TotalEnergies E&P North Sea UK Ltd

Culzean - Floating Offshore Wind Turbine Pilot Project

Environmental Impact Assessment Report – Chapter 2 – Legislation and Policy

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GLOSSARY

TERMINOLOGY	DESCRIPTION
Culzean Floating Offshore Wind Pilot Project (the 'Project')	The entire Development including all offshore components and all project phases from pre-construction to decommissioning.
Environmental Impact Assessment (EIA)	The procedure to predict, minimise, measure and, if necessary, correct and compensate the impacts produced by any human action.
EIA Regulations	The Marine Works (Environmental Impact Assessment) Regulations 2007 requires that certain types of projects with the potential to significantly affect the environment have an environmental impact assessment before a marine licence decision is made.
Habitats Regulations Appraisal (HRA)	Under the Habitats Regulations, all competent authorities must consider whether any plan or project could affect a European site before it can be authorised or carried out. This includes considering whether it will have a 'Likely Significant Effect' (LSE) on a European site, and if so, they must carry out an 'appropriate assessment' (AA). This process is known as Habitats Regulations Appraisal (HRA)
Innovation and Targeted Oil and Gas (INTOG)	The Initial Plan Framework Sectoral Marine Plan for Offshore Wind for INTOG encompasses spatial opportunities and a strategic framework for future offshore wind developments within sustainable and suitable locations that will help deliver the wider United Kingdom (UK) and Scottish Government Net Zero targets. The 'IN' component of INTOG consists of small-scale innovative projects of 100 Megawatts (MW) or less. The aim of the 'TOG' component is to supplying renewable electricity directly to oil and gas infrastructure. The Culzean Floating Wind Pilot Project falls under the TOG component of INTOG.
Marine Licence Application ('the Application')	A Marine Licence is granted under the Marine and Coastal Access Act 2009 for projects between 12-200 Nautical Miles (nm) from shore, or the Marine (Scotland) Act 2010 for projects between Mean High-Water Springs (MHWS) out to 12 nm from shore. The Application includes HRA-supporting documentation (where required), an application letter, Marine Licence application form and this EIAR.
Maximum Design Parameters	The maximum range of design parameters of all infrastructure.
Net Zero	Refers to a government commitment to ensure the UK reduces its greenhouse gas emissions by 100% from 1990 levels by 2050 and in Scotland, the same target is set for 2045. If met, this would mean the amount of greenhouse gas emissions produced by the UK would be equal to or less than the emissions removed by the UK from the environment.
Project Design Envelope	The maximum range of design parameters of all infrastructure assessed as part of the EIA.
Study Area	Receptor specific area used to characterise the baseline.
Project Area	The extent of the immediate area surrounding the floating Wind Turbine Generator (WTG) and cable route as characterised by the extent of the seabed environmental and habitat surveys. Also referred to as the Survey Area where specifically relating to survey activities.
Survey Area	The area surveyed during site-specific surveys.
Floating Wind Turbine Generator (WTG)	Device that converts the kinetic energy of wind into electrical energy. Can be functionally divided into four parts: wind turbine, tower and transition piece, floating foundation, and mooring system.

ACRONYMS AND ABBREVIATIONS

ACRONYM/ ABBREVIATION	DEFINITION
AR6	Sixth Assessment Report (IPCC)
AA	Appropriate Assessment
BEIS	Department for Business, Environment and Industrial Strategy (now DESNZ)
CES	Crown Estate Scotland
CED	Climate Emergency Declaration
COP	Conference of the Parties
COP26	26th United Nations Change Conference of the Parties
CtL	Consent to Locate
Defra	Department for Environment, Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
EPS	European Protected Species
EU	European Union
GHG	Greenhouse Gas
GW	Gigawatts
HRA	Habitats Regulations Appraisal
INTOG	Innovation and Targeted Oil and Gas
IPCC	Intergovernmental Panel on Climate Change
IPF	Initial Plan Framework
IPR	Iterative Plan Review
km	kilometre
LSE	Likely Significant Effect
MD-LOT	Marine Directorate - Licensing Operations Team
MW	Megawatt
NLB	Northern Lighthouse Board
nm	nautical mile(s)
NMP	National Marine Plan
NSTA	North Sea Transition Authority
NSTD	North Sea Transition Deal
OPRED	Offshore Petroleum Regulator for Environment and Decommissioning
PO	Plan Option(s)
PPC	Pollution Prevention and Control

