have been based on either the OAA or WDA, with an appropriate buffer implemented where required.
Plan Option	A spatial plan area proposed through the Sectoral Marine Plan for offshore wind energy (as adopted in 2020). As part of the ScotWind leasing round, offshore wind developers submitted bids for Plan Options which, following a successful bid, become OAAs.
Safety zones	An area of water around or adjacent to a wind turbine generator or Offshore Substation Platform and associated substructure which is to be constructed, extended, operated or decommissioned, from which certain or all classes of vessels are excluded and within which activities can be regulated for the purpose of securing safety of the wind turbine generator, substructure or vessels in that vicinity, and individuals on both the wind turbine generator, substructure or vessel, in line with Section 95 of the Energy Act 2004.
Scottish Marine Area	The area of Scotland's territorial sea limit (up to 12 nautical miles from baseline) as defined in the Marine (Scotland) Act 2010.
ScotWind	A Crown Estate Scotland seabed leasing round which enabled developers to propose offshore wind projects and apply for seabed rights to plan and build windfarms in Scottish waters.
The Applicant	The legal entity submitting consent applications for the MachairWind Offshore Windfarm, namely Machairwind Limited.
The Project	MachairWind Offshore Windfarm including all its Development Areas and associated infrastructure.
Transition bay	Connects offshore and onshore export cables at the landfall. The transition bay will be located above mean high water.
WDA infrastructure	The offshore generation and transmission infrastructure located within the WDA including but not limited to: WTGs, WTG fixed foundations (and associated scour protection), OSP(s), OSP fixed foundations (and associated scour protection), IACs, OSP link and offshore export cable(s) and their associated external cable protection (insofar as these are located within the WDA) and fibre optic cables.
Wind Turbine Generator (WTG)	A wind turbine generator which converts wind energy into electrical energy. Each wind turbine generator is a complex system composed of a high number of components. Typically, the main components include the rotor assembly (composed of three blades and a hub); the nacelle (containing a generator, shaft and gearbox, power electronic converter and transformer); and the tower (containing lifting equipment and the switchgear).
Windfarm Development Area (WDA)	The application boundary within the OAA where consent will be sought for the proposed WDA infrastructure. The WDA infrastructure is subject to Section 36 consent and marine licence applications (generation and transmission) which are being applied for separately from the Offshore ECC infrastructure and OnTDA infrastructure.



## 2 POLICY AND LEGISLATIVE CONTEXT

### 2.1 INTRODUCTION

1. This chapter provides an overview of the policy and legislative context for the Environmental Impact Assessment (EIA) and associated consenting applications for the Windfarm Development Area (WDA) infrastructure. The Applicant has implemented a policy-led approach to the EIA and consenting application process by outlining the applicable legislative and policy framework to guide proportionate assessments in the MachairWind WDA EIA Report (EIAR).
2. This chapter outlines the legislative and policy context applicable to the EIA, including identifying relevant policy documents. Each technical chapter of the EIAR then identifies policy and legislation of specific relevance to its topic area. The policy and legislative context for the WDA is considered in relation to:
  - Scottish, United Kingdom (UK) and international obligations and policy relating to climate change and the role of reducing greenhouse gas emissions (**Section 2.3**);
  - Marine planning policy to set the context for marine development (**Section 2.4**);
  - Scottish consenting legislation, including the legal basis for the Section 36 (s.36) consent and Marine Licence application(s) required to construct, operate and maintain and decommission the WDA infrastructure, and supporting EIAR (**Section 2.5** and **Section 2.6**); and
  - Other nature conservation legislation and consenting requirements relevant to the WDA (**Section 2.7** and **Section 2.8**).
3. In addition to considering relevant legislation and policy, this MachairWind WDA EIAR has been informed by the “marine licensing and consenting guidance for offshore renewable energy projects”, issued by the Scottish Government’s Marine Directorate (2025). The WDA Scoping Opinion (**Appendix 2**) is also considered throughout this WDA EIAR. Please refer to **Chapter 5 EIA Methodology** for further details on other guidance that informs this EIA.
4. This chapter should also be read in conjunction with the **Planning Statement** which supports the marine licence and s.36 applications and demonstrates accordance with legislation and consenting requirements for the WDA.

### 2.2 CONTEXT

5. The UK requires a range of electricity generation infrastructure to fulfil a secure and affordable electricity supply whilst also achieving the binding commitments to address climate change. Renewable technologies, such as offshore wind, will contribute to a significant proportion of the national energy generation mix. Offshore wind offers Scotland a wide range of benefits contributing to the reduction in Greenhouse Gas (GHG) emissions, supporting economic growth, and improving energy security.
6. The emission of GHGs has been identified as the primary driver of anthropogenic climate change (Intergovernmental Panel on Climate Change (IPCC), 2023). The burning of fossil fuels such as coal and gas for electricity generation has been established as a significant GHG emission source. Development of renewable energy for electricity production is presented as a solution to reducing carbon dioxide emissions and the resulting anthropogenic climate change. To enable the development of renewable energy for electricity production, numerous climate change protocols and agreements and renewable energy policies and legislation have been implemented. These are discussed in **Section 2.3** and include:



- The Kyoto Protocol, 1997;
  - The Paris Agreement, 2015;
  - The Climate Change (Scotland) Act 2009, amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024;
  - Climate Change Act 2008, amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019;
  - The North Sea Transition Deal, 2021; and
  - The Climate Change (Annual Targets) (Scotland) Order 2011.
7. The Scottish Government, along with many other governments across the world, declared a climate emergency in 2019, outlining the need for swift and decisive action to limit the warming of our planet by 1.5 degrees compared to 1990 levels. In Scotland, the net zero target is 2045 (the Climate Change (Scotland) Act 2009, amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024), which introduces the framework for a carbon budget-based approach for setting emissions reduction targets. This ambitious 2045 target reflects the Scottish Government’s acknowledgement of the climate change emergency.
  8. Acknowledging the available wind resource and offshore wind development opportunity, the Scottish and UK Governments have committed to ensuring that offshore wind is a leading contributing source of renewable electricity to the National Electricity Transmission System. Under the National Energy System Operator’s (NESO’s) Clean Power 2030 Plan, *“offshore wind must be the bedrock of that [clean power] system, providing over half of Great Britain’s generation”* (NESO, 2024). Significant growth in offshore wind (from 15 gigawatt (GW) in 2023 to 72-89 GW in 2035) alongside onshore wind, solar and battery storage is needed to displace gas for electricity production.
  9. In October 2021, the UK Government published the Net Zero Strategy (Department for Business, Energy and Industrial Strategy; BEIS, 2021), which sets out its intended pathway for decarbonisation over the period 2022- 2037 through identifying a clear and credible range for emissions reduction in each sector of the economy. This is supplemented by the Seventh Carbon Budget, published on 25 February 2025, outlining the pathway towards decarbonisation between 2038 and 2042 (Convention on Climate Change (CCC), 2025a).
  10. The UK is one of the few countries with emissions targets in line with the long-term temperature goal of the Paris Agreement. The CCC’s most recent progress report (CCC, 2025b) confirmed that the UK is currently in line with the average pace of emissions reduction required during the Fourth Carbon Budget period (up to 2027) and recorded an increase in the rate of emissions reductions, with emissions falling 2.5% from 2023 to 2024. The report also tracks progress and highlights risks to the delivery of the UK Net Zero Strategy.
  11. The Project will contribute towards meeting Scottish and UK renewable energy targets and has the potential to supply enough renewable electricity to power around two million homes and avoid the production of millions of tonnes of carbon dioxide each year from the equivalent generation of electricity from fossil fuels. The continued development of offshore wind within Scotland is therefore critical to ensuring that Scotland and the UK can meet their binding energy and climate change targets.

