



Scotland England Green Link 1 / Eastern Link 1 - Marine Scheme

Environmental Appraisal Report
Volume 3

Appendix 3.2 - Topic Specific Legislation

nationalgrid



SP TRANSMISSION

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3.2 Topic Specific Legislation, Policies and Guidance

This appendix provides a summary of the relevant legislation in addition to the primary legislation described in Volume 2 Chapter 3: Legislation and Policy Framework, which is considered of relevance to the Marine Scheme and the topic specific appraisals undertaken as part of the Environmental Appraisal Report.

Table 3-1 summarises the specific international, national and local legislation and agreements relating to the development of offshore cables. A list of the relevant topic specific legislation is provided and a high-level summary is provided to explain its relevance to the Marine Scheme.

Table 3-1: Topic specific legislation

Legislation	Description of legislation	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.						✓			

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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.							✓		
United Nations Convention for the Law of the Sea (UNCLOS) 1982	Lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources.							✓		
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.							✓		
National Legislation										
UK (England and Scotland)										
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	✓	✓	✓	✓	✓	✓	✓	✓	✓

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	changes the way marine fisheries are managed. It also allows for the designation of an Exclusive Economic Zone for the UK.									
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.		✓	✓	✓	✓				
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.		✓	✓						
The Offshore Marine Conservation (Natural Habitats &c.) Regulations 2017	Transposes the Habitats Directive (92/43/EEC) into UK legislation in UK offshore waters (beyond the 12 NM limit to the limit of the EEZ). It aims to implement species and associated habitat protections from proposed developments in the regulatory jurisdiction.		✓		✓	✓				
The Conservation of Seals Acts 1970	Details protections to seal individuals and populations including closed reproductive seasons including from proposed offshore development.				✓					
Ancient Monuments and Archaeological Areas 1979 (as amended)	Designates maritime and terrestrial sites of ancient historical and cultural significance and legislates for appropriate protection from potential development damage.						✓			

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Protection of Military Remains Act 1986	Determines protection and access controls to remains of military equipment in the maritime environment from nearby potential developments.						✓			
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 manage the competing demands of the use of the sea whilst protecting the marine environment, 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.	✓	✓	✓	✓	✓	✓	✓	✓	✓

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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.		✓	✓	✓	✓				
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.		✓	✓	✓	✓				
The Protection of Seals (Designation of Haul- Out Sites) (Scotland) Amendment Order 2017	Formally designates haul-out sites, was laid in Parliament on 9 March 2017.				✓					
Ancient Monuments and Archaeological Areas 1979 (as amended)	An Act to consolidate and amend the law relating to ancient monuments; to make provision for the investigation, preservation and recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters; to provide for the recovery of grants under section 10 of the Town and Country Planning (Amendment) Act 1972 or under section						✓			

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	4 of the Historic Buildings and Ancient Monuments Act 1953 in certain circumstances; and to provide for grants by the Secretary of State to the Architectural Heritage Fund.									
Protection of Military Remains Act 1986	Prohibits entering and tampering with wrecked military vessels or aircraft. All military aircraft is automatically protected under this legislation, but vessels need to be designated individually.						✓			
Merchant Shipping Act 1995	All wreck material recovered from UK waters must be declared to the Receiver of Wreck (RoW) who acts to settle questions of ownership and salvage. 'Wreck' refers to all items of flotsam, jetsam, derelict and lagan found in or on the shores of the sea or any tidal water.						✓			
England										
Wildlife and Countryside Act 1981	The primary UK legislation for the protection animals, plants and associated habitats within the UK including on UK coastlines.		✓	✓	✓	✓				
Section 40 of 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.				✓					
Section 41 of Natural Environment and Rural Communities Act 2006			✓	✓	✓	✓				
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.		✓	✓						

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The Countryside and Rights of Way (CRoW) Act 2000	Determines access regulations regarding areas of biological and ecological interest or significance including coastal regions.					✓				
National Policy										
UK (England and Scotland)										
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.	✓	✓	✓	✓	✓	✓	✓	✓	✓
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 2015	Providing a comprehensive overarching framework for all marine activities within 12 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.	✓	✓	✓	✓	✓	✓	✓	✓	✓

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East Lothian Council - Shoreline Management Plan: Final Report 2018	The local policies detailing the sustainable development of proposed projects along the coastline of East Lothian.	✓								
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.		✓	✓		✓				
England										
North East Inshore and Northeast Offshore Marine Plan 2016	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.	✓	✓	✓	✓	✓	✓	✓	✓	✓
Environment Agency - UK Shoreline Management Plan 2019	Shoreline management plans are developed by Coastal Groups with members mainly from local councils and the Environment Agency. They identify the most sustainable approach to managing the flood and coastal erosion risks to the coastline in the: <ul style="list-style-type: none"> • short-term (0 to 20 years) • medium term (20 to 50 years) • long term (50 to 100 years) 	✓	✓							
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.		✓	✓	✓	✓				

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National Planning Framework 2	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.				✓	✓				