ACRONYM/ ABBREVIATION	DEFINITION
RIAA	Report to Inform Appropriate Assessment
SAC	Special Area of Conservation
SMP	Sectoral Marine Plan
SPA	Special Protected Area
UAE	United Arab Emirates
UK	United Kingdom
UNFCCC	United Nations Framework Convention on Climate Change
WTG	Wind Turbine Generator

2 LEGISLATION AND POLICY

2.1 Introduction

This chapter of the Environmental Impact Assessment Report (EIAR) sets out the need for the Culzean Floating Offshore Wind Pilot Project (the 'Project'), key legislation, policies, and other applicable material considerations. Additional legislation, policies, and other material considerations for specific receptors are listed within the relevant topic-specific chapters (Chapters 7 to 16).

The key legislation and policies covered within this chapter include:

- International, European Union (EU), United Kingdom (UK) and Scottish climate change and renewable energy legislation and policies;
- UK marine planning policy and legislation;
- Scottish marine planning policy and legislation;
- Scottish offshore wind consenting requirements;
- Environmental Impact Assessment (EIA) legislation;
- Habitats Regulations; and
- Other permits and licensing requirements.

2.2 Need for the Project

In April 2019, the First Minister of the Scottish Government (First Minister) declared a climate emergency (Climate Emergency Declaration (CED, 2019a)). Two days later, the UK Parliament formally declared an environmental and climate emergency (CED, 2019b), publicly stating their concern about climate change and its consequences.

In August 2021, the Intergovernmental Panel on Climate Change (IPCC) issued the Working Group I contribution to the Sixth Assessment Report (AR6), Climate Change 2021: The Physical Science Basis (IPCC, 2021). This first instalment to AR6 further confirmed that climate change is a global issue, resulting from Greenhouse Gas (GHG) emissions released into the atmosphere, and largely due to human activity, including the combustion of fossil fuels. Evidence of the effects of climate change includes widespread and rapid changes in the atmosphere, ocean, cryosphere, and biosphere. The Working Group I report emphasised that global surface temperatures will continue to increase until at least mid-century under all emissions scenarios considered. Absent deep, sustained reductions in carbon dioxide and other GHG emissions, global warming is expected to reach or exceed 1.5°C and 2°C during the 21st century (IPCC, 2021).

These findings prompted the First Minister to write to the UK Prime Minister detailing the urgency with which the four nations of the UK must work together and ensure leadership to limit the global temperature rise to 1.5°C in the longer term. The First Minister emphasised that:

"*The answer to these challenges - given the urgency of the climate emergency – cannot be business as usual. Instead, we must take decisions and make investments now to support - and accelerate - the development of these alternative* [energy sources]." (Scottish Government, 2021a).

The UK hosted the 26th United Nations Change Conference of the Parties (COP26) in Glasgow, Scotland, in November 2021. The COP26 summit focused on accelerating action towards achieving the goals of the Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC) (Table 2 1). The COP26 outcome was the Glasgow Climate Pact, a series of decisions and resolutions that build on the Paris Agreement and establish what needs to be done to accelerate action on climate change within this decade. Whilst every Party at COP26 – representing almost 200 countries – agreed to the Glasgow Climate Pact (UNFCCC, 2021).

The First Minister delivered an address at COP26 in 2021, detailing how Scotland will continue playing its full part in tackling climate change. The address reaffirmed Scotland's renewable energy potential and the role that renewable energy developments, including offshore wind, can play in realising Scotland's targets of becoming a net-zero country by 2045 at the latest. The urgency of the climate crisis driving the need for the implementation of technology to achieve these targets (in Scotland and around the world) was reiterated in 2022 at COP27 in Egypt and the need transition away from fossil fuels in the energy sector by 2050 was the focus of COP 28 in the United Arab Emirates (UAE) in 2023.