### 2.3 SCOTWIND OFFSHORE WIND LEASING

12. The ScotWind Offshore Wind leasing round (hereafter referred to as ‘ScotWind’) managed by Crown Estate Scotland (CES) is a major milestone in Scotland’s journey towards Net Zero. ScotWind’s objective was to help Scotland achieve its net-zero emissions target by 2045, by granting property



rights for the seabed in Scottish waters for new commercial scale offshore wind project development in a way that was fair and transparent. In doing so, ScotWind facilitates and encourages development of the low-carbon energy generation needed to meet the world-leading targets committed to in The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024, which introduced a carbon budget-based framework for reducing greenhouse gas emissions and achieving net zero by 2045.

13. CES announced 17 ScotWind projects in January 2022 and entered seabed option agreements for these projects (including MachairWind Offshore Windfarm) by the end of April 2022. In August 2022, the ScotWind clearing process led to a further three projects being offered option agreements. In total, there are now 20 ScotWind projects confirmed with a total capacity of up to 27.6 GW. An additional 12 projects are being taken forward as part of the Innovation and Targeted Oil and Gas (INTOG) leasing round which will potentially contribute an additional 5.4GW of renewable energy capacity when all projects become operational. This includes five innovation projects, and seven targeted oil and gas projects, with proposed capacities of up to 449 MW and 5 GW respectively (Scottish Government, 2025a).
14. CES will offer a full seabed lease to ScotWind projects once developers have met the conditions to serve an Option Notice. The ScotWind process is 'plan-led', therefore all projects are sited in areas defined within the Sectoral Marine Plan (SMP) for Offshore Wind Energy (Scottish Government, 2020b), which was subject to plan-level Strategic Environmental Assessment (SEA) (Scottish Government, 2019a), Habitats Regulations Appraisal (HRA) (Scottish Government, 2019b) and socio-economic assessment (Scottish Government, 2019c) throughout its preparation. An update to the SMP has been drafted, consultation closed in August 2025, and the published analysis of consultation responses, together with the findings of the Sustainability Appraisal (SA), is informing preparation of the final updated SMP-OWE, which the Scottish Government has committed to publish in 2026. (Scottish Government, 2025a). ScottishPower Renewables submitted a detailed response to this consultation, including in respect of MachairWind's development interests, and contributed to wider industry responses.
15. The MachairWind WDA seabed lease is up to 60 years, while its indicative operational life is 35 years. At the end of its operational life, any repowering will be subject to separate consents. Details on the site selection process for the WDA and the ScotWind leasing round are provided in **Chapter 3 Project Description**.

#### 2.4 PLANNING, CLIMATE CHANGE AND RENEWABLE ENERGY POLICY

16. Applicable legislation, policy and guidance at Scottish, UK, European and international level of relevance to the Project with respect to climate change and energy needs are set out in **Table 2.1** to **Table 2.3**. These generally follow a nested hierarchy, with higher-level legislation and policies informing those at lower spatial scales as illustrated in **Plate 2.1**.
17. It should be noted that **Plate 2.1** only shows the most relevant policy documents but as detailed in this chapter, other legislation and policies are also applicable.



## Legislation and policy hierarchy

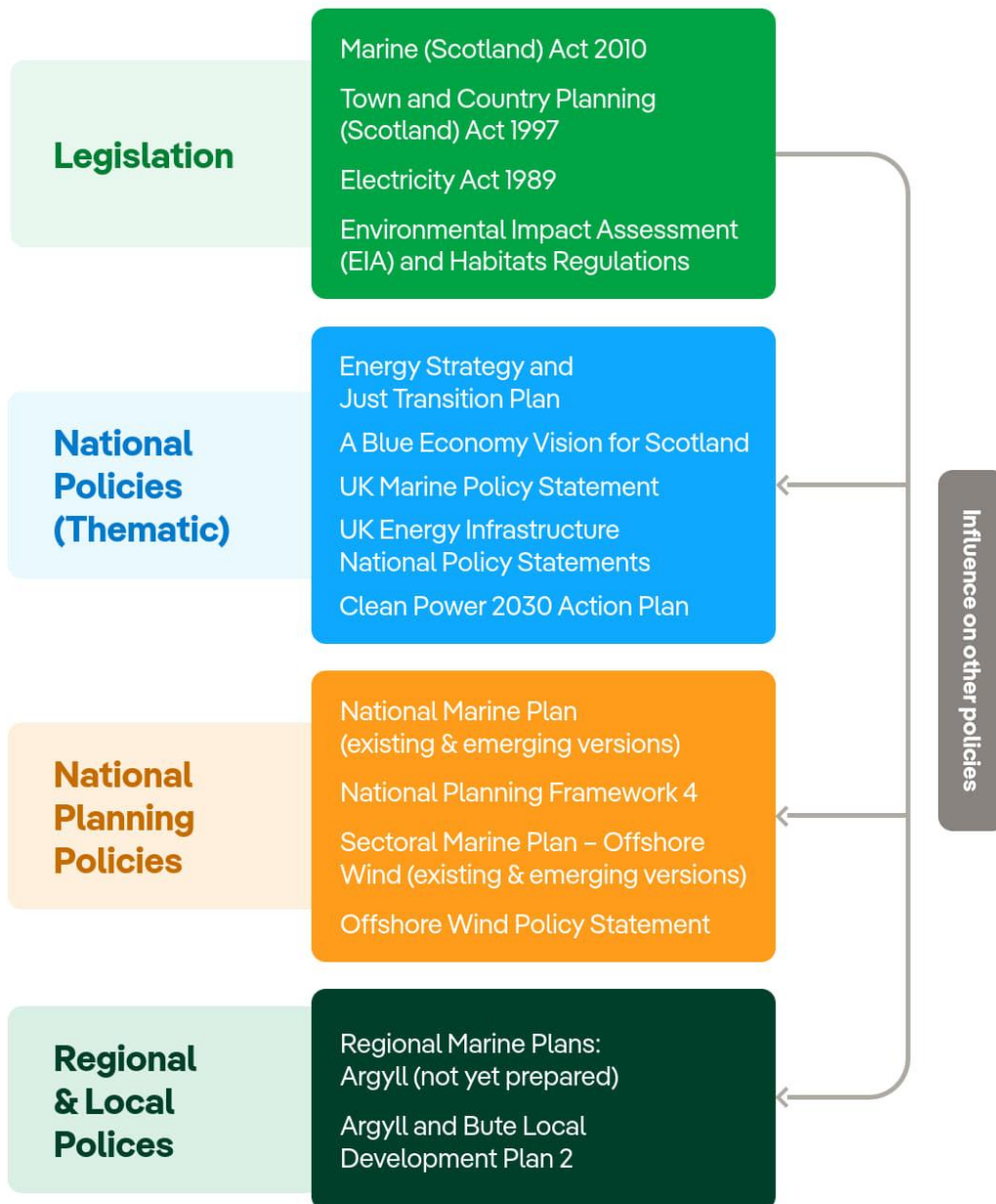


Plate 2.1 Legislation and policy hierarchy



18. The key Scottish legislation and policy documents are detailed in **Table 2.1**, with specific policies of relevance to informing the scope of assessments noted within relevant technical chapters of this EIA.

