



Eastern Green Link 2 - Marine Scheme

Environmental Appraisal Report

Volume 3

Appendix 3.2 - Topic Specific Legislation and Policy

nationalgrid



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3.2 Topic Specific Legislation, Policies and Guidance

This appendix provides a summary of the relevant technical legislation in addition to the primary legislation described in Chapter 3: Legislation and Policy Framework, which is considered of relevance to the Marine Scheme and the topic specific appraisals undertaken as part of this Environmental Appraisal Report.

The following table summarises the specific international, national and local legislation and agreements listed in each chapter relating to the development of offshore cables. A list of the relevant topic specific legislation and policy is provided in each chapter and a high-level summary is provided within this appendix to explain its relevance to the Marine Scheme.

Table 1: Summary of Relevant Technical Legislation.

Legislation	Description of legislation	Relevant Chapter								
		Chapter 7: Physical Environment	Chapter 8: Benthic Ecology	Chapter 9: Fish and Shellfish Ecology	Chapter 10: Marine Mammals	Chapter 11: Ornithology	Chapter 12: Marine Archaeology	Chapter 13: Shipping and Navigation	Chapter 14: Commercial Fisheries	Chapter 15: Other Sea Users
International Legislation										
The Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas 1992 (ACONBANS)	Ensures protection to cetacean populations in the Baltic and North Seas via research and data collaboration as well as continued population and disturbance monitoring. The UK is an international signatory.				✓					
International Council of Monuments and Sites Charter on the Protection and Management of Underwater Cultural Heritage (1996) (The Sofia Charter)	Determines inshore and offshore underwater sites of historical and cultural heritage as an “international resource” and encourages signatories (including the UK) to protect such sites from degradation from proposed marine development.						✓			
United Nations Convention for the Law of the Sea 1982 (UNCLOS)	An international agreement that was adopted in 1982. It establishes a comprehensive regime of law and order in the world’s oceans and sea, establishing rules governing all uses of the ocean and its resources. It also provides the framework for further development of specific areas of the law of the sea.						✓	✓		
UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001	All member states (including the UK) must commit to protect all forms of cultural and historical heritage in the maritime environment from potential degradation such as from potential development within the vicinity for 100 years.						✓			
European Convention on the Protection of the Archaeological Heritage (Valletta) 1992	Requires all signatories to protect European archaeological sites from potential degradation including within the Exclusive Economic Zone (EEZ) of signatory states.						✓			
International Regulations for Preventing Collisions at Sea (COLREGS) 1972/78	Recognises shipping traffic separation schemes (Rule 10) and provides best practice and regulations regarding shipping speed, maritime rights of way and signalling to avoid collisions among shipping and offshore developments. COLREGS are implemented in the UK via the Marine Shipping Notices.							✓		

Legislation	Description of legislation	Relevant Chapter								
		Chapter 7: Physical Environment	Chapter 8: Benthic Ecology	Chapter 9: Fish and Shellfish Ecology	Chapter 10: Marine Mammals	Chapter 11: Ornithology	Chapter 12: Marine Archaeology	Chapter 13: Shipping and Navigation	Chapter 14: Commercial Fisheries	Chapter 15: Other Sea Users
International Convention for the Safety of Life at Sea (SOLAS) 1974	Provides legal standards and compliance among signatories (including the UK) on the construction and safe navigation and operation of maritime vessels and developments in order to provide safety to all water users. It also makes the provision of vessel data and the rescue of mariners in distress a legal requirement.							✓		
European Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.	The Water Framework Directive commits European Union member states to achieve good qualitative and quantitative status of all water bodies (including marine waters up to one Nautical Mile (NM) from the shore) by 2015. This is transposed into UK law through The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (as amended).	✓								
European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora adopted in 1992 (the Habitats Directive).	The Habitats Directive ensures the conservation of a wide range of rare, threatened or endemic animal and plant species. It seeks to contribute to ensuring biodiversity in the European Union by the conservation of natural habitats, and wild fauna and flora species. This is transposed into UK law through The Conservation of Habitats and Species Regulations 2017 (as amended).		✓	✓	✓					
Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (the Birds Directive)	The Birds Directive aims to protect all of the 500 wild bird species naturally occurring in the European Union and sets out rules for their protection, conservation, management and control. It covers birds, their eggs, nests and habitats.					✓				
International Convention for the Prevention of Pollution from Ships (MARPOL)	The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. The convention contains a number of annexes, those relevant to the Marine Scheme include: <ul style="list-style-type: none"> Annex I: Prevention of Pollution by Oil; 	✓	✓	✓	✓	✓		✓		