The Scottish Government is in the process of developing a Sectoral Marine Plan (SMP) for Offshore Wind Energy for Innovation and Targeted Oil and Gas (INTOG), which encompasses spatial opportunities and the strategic framework for future offshore wind deployment in sustainable and suitable locations, that will help deliver smaller projects including INTOG projects to meet wider net zero commitments (Scottish Government, (2022) and drive the 'deep decarbonisation' referred to in the UK Government's Energy White Paper (UK Government, 2020), whilst still supporting the UK's British Energy Security Strategy (UK Government, 2022).

As this planning process is specifically targeting oil and gas decarbonisation, it will provide unique opportunities to further deliver a fast and effective *Just Transition* and assist the oil and gas sector in meeting the commitments of the North Sea Transition Deal (NSTD) (BEIS, 2021), which includes a Net-Zero Asset Stewardship Expectation; to encourage emissions reductions from both existing and new oil and gas developments.

The Culzean Wind Turbine Generator (WTG), as a renewable energy source and demonstration project, aligns the Project with these drivers and requirements and will contribute to the understanding of the processes involved in the electrification of offshore assets, ultimately ensuring the delivery of low carbon energy in support of net-zero emission targets.

2.3 Key Climate Policies and Obligations

The key drivers underpinning the need for renewable energy given the climate emergency follow from the international policies and obligations set out in the following sections of this chapter. These are as follows:

- A need to tackle the climate emergency and significantly reduce GHGs by increasing reliance on zero or low carbon energy sources and phasing out high carbon energy sources (e.g. fossil fuel power stations);
- The need for energy security, which includes:
  - The need to secure energy supply;
  - The need for new energy infrastructure; and
  - The need to maximise economic and supply opportunities in Scotland and the UK.

Table 2-1 outlines the key relevant legislation and policy for the Project relating to international obligations and UK and Scottish climate change and renewable energy policy and legislation.

Table 2-1 International, EU, UK and Scottish climate change and renewable energy legislation and policies

LEGISLATION AND/OR POLICY	SUMMARY
International and EU	
United Nations Framework Convention on Climate Change	The UNFCCC is an international environmental treaty for addressing climate change. Signed in 1992, and subsequently ratified by 198 countries, it was established to combat 'dangerous' human interference with the climate system by stabilising GHG concentrations in the atmosphere. The UNFCCC was primarily designed to support the development of future agreements, protocols, and amendments that would impose obligations and enforceable requirements to reduce GHG emissions on state parties (UNFCCC, 1992).
Kyoto Protocol under the United Nations Framework Convention on Climate Change	The Kyoto Protocol 'operationalised' the UNFCCC by committing state parties to reduce GHG emissions. The protocol came into effect in 2005 and its commitments were transposed into UK law by the Climate Change Act 2008, which then required the net UK carbon account for the year 2050 to be 80% lower than the 1990 baseline. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 has since been passed to require the net UK carbon account for the year 2050 to be 100% lower than the 1990 baseline (UNFCCC, 1998).
Paris Agreement under the United Nations Framework Convention on Climate Change	The Paris Agreement aims to reduce the emission of gases that contribute to global warming by limiting it to well below 2°C and pursuing efforts to limit it to 1.5°C. The Paris Agreement set out to improve upon the Kyoto Protocol. It entered into force on 4 November 2016 and was ratified by the UK in November 2016. Under the UNFCCC, the annual Conference of Parties (COP) brings governments together to discuss and review how climate change is being managed domestically and internationally. It is the main decision-making body of the UNFCCC (UNFCCC, 2015)
National (UK and Scottish)	
The Climate Change (Scotland) Act 2009	The Climate Change (Scotland) Act 2009 (Scottish Government, 2009) sets legally binding targets for the reduction of GHG emissions. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the 2009 Act to set Scottish emissions reductions targets, including a reduction of all GHG emissions to net zero by 2045, with interim targets for reductions of at least 75% by 2030 and 90% by 2040. Additionally, the Scottish Government has set a target to generate 50% of Scotland's overall energy consumption from renewable sources by 2030.
The Energy Act (2023)	The Energy Act 2023 one of the biggest pieces of energy legislation in the UK's history will transform the energy system by strengthening energy security, supporting delivery of net zero. Measures have been set to accelerate development of offshore wind and help deliver the UK's net zero commitments (UK Government, 2023)
Scottish Energy Strategy (2017)	The Scottish Energy Strategy: The Future of Energy in Scotland (Scottish Government, 2017) sets out a vision for the energy system in Scotland until 2050. The strategy sets a 2030 target for the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied by renewable sources. This has since been supplemented by the Scottish Government Offshore Wind Policy Statement (Scottish Government, 2020a).
Scottish Government Offshore Wind Policy Statement (2020)	The Offshore Wind Policy Statement (Scottish Government, 2020a) sets out ambitions to capitalise on offshore wind development and discusses the role this technology could play in meeting the net zero target by 2045. It builds upon the ambitions outlined in the 2017 Scottish Energy Strategy, which establishes the 2050 energy vision. The 2017 Strategy is integral to the implementation of the Offshore Wind Policy Statement, through the identification of suitable offshore wind farm development areas.
Scotland's Energy Strategy Position Statement 2021	In accordance with the 2017 Strategy, Scotland's Energy Strategy Position Statement (Position Statement) was published in 2021 (Scottish Government, 2021b). The Position Statement notes that:

LEGISLATION AND/OR POLICY	SUMMARY
	"Since the publication of the 2017 strategy, the Scottish Government has committed to achieving our ambitious targets of net zero GHG emissions by 2045 and a 75% reduction by 2030. In light of the economic crisis created by the COVID-19 pandemic, the Scottish Government is now striving to deliver a green economic recovery aligned to those net zero ambitions." The Position Statement sets out the programme of work required across the energy sector to support the energy targets and outlines key energy priorities for Scotland, including priorities for renewable energy. The priority of relevance to the offshore Project is the delivery of the actions from the Offshore Wind Policy Statement, which was published in October 2020 (Scottish Government, 2020a). The Position Statement also states that the 2017 Strategy will remain in place until an Energy Strategy refresh is adopted by the Scottish Ministers.
North Sea Transition Deal (NSTD)	The NSTD, announced in 2021 by the North Sea Transition Authority (NSTA), which sat under the Department for Business, Environment and Industrial Strategy (BEIS); now known as The Department for Energy Security and Net Zero (DESNZ) sets out an ambitious plan to deliver investment of up to £14-£16 billion by 2030 in new energy technologies in the North Sea to support the drive towards Net Zero (BEIS, 2021).
Draft Scottish Energy Strategy and Just Transition Plan (2023)	The Draft Scottish Energy Strategy and Just Transition Plan (Scottish Government, 2023) was released in January 2023. One of the strategy's key ambitions includes more than 20 Gigawatts (GW) of additional renewable electricity on- and offshore by 2030. The strategy specifically mentions INTOG as one of the key leasing rounds supporting the scale up of offshore wind energy in Scotland.

2.4 EU Exit

On 31st January 2020, after triggering Article 50 of the Lisbon Treaty, the UK formally left the EU, in what is often referred to as 'Brexit' or 'EU Exit'. Since formally leaving the EU, the UK Government has committed to implementing international environmental obligations in accordance with the European Union (Withdrawal) Act 2018 and to maintain existing environmental and legislative commitments. Table 2-2 outlines the key EU Exit Regulations.

Table 2-2 European legislation

RELEVANT LEGISLATION	DESCRIPTION
EU Exit Regulations	The policies and procedures under the EIA Regulations remain unchanged (addressed fully in Section 2.8). However, as the UK is no longer part of the EU, amendments were made to the EIA Regulations in Scotland to ensure that they continue to work in the same manner. Many of the amendments made are minor and technical in nature. Amendments were made by The Marine Environment (EU Exit) (Scotland) (Amendment) Regulations 2019, The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 and The Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019. The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to ensure that policy on the protections and standards afforded by the Habitats Regulations remains unchanged, but with some changes in terminology the Scottish Ministers now exercise functions that were previously carried out at an EU level.