*Table 2.1 Scottish planning, climate change and energy legislation and policy*

Legislation and Policy	Summary
<b>Legislation</b>	
Climate Change (Scotland) Act 2009, amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and Climate Change (Emissions Reduction Targets) (Scotland) Act 2024	<p>The Climate Change (Scotland) Act 2009 was implemented to reduce the greenhouse gas emissions in Scotland. The Climate Change (Annual Targets) (Scotland) Order 2011 outlines the targets for 2023-2027.</p> <p>The Climate Change (Scotland) Act 2009 and The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Sections 1-3) include Scotland's commitments to reducing greenhouse gas emissions (Scottish Government, 2019d).</p> <p>In November 2024, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 was introduced, which replaces the targets set out in Climate Change (Scotland) Act 2009 with a system of targets based on carbon budgets. However, the overall target of net zero by 2045 remains in place.</p>
<b>Policy</b>	
Scotland's National Marine Plan, 2015 (reviewed in 2024)	<p>The purpose of the National Marine Plan (NMP) is to set out policies for the sustainable development of Scotland's marine resources out to 200 nm. It also provides a strategic framework for marine licensing and other offshore consenting decisions. The adopted NMP dates from 2015 so does not reflect more recent national policies or offshore wind developments but, until replaced by a future National Marine Plan 2, it remains in effect.</p> <p>Further details on the NMP and NMP2 are set out in Table 2.5 Summary of marine planning policy.</p>
Draft Updated Sectoral Marine Plan for Offshore Wind Energy (Scottish Government, 2025a)	<p>The SMP-OWE is undergoing an Iterative Plan Review (IPR) to reflect the outcomes of the ScotWind and Innovation and Targeted Oil and Gas (INTOG) leasing rounds and Test and Demonstration (T&amp;D) projects.</p> <p>Spatially, this draft updated Plan defines refined Option Areas (OAs) within the spatial constraints of the Plan Options (POs) identified in the SMP-OWE 2020 and the Areas of Search (AoS) identified in the INTOG IPF, to reflect the outcome of the ScotWind and INTOG leasing rounds. It sets out key parameters for development which, alongside the OAs spatially defined in this draft updated SMP-OWE, should guide licensing and consenting decision-making and support projects to further progress through the leasing process, in accordance with the objectives and marine planning policies set out in the adopted National Marine Plan (NMP).</p> <p>The draft updated SMP-OWE has been developed to ensure consistency with the objectives and principles set out within relevant plans and programmes. It brings together the assessment of environmental, social and economic impacts into one Sustainability Appraisal (SA) that assesses the potential impacts and benefits of the ScotWind and INTOG Plan Options and the T&amp;D capacity in an integrated way. It has been developed in line with the Scottish Government's established process for developing sectoral offshore energy plans. The public consultation closed in August 2025 (the Applicant submitted a response), and the published analysis of consultation responses, together with the findings of</p>



Legislation and Policy	Summary
	<p>the SA, is informing preparation of the final updated SMP-OWE, which the Scottish Government has committed to publish in 2026.</p>
<p>Update to the 2020 Offshore Wind Policy Statement: Scotland's Offshore Wind Ambition (Scottish Government, 2026)</p>	<p>The outlook has changed since the Scottish Government's Offshore Wind Policy Statement was published in 2020 with a significant increase in the number of potential offshore wind developments due to the ScotWind and INTOG leasing rounds (2022 and 2023 respectively). Following a consultation in Summer 2025 on a proposal to increase Scotland's offshore wind deployment ambition in January 2026 the Scottish Government published the 'Update to the 2020 Offshore Wind Policy Statement: Scotland's Offshore Wind Ambition' (Scottish Government, 2026). This confirms the Scottish Government's ambition of deploying up to 40 GW of new offshore wind capacity between August 2025 and 2040, over and above existing capacity. In addition, this updated ambition:</p> <ul style="list-style-type: none"> <li>• Reaffirmed the Scottish Governments commitment to supporting the delivery of the existing projects, including ScotWind and INTOG projects;</li> <li>• Clarified that no further offshore wind leasing rounds are planned in the near term; and,</li> <li>• Established a clear and realistic timescale of 2040 to reach the 40 GW capacity.</li> </ul>
<p>Offshore Wind Focus (Scottish Government, 2024a)</p>	<p>Strategic assessment of the market opportunities and next steps that will underpin the public sector's collective investment decisions in offshore wind, supporting delivery of Scotland's green industrial strategy.</p>
<p>Argyll and Bute Local Development Plan 2 (Argyll and Bute Council, 2024)</p>	<p>The Argyll and Bute Local Development Plan 2 (Argyll and Bute Council, 2024) sets the spatial planning framework for Argyll and Bute, aligning with National Planning Framework 4 and Scotland's net-zero and biodiversity targets and promoting sustainable development, renewable energy growth, and environmental protection within the Argyll and Bute Council area. As the jurisdiction of the LDP only extends down to Mean Low Water Springs (MLWS) it does not cover the WDA area. However, as with NPF4, policies and provisions within the Local Development Plan 2 are of some relevance to the consideration of onshore receptors so are considered within relevant technical chapters of the EIAR. Of specific relevance are:</p> <ul style="list-style-type: none"> <li>• Policy 30, The Sustainable Growth of Renewables, which supports renewable energy development where it can be demonstrated that there are no unacceptable environmental or cumulative effects and where proposals contribute positively to renewable energy targets, climate change objectives, and sustainable economic growth; and</li> <li>• Policy 70, Development Impact on National Scenic Areas (NSA's), which requires that development within or affecting a National Scenic Area is resisted where it would compromise the area's designated objectives, overall integrity, or Special Qualities. Development is only acceptable where any significant adverse landscape effects are clearly outweighed by social, environmental, or economic benefits of national importance, and where supported by a robust LVIA informed by relevant Landscape Capacity Assessments.</li> </ul>
<p>National Planning Framework 4 (Scottish Government, 2023a)</p>	<p>The National Planning Framework 4 (NPF4) sets out Scotland's spatial principles, regional priorities, national developments and national planning policy. NPF4 presents Sustainable Places, Liveable Places and Productive Places to achieve national outcomes including benefits to the environment, communities, and health. The NPF4 contains a notable focus on tackling both the climate and nature crises.</p>