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		Chapter 7: Physical Environment	Chapter 8: Benthic Ecology	Chapter 9: Fish and Shellfish Ecology	Chapter 10: Marine Mammals	Chapter 11: Ornithology	Chapter 12: Marine Archaeology	Chapter 13: Shipping and Navigation	Chapter 14: Commercial Fisheries	Chapter 15: Other Sea Users
	<ul style="list-style-type: none"> Annex IV: Prevention of Pollution by Sewage from Ships; and Annex V: Prevention of Pollution by Garbage from Ships. 									
The International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention)	The Ballast Water Management Convention, adopted in 2004, aims to prevent the spread of harmful aquatic organisms from one region to another, by establishing standards and procedures for the management and control of ships' ballast water and sediments according to ship specific ballast water management plans.		✓	✓	✓					
National Legislation										
UK (Scotland and England)										
Marine and Coastal Access Act 2009	Introduced a new system of marine management. This included a new marine planning system, making provision for a statement of the Government's general policies and the general policies of each devolved administrations, for the marine environment and also for marine plans which will set out in more detail what is to happen in the different parts of the areas to which they relate. The Act also included provision changing the system for licensing of activities in the marine environment. It also provides for the designation of conservation zones and changes the way marine fisheries are managed. It also allows for the designation of an Exclusive Economic Zone for the UK.	✓	✓	✓	✓	✓	✓	✓	✓	✓
Wildlife and Countryside Act 1981	The primary UK legislation for the protection animals, plants and associated habitats within the UK including on UK coastlines.		✓	✓	✓	✓				
The Marine Strategy Regulations 2010	Transposes the Marine Strategy Framework Directive (2008/56/EC) into UK legislation. Regulations and strategies to uphold the UK's international commitment to conserving marine habitats and biodiversity from potential degradation, including from proposed offshore projects.		✓	✓	✓	✓				

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The Offshore Marine Conservation (Natural Habitats &c.) Regulations 2017	Transposes the Habitats Directive (92/43/EEC) and Wild Birds Directive (79/409/EEC) into UK legislation in UK offshore waters (beyond the 12 NM limit to the limit of the EEZ). It requires habitats to be identified and protected as “European offshore marine sites”, which includes Special Areas of Conservation and Special Protection Areas in the offshore marine area. It also defines and protects European Protected Species. It aims to implement species and associated habitat protections from proposed developments in the regulatory jurisdiction.		✓	✓	✓	✓				
Ancient Monuments and Archaeological Areas Act 1979 (as amended)	Designates maritime and terrestrial sites of ancient historical and cultural significance and legislates for appropriate protection from potential development damage.						✓			
Protection of Military Remains Act 1986	Designates maritime and wreck sites of historical and cultural significance and licenses for potential development within the vicinity of protected sites. Also determines access controls to the remains of military equipment.						✓			
Merchant Shipping Act 1995	Legislation that requires reporting of anthropogenic material (wrecks) in tidal waters to the Receiver of Wreck (RoW) to determine wreck salvage and ownership.						✓			
Submarine Telegraph Act 1885	Provides legal protection against damage and associated negligence regarding all submarine cables and infrastructure in UK territorial waters. This includes power cables.							✓	✓	✓
Protection of Wrecks Act 1973	An Act to secure the protection of wrecks in territorial waters and the sites of such wrecks, from interference by unauthorised persons; and for connected purposes.						✓			
Scotland										
Marine (Scotland) Act 2010	The Act created a new legislative and management framework for the marine environment in Scotland. It created a new system of marine planning to	✓	✓	✓	✓	✓	✓	✓	✓	✓