2.5 UK Marine Planning Policy and Legislation

The key UK-wide marine planning policies and legislation are outlined in Table 2-3, including the Marine and Coastal Access Act 2009 and UK Marine Policy Statement (2011) which establish the framework for marine planning in the UK.

Table 2-3 UK planning and marine policy

RELEVANT LEGISLATION / POLICY	DESCRIPTION
Marine and Coastal Access Act 2009	The Marine and Coastal Access Act 2009 (Department for Environment, Food and Rural Affairs (Defra, 2012) established provisions for the management and protection of the marine environment. In relation to Scotland, the Act applies to the offshore marine region (12 -200 nautical miles (nm)). It sets out requirements for a UK Marine Policy Statement, a marine licensing regime, powers to designate marine protected areas, a duty to contribute to a UK network of marine sites, and associated enforcement powers. Under the Marine and Coastal Access Act 2009 Scottish Ministers have responsibility for marine licensing and enforcement in the Scottish offshore marine region.
UK Marine Policy Statement (2011)	The UK Marine Policy Statement (UK Government, 2011), which was created and adopted by the UK Government and devolved administrations, facilitates an integrated approach to marine planning across the UK and sets out the high-level framework for preparing marine plans and taking decisions affecting the marine environment. Importantly, the UK Marine Policy Statement outlines the requirement for marine plans within UK waters to be developed considering environmental, social, and economic objectives.

2.6 Scottish Marine Planning Policy and Legislation

Table 2-4 outlines the Scottish marine planning legislation and policies relevant to the Project. The Marine (Scotland) Act 2010, which in addition to the Marine and Coastal Access Act 2009 (discussed in Section 2.5), establishes the marine planning framework in Scotland. National and regional Scottish marine planning policies which have been formed under the Marine and Coastal Access Act 2009 are also discussed.

Table 2-4 Scottish legislation and marine policy

RELEVANT LEGISLATION / POLICY	DESCRIPTION
National Marine Plan (2015)	In March 2015, the Scottish Government published 'Scotland's National Marine Plan (the NMP) – a Single Framework for Managing our Seas' (Scottish Government, 2015). The NMP 2015 sets out strategic policies for the sustainable development of Scotland's marine resources out to 200 nm (370 kilometres (km)). It is required to be compatible with the UK Marine Policy Statement and existing marine plans across the UK. The NMP was reviewed in 2018 and 2021 and an announcement was made in October 2022 on the development of the NMP 2.

RELEVANT LEGISLATION / POLICY	DESCRIPTION
Sectoral Marine Plan for Offshore Wind Energy (2020).	The Scottish Government published the SMP for Offshore Wind Energy in 2020 following over two years of analysis, consideration, and engagement with a wide range of stakeholders (Scottish Government, (2020b). The plan was developed to identify sustainable Plan Options (POs) for future commercial-scale offshore wind energy in Scotland. The SMP highlights consideration of cumulative impacts on bird species considering barrier effects, increased collision risk and increased energetic requirements. The potential for cumulative effects on marine mammals and other megafauna from potential concurrent construction activities in the north region needs to be considered and mitigated at project and regional levels. The Iterative Plan Review (IPR) process is a key aspect of the SMP implementation. This allows for new evidence to submitted for consideration prior to implementation in the SMP.
Sectoral Marine Plan for and Initial Plan Framework (IPF) for INTOG decarbonisation	Smaller innovation scale projects (i.e. those below 100 Megawatt (MW)) are not accounted for in the 2020 Plan nor do they have a route to a seabed lease. The Scottish Government is therefore in the process of developing a SMP for Offshore Wind Energy for INTOG, which encompasses spatial opportunities and the strategic framework for future offshore wind deployment in sustainable and suitable locations, that will help deliver smaller projects to meet wider net zero commitments (Scottish Government, (2022). As this planning process is specifically targeting oil and gas decarbonisation, it will provide unique opportunities to deliver a fast and effective *Just Transition* and assist the oil and gas sector in meeting the commitments of the NSTD (BEIS, 2021), which includes a Net-Zero Asset Stewardship Expectation; to encourage emissions reductions from both existing and new oil and gas developments. The process for development of the SMP for INTOG decarbonisation is outlined by the Initial IPF. The IPF outlines the requirements to allow for projects to be progressed through the areas of seabed leasing. The objectives of the INTOG planning process are central to the design and options that have been made available in the IPF. Three core objectives below represent the targeted nature of this exercise and distinguish it from the earlier SMP for Offshore Wind Energy: • Contribute to the attainment of net zero targets and a cleaner energy transition through targeted decarbonisation of offshore oil and gas assets from offshore wind; • Minimise the potential adverse effects on other marine users, economic sectors and the environment resulting from further offshore wind development; and • Maximise opportunities for economic development, investment and employment in Scotland, by identifying new sustainable opportunities for offshore wind development. The Culzean INTOG Project is aligned with these drivers and requirements and will contribute to ensuring the delivery of low carbon energy in support of net-zero emission targets. The Project will also act as a pioneering example of how the decarbonisation of ongoing operations within the oil and gas industry can be achieved.