Legislation and Policy	Summary
	<p>There is strong policy support for developments which meet the Scottish Government's aims for net zero emissions by 2045, and halting biodiversity loss by 2030, restoring and regenerating biodiversity by 2045. Projects which evidence low and zero-carbon design and expansion of renewable energy generation will therefore be encouraged.</p> <p>NPF4 designates certain types of projects as National Developments on the basis that they are needed to implement the national spatial strategy. This establishes the needs case for such projects. All 50 Megawatt (MW)+ onshore and offshore renewable electricity generating projects and associated grid connections are designated as National Developments. The proposed WDA infrastructure is therefore a National Development.</p> <p>Renewable energy and transmission infrastructure (such as the MachairWind WDA infrastructure) is highlighted to improve energy security and reduce emissions, whilst providing employment and opportunities for local communities.</p> <p>Policies and provisions within NPF4 of specific relevance to assessment topics are considered within relevant technical chapters of this EIAR.</p>
<p>Draft Energy Strategy and Just Transition Plan (Scottish Government, 2023b)</p>	<p>The Draft Energy Strategy and Just Transition Plan sets out policy positions and key ambitions for Scotland's energy future, including more than 20 Gigawatts (GW) additional renewable electricity onshore and offshore by 2030 (Scottish Government, 2023a). The draft was subject to public consultation but at the time of writing has not been finalised.</p> <p>The draft strategy contains a route map of actions to deliver a net zero energy system to supply affordable, resilient, and clean energy to Scotland by 2045 and benefit employment. This aims to transform and expand the energy generation sector in Scotland by working with the UK Government.</p> <p>For offshore wind, the draft strategy identified a potential of at least 27.6 GW of capacity from the ScotWind leasing round. However, this capacity figure was subsequently updated and increased in the Draft Updated Sectoral Marine Plan for Offshore Wind Energy (Scottish Government, 2025a).</p>
<p>Energy Strategy: Position Statement (Scottish Government, 2021a)</p>	<p>The Energy Strategy provides an overview of the key priorities of the Scottish Government for the short to medium-term in ensuring a green economic recovery from COVID-19.</p> <p>The key principles set out in Scotland's Energy Strategy are a whole system view, an inclusive energy transition and a smarter local energy model, and the Scottish Government continues to abide by this.</p>
<p>The Climate Change Plan, (2026-2040) (Scottish Government, 2025d)</p>	<p>The Climate Change Plan (CCP) 2026-2040 sets out the policies and proposals that will deliver emissions reductions within those limits. Covering the first three carbon budget periods (2026–2030, 2031–2035 and 2036–2040), the CCP explains how sector-specific actions in areas such as energy, transport, buildings, agriculture and land use will combine to keep emissions within each budget and maintain a credible pathway to net zero by 2045.</p>
<p>Scotland's Offshore Wind Policy Statement (Scottish Government, 2020b).</p>	<p>The Offshore Wind Policy Statement confirmed the Scottish Government's intent to see offshore wind play a key role in decarbonisation and Scotland's net zero commitment and suggests as much as 11 GW of offshore wind could be delivered by 2030 in Scottish waters alone (Scottish Government, 2020c). This Statement underpinned the ScotWind leasing round through which SPR was awarded the rights to develop the Project.</p>



Legislation and Policy	Summary
	The outlook has changed since the original Policy Statement was published with a significant increase in the number of potential offshore wind developments due to the ScotWind and Innovation and Targeted Oil and Gas leasing rounds (2022 and 2023 respectively).
Sectoral Marine Plan for Offshore Wind Energy (Scottish Government, 2020c)	<p>The Sectoral Marine Plan for Offshore Wind Energy (SMP-OWE) identifies sustainable areas for the future development of commercial scale offshore wind energy in Scotland, including a spatial strategy to inform the seabed leasing process for the purposes of offshore wind energy (Scottish Government, 2020b). This built on the first SMP which was adopted in 2011, and the draft wind, wave and tidal plan in 2013, and was developed in accordance with Scotland’s National Marine Plan (NMP).</p> <p>The WDA is located in Plan Option Area (POA) W1, as identified in the SMP for Offshore Wind. Plan Options including W1 were subject to testing, refinement and area reduction through Strategic Environmental Assessment (SEA), Habitats Regulations Appraisal (HRA) and plan development processes. The SMP-OWE and associated impact assessment identified relevant characteristics of POA W1 and key risks to be addressed in project level assessments and associated consenting applications.</p>
Scottish Energy Strategy (Scottish Government, 2017)	<p>In 2017, the Scottish Government published Scotland’s Energy Strategy: The Future of Energy in Scotland, which set a vision for how the energy system in Scotland would look in 2050 (Scottish Government, 2017). Since the publication, the Scottish Government has committed to achieving net zero Greenhouse Gas (GHG) emissions by 2045 and a 75% reduction by 2030.</p> <p>This involves supplying 50% of Scotland’s energy requirements from renewable sources 4</p>
Electricity Generation Policy Statement (Scottish Government, 2013)	The Electricity Generation Policy Statement 2013 examines the way in which Scotland generates electricity. The Scottish Government’s policy states that Scotland’s generation mix should deliver a secure source of electricity supply at an affordable cost which can be largely decarbonised by 2030 and achieves the greatest possible economic benefit and competitive advantage for Scotland.

19. The relevant UK climate change and energy legislation and policy for the Project is detailed in **Table 2.2.**

*Table 2.2 UK planning, climate change and energy legislation and policy*

Legislation and Policy	Summary
<b>Legislation</b>	
Planning and Infrastructure Act 2025	<p>The former Planning and Infrastructure Bill received Royal Assent on 18 December 2025, becoming the Planning and Infrastructure Act 2025, with the aim of modernising and accelerating approvals for nationally significant infrastructure, including clean energy and grid connections.</p> <p>The Act introduces measures to streamline consenting, prioritise electricity grid connections, and improve land assembly (including compulsory purchase mechanisms) to speed delivery of homes, transport and energy projects.</p> <p>For Scotland, the Act provides enabling powers for procedural reforms to Electricity Act consenting. Some of these changes commence two months after Royal Assent</p>



Legislation and Policy	Summary
	<p>although the main provisions of potential relevance to offshore wind consenting will first require further consultations and regulations to be made by the Scottish Ministers.</p>
<p>The Great British Energy Act 2024</p>	<p>The Great British Energy Act 2024 establishes Great British Energy (GBE) as a publicly-owned energy company to accelerate the UK’s transition to clean, affordable, and secure energy.</p> <p>The Act provides an initial £8.3 billion in capital and empowers GBE to develop, own, and operate renewable energy assets across the UK, including offshore wind, solar, and nuclear energy. This includes partnerships with the private sector to develop both mature and emerging low-carbon technologies, enabling coordinated development of infrastructure (such as upgrade to Port infrastructure) and supply chains (creating skilled jobs in coastal communities and industrial towns).</p> <p>By investing in renewable energy projects and local community initiatives, the Act is expected to create jobs and stimulate economic growth, particularly in regions transitioning away from fossil fuels such as the North Sea, boosting confidence in Scotland’s and the wider UK offshore wind sector.</p>
<p>British Energy Security Strategy, UK Energy Security Bill (BEIS, 2022a and 2022b) and Energy Act 2023</p>	<p>The British Energy Security Strategy (UK Government, 2022) outlined a plan for creating a resilient energy system in response to rising global energy prices partly attributed to geopolitical events such as the war in Ukraine. The statement outlined the UK Government’s ambition to deliver up to 50 GW of offshore wind by 2030, including five GW of floating wind technology. The UK Government also presented amendments to the planning process for offshore wind projects to reduce the consenting process.</p> <p>Following this, the UK Energy Security Bill (published in July 2022) was presented to the UK Parliament to follow on from the commitments that had been outlined in the British Energy Security Strategy. This included provisions to legislate for the Offshore Wind Environmental Improvement Package (OWEIP) Measures which outlines the efficiency measures presented in the British Energy Security Strategy. Additionally, this included the UK Government’s intent to agree a list of approved compensatory measures for use where required by offshore windfarms to compensate for environmental effects on the national site network.</p> <p>The UK Energy Security Bill was enacted as the Energy Act 2023. The Energy Act 2023 aims to transform the UK’s energy system by strengthening energy security, supporting the delivery of net zero and ensuring household bills are affordable in the long-term. The Act will help the government deliver net zero by 2050 in a pragmatic, proportionate and realistic way.</p> <p>The Energy Act 2023 also established the legislative framework for creating and regulating the National Energy Systems Operator (NESO) through transferring ownership of the Electricity Systems Operator (ESO) to HM Government.</p> <p>The Energy Act 2023 establishes a Marine Recovery Fund, funded by industry, to support delivery of strategic compensatory measures.</p>
<p>Energy Act 2013</p>	<p>The Energy Act 2013 aims to facilitate investment in electricity generation contributing towards the legally binding emissions reduction targets, to meet statutory 2030 decarbonisation targets.</p> <p>The Act also aims to reform the electricity market. The reformed electricity market aims to deliver the low carbon energy and reliable supplies that the UK needs, while minimising costs to consumers.</p> <p>This Act introduced the Contracts for Difference funding mechanism and transition arrangement for investments under the Renewables Obligation scheme.</p>