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	manage the competing demands of the use of the sea whilst protecting the marine environment within the 12NM limit. It creates a system of licensing with the aim of reducing the regulatory burden for key sectors and includes powers to establish marine protected areas to protect natural and cultural marine features. The Act also introduces a new regime for the conservation of seals and gives powers for Scottish marine enforcement officers to ensure compliance with the new licensing and conservation measures.									
Water Environment and Water Services (Scotland) Act 2003	Concerns the protection of the physical water environment within Scotland. This includes any coastal and offshore development within 12 NM of the Scottish coastline.	✓	✓							
The Water Environment (Controlled Activities) (Scotland) Regulations 2011	Concerns the authorisation, monitoring and enforcement powers of the Scottish Environmental Protection Agency (SEPA) regarding projects which have potential impacts of the physical water environment.	✓	✓		✓	✓				
The Conservation (Natural Habitats, &c.) Regulations 1994 (Scottish Government, 1994) (as amended)	Transpose of the Habitats Directive (92/43/EEC) into Scottish legislation (as amended). The regulations ensure the conservation of biodiversity and habitats regarding proposed projects in Scotland, including within the 12 NM limit.		✓	✓	✓	✓				
The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019	To amend The Conservation (Natural Habitats, &c.) Regulations 1994 to ensure that they continue to operate effectively following the United Kingdom's withdrawal from the European Union.		✓	✓	✓	✓				
Nature Conservation (Scotland) Act 2004	Places a duty on public bodies to further the conservation of biodiversity and improve SSSI protection. Section 2(4) lists species of principal importance for the purpose of conservation biodiversity in Scotland which may be impacted by potential projects.		✓	✓	✓	✓				

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The Protection of Seals (Designation of Haul-Out Sites) (Scotland) Amendment Order 2014 (as amended);	This Order designates 194 separate places as seal haul-out sites for the purposes of section 117 of the Marine (Scotland) Act 2010. Harassing a seal (intentionally or recklessly) at a haul-out site is an offence (section 117). The places are the areas of land above mean low water spring tide that fall within the areas of water and land that are described in the Schedule.				✓					
England										
The Conservation of Habitats and Species Regulations 2017 (as amended)	Transpose the EU Habitats Directive (92/43/EEC) and EU Birds Directive (2009/147/EC) into UK legislation to the limit of the territorial waters (out to 12 NM). Concerns the designation of species and habitats of conservation interest along with any protections from proposed projects like offshore cables.		✓	✓	✓	✓				
Natural Environment and Rural Communities Act 2006	Lists species of principal importance for the purpose of conservation biodiversity in England which have potential to be impacted by proposed offshore projects.		✓	✓	✓	✓				
The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (as amended)	Transpose the European Directive (2000/60/EC) into UK legislation. The WFD details the designation, monitoring and management of water resources within England to preserve ecosystem services from potential physical degradation from proposed projects.	✓	✓	✓	✓	✓				
The Conservation of Seals Act 1970	The Act provides for the protection and conservation of seals in England (and Wales) and in adjacent territorial waters.				✓					
Conservation of Seals (England) Order 1999	This Order prohibits with effect from 19th December 1999 the killing, injuring or taking of grey seals and common seals in the counties of England bordering the North Sea and adjacent territorial waters.				✓					
The Countryside and Rights of Way (CRoW) Act 2000 (as amended)	Determines access regulations regarding areas of biological and ecological interest or significance including coastal regions.					✓				