2.7 Licensing Requirements

A Marine Licence is required for this Project under the Marine and Coastal Access Act 2009. Table 2-5 provides a brief outline for the relevant legislation.

Table 2-5 Licensing and consenting requirements

RELEVANT REQUIREMENTS	DESCRIPTION
Marine Licence	The Marine and Coastal Access Act 2009 (Defra, 2012) applies between the 12 and 200 nm limit, and states that a Marine Licence is required to construct, alter, or improve any works, or deposit any object in or over the sea, or on or under the seabed. As the Project is located beyond 12nm a Marine Licence under this regulation will be required to deposit Project components in / on the seabed. The Application will be made to Marine Directorate – Licensing Operations Team (MD-LOT). Along with this EIAR, which is prepared in support of the Marine Licence and in accordance with the Marine Works (Environmental Impact Assessment) Regulations 2007, as amended (UK Government, 2007). A Report to Inform Appropriate Assessment (RIAA) will also be submitted under The Conservation (Natural Habitats, &c.) Regulations 1994 and The Conservation of Offshore Marine Habitats and Species Regulations 2017 in support of the Application (UK Government, 2017), (see Section 2.9).

2.8 EIA Legislation

The requirement for an EIA is defined through the EIA EU Directive (85/337/EEC) (as amended) (European Commission, 1985). The purpose of the EIA Directive is to ensure that the potential effects of a project on the environment are taken into consideration before development consent is granted. If a development is deemed to have the potential to cause a significant effect on the environment by virtue of its scale, size, and/or location, then an EIA is required. The results of any such EIA must be provided by the developer to the decision-maker in the form of an EIAR. The Competent Authority cannot grant consent for an EIA development without considering the EIAR.

The EIA Directive was transposed into Scottish law through Domestic legislation prior to the UK's withdrawal from the EU, and relevant EU Exit legislation has ensured that the EIA requirements have remained effective in the UK, as described in Section 2.4. The EIA Regulations which transpose the requirements of the EIA Directive for electricity generation projects are presented in Table 2-6. Chapter 6: EIA Methodology, includes further details on how the EIA Regulations and EIA guidance have shaped the process.

Table 2-6 EIA legislation

RELEVANT LEGISLATION	DESCRIPTION
The Marine Works (Environmental Impact Assessment) Regulations 2007	These Regulations (UK Government, 2007) apply to applications for a Marine Licence from 12 to 200 nm. Schedule A1 and A2 list the types of projects which may require an EIA. Schedule A2 includes "Installations for the harnessing of wind power for energy production". Schedule 1 of these regulations is then used to understand whether an EIA is required for a Schedule A2 project by considering whether the project is likely to have significant effects on the environment. Matters requiring consideration include the characteristics (e.g. size, design, waste, pollution, risks etc.) and location (e.g. environmental sensitive areas) of the project as well as the types and characteristics of the potential impact (e.g. magnitude and spatial extent).

2.9 Assessment of Effects on Designated Sites

An assessment of the potential effects of the Project on protected sites is a requirement under EU, national and Scottish legislation. This EIAR, as well as the combined Habitats Regulations Appraisal (HRA) Screening Report and RIAA (Document Reference: GB-CZN-00-XODUS-000023) have adhered to the relevant regulations, outlined in Table 2-7.