Legislation and Policy	Summary
Climate Change Act 2008 and Climate Change Act 2008 (2050 Target Amendment) Order 2019	The Climate Change Act 2008 sets legally binding targets for the UK to reduce carbon dioxide emissions by at least 80% by 2050, from 1990 levels. This was amended by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 which introduced a target for at least 100% reduction in GHG emissions (compared to 1990 levels) in the UK by 2050.
Energy Act 2004	The Energy Act 2004 established a Renewable Energy Zone (REZ) adjacent to the UK's territorial waters to enable the creation of designated leasing areas for developers to bid for the development of renewable energy. The Act also implemented statutory decommissioning requirements for Offshore Renewable Energy Installations (OREI) and associated transmission infrastructure and a Safety Zone scheme.
<b>Policy</b>	
Revised Carbon Budget Delivery Plan (DESNZ, 2025)	<p>The UK Government's Carbon Budget and Growth Delivery Plan sets out how the UK intends to meet Carbon Budgets 4 to 6 (2023-2037) and stay on track for the 2050 Net Zero target. The Plan outlines the emissions-reduction trajectory required under the Climate Change Act and integrates domestic carbon budgets with the UK's international climate commitments, including 2030 and 2035 NDCs under the Paris Agreement. It reflects a strengthened policy framework following earlier versions ruled unlawful by the High Court.</p> <p>It presents cross-sector projections and policy measures for decarbonising power, transport, buildings, industry, natural resources, and greenhouse gas removals, and concludes that current policies are sufficient to meet the Sixth Carbon Budget (2033-2037) and 96-99% of international commitments.</p>
National Policy Statements (UK Government, 2026)	<p>National Policy Statements (NPS), first published by the UK Government in 2011, set out the UK Government's policy for the delivery of Nationally Significant Infrastructure Projects (NSIPs) for specific sectors in England and Wales and provide the legal framework for planning decisions. While the Project does not constitute an NSIP due its location wholly within Scottish territorial waters, the Overarching National Policy Statement for Energy (EN-1) states that <i>'energy policy is generally a matter reserved to UK Ministers and this NPS may therefore be a relevant consideration in planning decisions in Wales, Northern Ireland and Scotland'</i> (UK Government, 2025). As such the NPSs remain of relevance to the Project.</p> <p>Of the twelve total NPSs, the following three are relevant to renewable energy projects:</p> <ul style="list-style-type: none"> <li>• The Overarching NPS for Energy (EN-1);</li> <li>• NPS for Renewable Energy Infrastructure (EN-3); and</li> <li>• NPS for Electricity Networks Infrastructure (EN-5).</li> </ul> <p>All three of these NPSs were updated following consultation in 2025 and came into force in January 2026 (UK Government, 2026).</p> <p>Within the updated NPS EN-1, the UK Government states that <i>'As set out in EN-3, subject to any legal requirements, the urgent need for Critical National Priority (CNP) Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure, and it should be progressed as quickly as possible'</i>.</p> <p>NPS EN-5 goes on to confirm that <i>'As highlighted in EN-1 government has concluded that there is a CNP for the provision of nationally significant low carbon infrastructure'</i>.</p>



Legislation and Policy	Summary
	As such, the NPS EN-1, EN-3 and EN-5 represent relevant policy considerations for the Project.
Clean Power 2030: Advice on achieving clean power for Great Britain by 2030 (NESO, 2024)	The Clean Power 2030 Action Plan presents the NESO advice to the Government on how to achieve clean power by 2030 and accelerate a coordinated grid rollout to meet the UK's electrification goals. Under the NESO's Clean Power 2030 Plan, <i>"offshore wind must be the bedrock of that [clean power] system, providing over half of Great Britain's generation"</i> (NESO, 2024). Significant growth in offshore wind (from 15 gigawatt (GW) in 2023 to 43-50 GW in 2030 and 72-89 GW in 2035) alongside onshore wind, solar and battery storage is needed to displace gas for electricity production.
Holistic Network Design (HND) Pathway to 2030 (ESO, 2022)	<p>In 2022, the ESO (now NESO) recommended a new electricity network design called the Pathway to 2030 HND. The HND connects 23 GW of offshore wind power and helps deliver the UK Government's target of 50 GW of offshore wind by 2030 by planning infrastructure to bring power to the grid cohesively, ensuring maximum benefit for consumers, local communities, and the environment.</p> <p>The timing of the grid connection arrangement identified for MachairWind through the HND process has been a contributing factor to the consenting approach for MachairWind, including the submission of consenting applications for WDA infrastructure which this EIAR supports.</p> <p>The HND outlines a single, integrated network design combining offshore transmission assets (e.g. subsea HVDC cables) and onshore substations and reinforcements which avoids a piecemeal approach and ensures efficient, cost-effective connections.</p> <p>The HND directs that MachairWind will connect to the National Electricity Transmission System via a location in South Ayrshire with potential to export to Wales via the proposed Western Link 2 project. Western Link 2 is a new HVDC subsea electrical link that will connect Ayrshire in Scotland with the transmission network in Wales. It will play a key role in the fight against climate change, and the UK's transition to Net Zero. It supports a more flexible and interconnected grid, which is essential for balancing variable renewable generation and maintaining energy security.</p>
Energy White Paper: Powering our Net Zero Future (BEIS, 2020b)	The Energy White Paper addresses the transformation of the energy system to promote clean, resilient economic growth and deliver net-zero emissions by 2050. The Energy White Paper puts in place a strategy for the wider energy system that transforms energy for a cleaner greener future, supports a green recovery, grows the economy, and creates a fair deal for consumers. Many provisions are implemented by the Energy Act 2023.
Offshore Wind Sector Deal, Updated 2020 (BEIS, 2020a)	The Offshore Wind Sector Deal will drive the transformation of offshore wind generation, making it part of a low-cost, low-carbon, flexible grid system. Offshore wind may be able to contribute up to 30 GW of generating capacity by 2030.

20. The relevant European Union (EU) climate change and energy legislation and policy for the Project is detailed in **Table 2.3**.

*Table 2.3 European planning, climate change and energy legislation and policy*

Legislation and Policy	Summary
EU (Withdrawal) Act 2018	Following the UK's exit from the European Union (EU), the UK Government committed to implement international environmental obligations in accordance with the EU (Withdrawal) Act 2018 and to maintain environmental commitments and legislation already made (UK Government, 2018).