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The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019	This instrument makes changes to the three existing instruments which transpose the Habitats and Wild Birds Directives so that they continue to work upon the UK's exit from the European Union (EU).		✓	✓	✓	✓				
International Policy										
Convention for the Protection of the Marine Environment of the North-East Atlantic (the 'OSPAR Convention') adopted in 1998 and amended in 2007.	Contained within the OSPAR Convention are a series of Annexes, Annex I: Prevention and elimination of pollution from land-based sources; Annex II: Prevention and elimination of pollution by dumping or incineration; Annex III: Prevention and elimination of pollution from offshore sources; Annex IV: Assessment of the quality of the marine environment; Annex V: On the protection and conservation of the ecosystems and biological diversity of the maritime area.		✓	✓	✓					
The Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species (Biofouling Guidelines) (resolution MEPC.207(62))	The guidelines provide a globally consistent approach to the management of biofouling, which is the accumulation of various aquatic organisms on ships' hulls. They were adopted by the Marine Environment Protection Committee (MEPC) at its sixty-second session in July 2011.		✓	✓	✓					
National Policy										
UK (Scotland and England)										
UK Marine Policy Statement	Provides a framework for preparation of the Marine Plans and the taking of decisions affecting the marine environment. It promotes sustainable economic development, enabling the UK to move towards a low-carbon economy, ensuring a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and heritage assets and contributes to the societal benefits of the marine area.	✓	✓	✓	✓	✓	✓	✓	✓	✓

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UK Post 2010 Biodiversity Framework	Succeeds the UK Biodiversity Action Plan (UK BAP) by the Joint Nature Conservation Committee (JNCC). Details protected species and habitat designation, monitoring and information sharing strategies to preserve UK biodiversity from potential developments, in accordance with the Aichi targets, 2010.		✓	✓	✓	✓				
Scotland										
Scottish National Marine Plan	Providing a comprehensive overarching framework for all marine activities within 12 Nautical Mile (NM) and offshore (12 NM to 200 NM). Enabling sustainable development and use of the marine area in a way which will protect and enhance the marine environment, whilst promoting both existing and emerging industries.	✓	✓	✓	✓	✓	✓	✓	✓	✓
Scottish Planning Policy	It emphasises the biodiversity duty of planning authorities and covers the protection of designated sites and species, as well as river, estuarine, and coastal water environments.		✓	✓		✓				
Regional Inshore Fisheries Group (2016)	Regional Inshore Fisheries Groups (RIFGs) are non-statutory bodies that aim to improve the management of Scotland's inshore fisheries, giving commercial inshore fishermen a strong voice in wider marine planning initiatives. The relevant RIFG is the North and East Coast.			✓					✓	
England										
North East Inshore and North East Offshore Marine Plan	Providing a framework that will shape and inform decisions on how the areas' waters will be developed, protected and improved over the next 20 years. Through its vision for economic, environmental and social prosperity, the North East Marine Plan will ensure effective and sustainable use has been made of the space and resources available.	✓	✓	✓	✓	✓	✓	✓	✓	✓

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East Inshore and East Offshore Marine Plan	Providing a framework that will shape and inform decisions on how the areas' waters will be developed, protected and improved over the next 20 years. Through its vision and objectives, the decision-making framework that the marine plans set out providing sector related direction and the requirements set out by the Marine Plans on how certain activities should be carried out, and in what way, regardless of where they are taking place.	✓	✓	✓	✓	✓	✓	✓	✓	✓
Biodiversity 2020	A strategy for England's Wildlife and Ecosystem Services with regards to marine habitats, ecosystems and fisheries regarding the mitigation of potential degradation from proposed offshore development.		✓	✓	✓	✓				
National Planning Policy Framework	Aims to co-ordinate policies of a spatial nature with investment priorities. Biodiversity is stated as one of the factors contributing to the core objective of sustainable economic development. Hence it stresses that any potential development must preserve biodiversity in the vicinity.		✓	✓		✓				
National Policy Statements	UK Government guidelines and policies relating in part to the development, safety, sustainability, environment, and energy demand of national energy infrastructure. In particular, the NPS for Electricity Networks (EN-5) details policies regarding proposed cable projects.		✓	✓	✓	✓				