Table 2-7 Habitats legislation

RELEVANT LEGISLATION	DESCRIPTION
Habitats and Birds Directive	Both the Habitats Directive (European Commission, 1992) and the Birds Directive (European Commission, 2009) form a network of designated 'European Sites'. Under this legislation, these sites include Special Areas of Conservation (SACs), Special Protected Areas (SPAs), and Ramsar sites. As these directives aim to maintain the biodiversity of European Sites to a favourable conservation status, EU Member States must afford these sites robust protection measures. Following Brexit, the Habitats Regulations, which transpose the requirements of the Habitats and Birds Directives into Scottish Law, remain in force. This includes the general provisions for the protection of European Sites, policy and standards, and the procedural requirements to undertake HRA to assess the implications of plans or projects for European sites. Recent legislative amendments focused on the changes necessary to ensure that the Habitat Regulations remain operable now that the UK has left the EU, with some changes to terminology and a higher degree of Scottish Ministers involvement. Within the UK, the Habitats Regulations now apply to the 'UK National Site Network', which covers SACs, SPAs, and Ramsar sites designated at various points in time pre-Brexit and any sites designated under the Habitats and Birds Directives post-Brexit.
Habitats Regulations	The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) (UK Government, 1994) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 ('The Habitat Regulations') (UK Government, 2017), transpose the requirements of both the Habitats Directive and the Birds Directive into domestic legislation regulating developments in Scottish Waters. The preliminary stage of the HRA process involves screening of any potential impacts of a plan or project (alone or in combination with others) upon a European site, including SAC, SPA, or Ramsar site, and proposed or candidate sites (e.g. Candidate SACs), and to consider whether these impacts are likely to be 'significant', i.e. Likely Significant Effect (LSE). Where HRA Screening identifies potential for a project to have a LSE on a European site, the applicant is required to provide a RIAA. The RIAA provides details of the potential effects of the Project on the integrity of the site(s) to the Competent Authority (i.e. MD-LOT) to enable them to undertake an Appropriate Assessment (AA) of the Project. AA is required per the UK legislation that gave effect to the Habitats Directive (as detailed above), and which continues to apply post-Brexit (i.e. the Habitats Regulations), to ascertain whether a project will adversely affect the integrity of a site given the conservation objectives of the site in question.

2.10 Other Permits and Licensing Requirements

Other permits and licences will be required across the Project lifecycle. These are outlined within Table 2-8. For each permit or licence, separate applications will be submitted to MD-LOT where specific to the WTG, or the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) which sits within the UK Government DESNZ, should alterations be required to the existing Culzean platforms. Should additional licences be required across the lifecycle of the Project, these will be discussed and agreed with the relevant licensing authority. The legislative context under which these will be sought, if required, will be further detailed in the relevant applications.

Table 2-8 Additional permits, licences, and applications potentially required during the Project lifecycle

PRE-CONSTRUCTION	• Pre-construction survey licences: – European Protected Species (EPS) Licence, as required; – Marine Licences or Marine Licence exemptions as required; – Crown Estate Scotland (CES) marine works licence; – Designated sites assessment; and • Northern Lighthouse Board (NLB) Statutory Sanction Application (if required).
CONSTRUCTION	• NLB Statutory Sanction Application (if required); and • Consent to Locate (CtL) for any modifications in the Culzean platform height (via OPRED) • HSE safety zone application for the WTG as a supplementary unit to the Culzean platform (under the HSE Offshore Installations and Pipeline Works (Management and Administration) Regulations, 1995)
OPERATION & MAINTENANCE	• Licences and consents for any unscheduled or major maintenance work that has not been considered within the EIA; • NLB Statutory Sanction Application (if required); and • Alterations to Pollution Prevention and Control (PPC) permits for the Culzean platform (via OPRED). • HSE safety zone application for the WTG as a supplementary unit to the Culzean platform
DECOMMISSIONING	• Decommissioning Programme; • Relevant licences as listed for pre-construction and construction; and • NLB Statutory Sanction Application (if required).

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