Legislation and Policy	Summary
	On this basis, the existing EU renewable energy targets for the UK, including the EU Renewable Energy Directive 2009/28/EC, will remain applicable.

21. The relevant international climate change and energy legislation and policy for the Project is detailed in **Table 2.4**.

*Table 2.4 International planning, climate change and energy legislation and policy*

Legislation and Policy	Summary
Paris Agreement (Conference of Parties; COP 21), 2015	The Paris Agreement had an overarching goal to hold the increase in the global average temperature to well below 2°C above pre-industrial levels, and preferably to within 1.5°C, and binds all parties to prepare, communicate and maintain a Nationally Determined Contribution to this effect (United Nations Framework Convention on Climate Change; UNFCCC, 2023a). From 2023 and every five years thereafter, a global stock-take will assess collective progress.  The commitment to the Paris Agreement was reaffirmed at the Glasgow Climate Change Conference in 2021 (COP26) and at Sharm el-Sheikh Climate Change Conference (COP27) in 2022 and at COP28 in Dubai in 2023.
Kyoto Protocol, 1997	The Kyoto Protocol requires signatory countries to limit and reduce greenhouse gases in accordance with agreed individual targets. The Kyoto Protocol was formally adopted on 11 <sup>th</sup> December 1997, first entering into force on 16 <sup>th</sup> February 2005 (UNFCCC, 2025).  The UK Government adopted the commitments outlined in the Kyoto Protocol through the Climate Change Act 2008 and Climate Change (Scotland) Act 2009.
United Nations Framework Convention on Climate Change (UNFCCC), 1992	The UNFCCC aims to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, and is the foundation for later landmark agreements, including the Kyoto Protocol and Paris Agreement.

22. **Chapter 20 Climate Change Risk Assessment** provides details on the contribution the Project will make to the aims and targets set out in the policy documents in **Table 2.4**.

**2.5 MARINE PLANNING POLICY**

23. In Scotland, marine planning policy is used to inform decisions made under the relevant consenting legislation, e.g. for the purposes of obtaining a Marine Licence. In addition to the SMP for Offshore Wind Energy outlined in **Table 2.1**, a summary of marine planning policy relevant to the WDA EIA is presented in **Table 2.5**.

*Table 2.5 Summary of marine planning policy*

Policy	Summary
Scotland’s National Marine Plan, 2015 (reviewed in 2024)	The purpose of the National Marine Plan (NMP) is to set out policies for the sustainable development of Scotland’s marine resources out to 200 nm. It also provides a strategic framework for marine licensing and other offshore consenting decisions. The adopted NMP dates from 2015 so does not reflect more recent national policies or offshore wind developments but, until replaced by a future National Marine Plan 2, it remains in effect. The NMP outlines objectives relating to offshore wind and marine renewable energy which intend to maximise the sustainable development of offshore wind by creating economic benefits



Policy	Summary
	<p>through increasing a domestically competitive supply chain whilst contributing to decarbonisation targets. Relevant policies from the NMP will be identified and addressed individually within the technical chapters to ensure compliance and integration with marine planning requirements.</p> <p>Scotland's NMP was reviewed in 2021 (Marine Scotland, 2021), covering the following:</p> <ul style="list-style-type: none"> <li>• Findings set out in the Scottish Marine Assessment (2020);</li> <li>• Existing data monitoring programmes;</li> <li>• The global climate emergency;</li> <li>• The COVID-19 pandemic;</li> <li>• UK Exit from the European Union (EU); and</li> <li>• Implications of wider Marine Scotland strategies including the Blue Economy Action Plan and the Future Fisheries Management Strategy.</li> </ul> <p>The NMP is in the process of being updated, transitioning to the National Marine Plan 2 (NMP2), with the aim of delivering a plan that considers the changes to the policy and legislative landscape, rapid developments in technology and the need to achieve a green recovery from the COVID-19 pandemic, as well as reflecting the improved understanding of the marine environment and the successful delivery of the Blue Economy Approach (Scottish Government, 2022).</p> <p>In November 2024, the Scottish Government consulted on the NMP2 Planning Position Statement. As part of this consultation, the Applicant submitted a detailed response and contributed to an industry wide response from Scottish Renewables.</p> <p>Following receipt of this feedback, the Scottish Government decided to postpone the upcoming draft of NMP2 to allow for further consideration and refinement (Scottish Government, 2025b).</p>
Regional Marine Plans	<p>11 Scottish Marine Regions have been created under the Scottish Marine Regions Order 2015 which cover sea areas extending out to 12 nm.</p> <p>Regional Marine Plans for each Marine Region will be developed by Marine Planning Partnerships to allow more local ownership and decision making. The Marine Planning Partnership relevant to the Project is Argyll. A Regional Marine Plan for Argyll has not been developed to date. Work has been undertaken to develop a Regional Marine Protected Area (MPA) Plan for the Argyll marine region as part of the MarPAMM project that completed in 2022.</p>
UK Marine Policy Statement (HM Government, 2011)	<p>In March 2011, the UK Marine Policy Statement was published for the purposes of section 44 of the Marine and Coastal Access Act 2009 (UK Government, 2011).</p> <p>The Marine Policy Statement was established to partially facilitate and support the formulation of Marine Plans in accordance with the marine objectives (UK Government, 2011), including to promote sustainable economic development; enable the UK's move towards a low carbon economy, to mitigate the causes of climate change and ocean acidification and adapt to their effects; ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and heritage assets; and contribute to the societal benefits of the marine area, including the sustainable use of marine resources to address local social and economic issues.</p>
Marine Strategy Framework Directive	<p>The EU Marine Strategy Framework Directive (Directive 2008/56/EC) was established to protect the marine environment by seeking to achieve Good Environmental Status in Europe's seas by 2020. This Directive was transposed into UK law by the Marine Strategy Regulations 2010 and remains applicable after EU Exit, under the Marine Environment</p>



Policy	Summary
	(Amendment) (EU Exit) Regulations 2018. Every six years, Member States must review and update their marine strategy. The third cycle began in 2024, running until 2030.
A Blue Economy Vision for Scotland (Scottish Government, 2022)	<p>Scotland’s Blue Economy Vision (Scottish Government, 2022a) sets out the long-term ambition for Scotland’s blue economy to 2045, to foster shared stewardship of the marine environment to support ecosystem health, improved livelihoods, economic prosperity, social inclusion and wellbeing. Key actions focus on:</p> <ul style="list-style-type: none"> <li>• Restoring Scotland’s marine and coastal environments, and ensuring these are resilient to climate change and sustainably managed;</li> <li>• The blue economy is managed to ensure fairer, healthier and happier communities with equal access to benefits from marine resources; and</li> <li>• Innovative blue sectors are enabled and resource efficient, competitive and meeting net-zero and nature positive commitments.</li> </ul>

**2.6 CONSENTING LEGISLATION**

24. In order to construct and operate the WDA infrastructure, the Applicant is required to obtain consent under s.36 of the Electricity Act 1989 as well as marine licence(s) under the Marine (Scotland) Act 2010. A declaration under Section 36A of the Electricity Act 1989 is being made with respect to proposed generating infrastructure within the WDA and would come into effect when any approval is given by the Scottish Ministers to the Development Specification and Layout Plan covering the WDA. See **Section 2.9.2** for further details. The Applicant will seek any additional licences and/or permits for pre-construction development activities within the WDA from the relevant authorities. Further information on Section 36 consent and marine licensing is provided below.

25. As discussed in **Chapter 1 Introduction**, the Applicant will submit separate consent and licence applications for the Offshore Export Cable Corridor (ECC) and Onshore Transmission Development Area (OnTDA).

**2.6.1 Section 36 Consent**

26. The Electricity Act 1989 created the legal framework for privatising the electricity industry. The Act allowed the establishment of new electricity companies, required to ‘develop and maintain an efficient, co-ordinated and economical system of electricity supply’, and ‘to facilitate competition in the supply and generation of electricity’. Under Section 36, the Act establishes the regulatory regime for the construction and operation of generation stations. Reforms proposed under the Planning and Infrastructure Bill 2025 aimed to modernise aspects of this regime, including measures to streamline the consenting process for nationally significant clean energy projects. The Bill has since received Royal Assent and is now in force as the Planning and Infrastructure Act 2025, which establishes these reforms in primary legislation. Although some reforms come into force shortly after Royal Assent, the main provisions of potential relevance to offshore wind consenting will require further consultations and regulations to be made by the Scottish Ministers and will be implemented on a phased basis during 2026 (UK Government, 2025).

27. As the WDA infrastructure represents an offshore generating station greater than 1 MW within the Scottish Marine Area, there is a requirement for consent under Section 36 of the Electricity Act 1989. s. 36 consent will authorise the installation and operation and maintenance (O&M) of the Wind Turbine Generators (WTGs), and Inter-Array Cables (IACs) within the WDA.

28. In Scotland, s. 36 consents for offshore projects are authorised by Scottish Ministers and administered by the Marine Directorate within the Scottish Government.



## 2.6.2 Marine Licence

29. A Marine Licence(s) is also required under the Marine (Scotland) Act 2010 (Scottish Government, 2010) and provides the Scottish Government legislative and management jurisdiction for the Scottish Marine Area from 0 to 12 nautical miles (nm) from shore.
30. As such, the Applicant will apply for two Marine Licences in accordance with the Act as the entirety of the WDA is situated within the 12 nm boundary:
- One licence for generation assets, including wind turbine generators, IACs and OSP link cables<sup>1</sup>; and
  - One licence for transmission assets, including Offshore Substations Platforms (OSP), OSP link cables and WDA offshore export cable.<sup>1</sup>
31. The Applicant will apply for a further Marine Licence in accordance with Marine (Scotland) Act 2010, for the subsequent EIAR for the Offshore ECC and a separate planning application for the OnTDA under the Town and Country Planning (Scotland) Act 1997.
32. In Scottish waters, Marine Licences are administered by Marine Directorate – Licensing Operations Team (MD-LOT).

## 2.7 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

33. The requirement to undertake EIA was originally established in the 1980s under Council Directive 85/337/EEC, which laid the foundation for assessing the environmental effects of public and private projects. This was later codified under the EIA Directive (2011/92/EU, as amended by Directive 2014/52/EU) (as transposed into UK law through the EIA Regulations) and continues to be applicable through the Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019, which came into force on EU Exit Day (31 January 2020). Through compliance with the EIA Regulations, the EIA Directive remains relevant to the EIA process in Scotland and is relevant to any s.36 or Marine Licence application in Scottish waters if a project is likely to have a significant effect on the environment due to its size, nature, or location.
34. The following relevant legislation applies to EIA in respect of the WDA:
- The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, which requires an EIA to support relevant Section 36 consent applications; and
  - The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, which requires an EIA to support relevant Marine Licence applications.
35. The approach to EIA for the WDA is set out in detail in **Chapter 5 EIA Methodology**.
36. In line with the EIA Regulations, a Scoping Report for the MachairWind WDA (**Appendix 1**) was submitted to MD-LOT with a Scoping Opinion received (**Appendix 2**). This MachairWind WDA EIAR

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<sup>1</sup> As described in the Covering Letter, the Applicant is recommending that a condition is included within each of these licences which secures installation of OSP link cables under only one of these marine licences. At this stage, it is not clear whether the OSP link cables will form part of the generation or transmission assets and therefore this approach is intended to avoid the potential requirement for a marine licence variation following detailed design and prior to transfer of ownership of transmission assets to the OFTO.



is based on this Scoping Opinion and subsequent engagement with key project stakeholders as detailed in **Chapter 6 Consultation and Stakeholder Engagement**.

### **2.7.1 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017**

37. Under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, an EIA is required to support electricity generation projects which must apply for consent under s.36 of the Electricity Act 1989. These regulations set out the statutory process and minimum requirements for EIA.
38. Schedule 2 of these Regulations sets out a list of development types for which an EIA may be required, including ‘generating stations’, which the WDA falls under. Where Schedule 2 developments are likely to have a significant effect on the environment due to factors such as its nature, size or location, an EIAR is required to be prepared and submitted to support such applications.

### **2.7.2 The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017**

39. Under Schedule 2 of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (which applies in Scottish offshore waters up to 12 nm), an EIA is required for windfarms (installations for the harnessing of wind power for energy production of more than 2 turbines or any structure has a height over 15m) if the project in question is likely, because of its size, nature or location to have significant effects on the environment. The Applicant acknowledges the potential for significant environmental effects and has therefore prepared this WDA EIAR in accordance with these regulations.

## **2.8 NATURE CONSERVATION LEGISLATION AND POLICY**

### **2.8.1 Habitats Regulations Appraisal**

40. In 1992, the EU Directive 92/43/EEC, known as the ‘Habitats Directive’, was adopted to enable EU member states to meet obligations set out under the Bern Convention. The purpose of the Habitats Directive is to maintain or restore natural habitats and wild species listed in the Annexes (I and II) at Favourable Conservation Status. Protection to meet Favourable Conservation Status is given through designation of European Sites (Special Areas of Conservation (SAC)).
41. In addition, the EU Directive 2009/147/EC, known as the ‘Birds Directive’, was implemented to provide a framework for conservation and management of wild birds in the EU. Annex I of the Birds Directive provides a list of rare, vulnerable, and migratory species, which are protected through the designation of Special Protection Areas (SPAs).
42. The Habitats and Birds Directives have been implemented through The Conservation of Habitats and Species Regulations 2017 and The Conservation (Natural Habitats, &c.) Regulations 1994. Changes to earlier requirements were enacted by the Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019 (the ‘EU Exit Regulations’). Both sets of the Habitats Regulations require the HRA process to be followed where a project could affect a designated site (SPAs, SACs, proposed or candidate SPAs and SACs or Ramsar Sites), either individually or in combination with other plans or projects, in view of the site’s conservation objectives.
43. At the time of writing, the Conservation of Habitats and Species (Offshore Wind) (Miscellaneous Amendments) (Scotland) Regulations 2026 have been laid in the Scottish Parliament for scrutiny. These will amend the environmental compensation provisions of the Habitats Regulations in respect



of offshore wind projects in the Scottish inshore region and are due to come into force in late May 2026.

44. In accordance with the above-mentioned Habitats Regulations, the Applicant has undertaken the relevant assessments to inform an appropriate assessment undertaken by the Marine Directorate. The **Report to Inform Appropriate Assessment (RIAA)** has been submitted alongside this MachairWind WDA EIAR and application documentation.

### 2.8.2 Nature Conservation Marine Protected Area Assessment

45. Scotland designates Nature Conservation Marine Protected Areas (ncMPAs) in inshore waters between 0 and 12 nm from shore under the Marine (Scotland) Act 2010. MPAs are designated to protect biodiversity and heritage, with specific focus on protected features (species, habitats, large scale features or geomorphological features).
46. Under Part 5 of the Marine (Scotland) Act 2010, provisions are made for the relevant public authority (in this instance, MD-LOT) to consider whether a licensable activity is capable of affecting (other than insignificantly) a protected feature in an ncMPA or any ecological or geomorphological process on which the conservation of any protected feature in an ncMPA is dependent.
47. To assess whether there is any significant risk of the licensable activity hindering the achievement of the conservation objectives of a given ncMPA, an ncMPA assessment should be completed.
48. The **RIAA** is provided with this MachairWind WDA EIAR. The report has been prepared in line with the guidance provided in the Marine Scotland Nature Conservation Marine Protected Areas: Draft Management Handbook (2013).

### 2.8.3 European Protected Species Licences

49. Annex IV of the Habitats Directive sets out a list of animals and plants that are considered European Protected Species (EPS) and protected under the Habitats Regulations. Under these Regulations, it is unlawful to:
- Deliberately capture, injure or kill an EPS;
  - Deliberately disturb an EPS; and
  - Damage or destroy a breeding site or resting place of an EPS.
50. However, it is lawful to carry out certain activities which are likely to cause disturbance or injury to EPS, if an EPS licence is obtained for those activities (see **Chapter 10 Marine Mammals and Leatherback Turtle**).
51. As part of early project development, the Applicant provided EPS Risk Assessments to MD-LOT in relation to EPS licence applications to undertake site investigation surveys within the Option Agreement Area (OAA) and WDA. The Applicant will apply for further EPS licences as appropriate should these be required.

### 2.8.4 Priority Marine Features Licences

52. Since 2014, 81 species and habitats present in the seas around Scotland have been identified as Priority Marine Features (PMFs). The list, which was developed by Marine Scotland<sup>2</sup>, the Joint Nature

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<sup>2</sup> Marine Scotland became Marine Directorate in 2023



Conservation Committee (JNCC) and Scottish Natural Heritage<sup>3</sup> covers species and habitats that are a priority for conservation in Scotland, including intertidal and continental shelf habitats, deep sea habitats, mammals, fish, shellfish and other invertebrates. Please refer to **Chapter 8 Benthic Ecology, Chapter 9 Fish (including Basking Shark) and Shellfish** and **Chapter 10 Marine Mammals and Leatherback Turtle**.

53. Basking sharks (*Cetorhinus maximus*) are a PMF in Scotland's seas and are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and under Part 3 and Schedule 6 of the Nature Conservation (Scotland) Act 2004. Under these protections, it is prohibited to kill, injure, or take by any method basking sharks and any other species listed in Schedule 5, or to intentionally or recklessly disturb these species.
54. For commercial survey activities in the WDA, such as geophysical surveys, a licence to disturb basking sharks is required due to the location on the west coast of Scotland where basking sharks are known to be present. The Applicant will apply for a basking shark licence where these are required, with MD-LOT as the relevant licensing authority. Further information on basking sharks is provided in **Chapter 9 Fish (Including Basking Shark) and Shellfish**.

### 2.8.5 Biodiversity Enhancement

55. Scottish Government Policy, including the Scottish Biodiversity Strategy to 2045 (Scottish Government, 2024b), NMP and NPF4 (Scottish Government, 2023a), emphasises the need to tackle the nature crises through developments making a contribution towards both halting biodiversity loss and supporting biodiversity enhancement. The **Nature Positive Plan** sets out how the Project as a whole has considered impacts on biodiversity and how it will seek to implement measures to quantify and restore affected habitats.

## 2.9 OTHER CONSENTING REQUIREMENTS

### 2.9.1 Decommissioning

56. Sections 105 to 114 of the Energy Act 2004 set out statutory requirements in relation to the decommissioning of OREI and associated electrical lines. The Scottish Ministers may require a costed decommissioning programme for OREIs in Scottish waters to be submitted for approval. Scottish Ministers further have the power to determine specific approaches to decommissioning, including stipulating the form, timing and size of financial securities required.
57. The document 'Decommissioning of Offshore Renewable Energy Installations in Scottish Waters or in the Scottish part of the Renewable Energy Zone (REZ) under The Energy Act 2004: Guidance Notes for Industry (in Scotland)' was published by Marine Scotland in July 2022 (Scottish Government, 2022b). This guidance document sets out the policy and legislative framework; decommissioning requirements in Scotland; requirements for Decommissioning Programmes; environmental and safety considerations; and financial considerations. Decommissioning Programmes are expected to contain information on decommissioning standards, financial security, residual liability and industrial cooperation and collaboration.
58. Section 5 of the Guidance Note states that *"an indication of the decommissioning proposals should be included as part of the statutory consenting or licensing process so that the feasibility of removing*

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<sup>3</sup> Scottish Natural Heritage became NatureScot in 2019



*the infrastructure can be assessed as part of the application process*". The decommissioning phase of the Project is described in **Chapter 3 Project Description**.

### **2.9.2 Declarations Extinguishing Public Rights of Navigation and Safety Zone Applications**

59. Section 36A of the Electricity Act 1989 provides that where a consent is granted by the Scottish Ministers in relation to the construction or operation of a generating station that comprises renewable energy installations situated within 12nm, the Scottish Ministers may make a declaration that extinguishes, suspends or restricts public rights of navigation in the area occupied by the installation.
60. A declaration under Section 36A of the Electricity Act 1989 is being made with respect to proposed generating infrastructure within the WDA and would come into effect when any approval is given by the Scottish Ministers to the Development Specification and Layout Plan covering the WDA.
61. Section 95 of the Energy Act 2004 sets out that Safety Zones could be established for any phase of an offshore renewable energy project in designated areas, where it is appropriate for safety reasons. 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.
62. Safety Zones may exclude non-Project vessels from navigating through a designated area for a specific period. The EIAR includes an assessment of the proposed approach to Safety Zones at the point of application. The total number of Safety Zones to be established at the same time has not been yet defined. It is anticipated that the following applications to MD-LOT will be made:
- An application will be made post-consent for Safety Zones including up to 500 m around each WTG and substructure during its construction;
  - An application will be made post-consent for Safety Zones including up to 50 m around each installed WTG and substructure during its pre-commissioning;
  - An application will be made post-consent for Safety Zones including up to 500 m around each WTG and substructure during major maintenance during operation; and
  - An application will be made prior to commencement of decommissioning for Safety Zones including up to 500 m around each WTG and substructure during its decommissioning.

### **2.9.3 Pre-application Consultation**

63. The Marine Licensing (Pre-Application Consultation) (Scotland) Regulations 2013, commonly referred to as the PAC Regulations, apply to activities occurring within Scottish Territorial Waters (within 12 nm). Consultation during the pre-application stage for certain marine licence applications is a statutory requirement and has been actioned by the Applicant for the WDA. Details on the approach to stakeholder engagement and public consultation carried out in relation to the Project is given in **Chapter 6 Consultation and Stakeholder Engagement** and the **Pre-Application Consultation Report**.



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