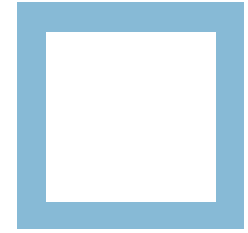


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OBTAINING CONSENT TO DEVELOP IN THE MARINE ENVIRONMENT

MARTIN SALES

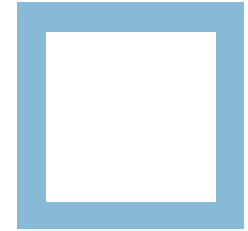
INTRODUCTION



- Overview
- What is the legal regime in Scotland?
- Who will do what?



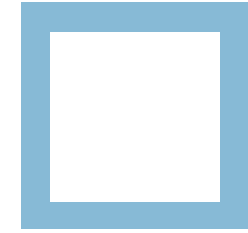
MAIN LEGISLATION



- Marine (Scotland) Act 2010
 - Royal Ascent on 10 March 2010
- Marine and Coastal Access Act 2009
 - Extends 200 nautical miles



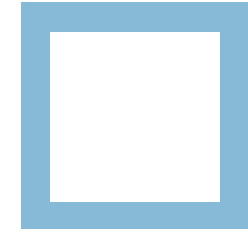
MARINE SCOTLAND ACT 2010



- Formation of Marine Scotland
- Marine planning
- More efficient marine licensing system
- Marine conservation measures
- Improved measures for the protection of seals
- Common enforcement measures



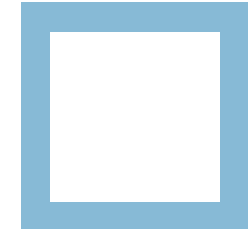
HIERARCHY OF MARINE PLANNING



- UK Marine Policy Statement
- Scottish National Marine Plan
- Creation of Scottish Marine Regions
- Scottish Marine Regional Plans
- Marine Energy Action Plan (in respect of wave, tidal stream and tidal range technologies) published DECC



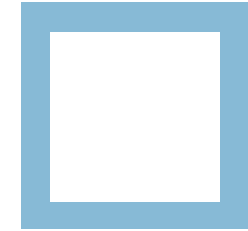
WHO HAS PLANNING FUNCTIONS?



- Generally
- River Basin Management Plan
- Terrestrial Planning – Local Authority and/or Scottish Ministers.
- Marine Planning
 - Scottish Ministers (National Marine Plan); or
 - delegated parties - to be determined (Regional Marine Plans)
- River Basin Management Planning – Scottish Ministers and SEPA



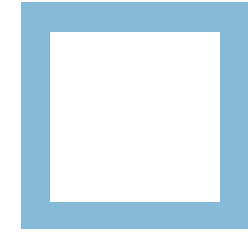
THE CROWN ESTATE



- Ownership of the territorial seabed and some parts of the foreshore
- Energy Act 2004
 - leases out to 200 nautical miles
- Commercial leasing rounds
 - developments over 10MW
- Non-commercial marine renewable devices
 - developments under 10MW; or
 - an array of up to 20 devices with a total capacity of less than 10MW



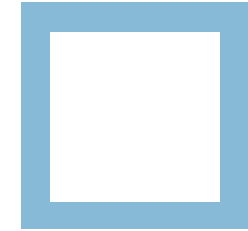
CONSENTS REQUIRED FOR MARINE RENEWABLE ELECTRICITY GENERATION



- Section 36 consent - Electricity Act 1989
- Section 34 consent - Coast Protection Act 1949
(until replaced by the Marine (Scotland) Act)
- Part II Licence - Food and Environment
Protection Act 1985 (FEPA) (until replaced by
the relevant sections of the MSA)



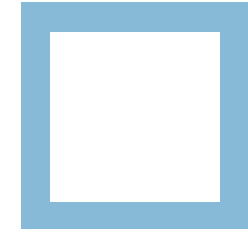
CONSENTS REQUIRED FOR MARINE RENEWABLE ELECTRICITY GENERATION



- Must meet the requirements of
 - Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007; and
 - Conservation (Natural Habitats &c) Regulations 1994
 - Marine Works (Environmental Impact Assessment) Regulations 2007



COMMERCIAL APPLICATIONS



- A site lease from the Crown Estate for use of the seabed
- A section 36 consent to generate > 1 MW of electricity offshore
- A FEPA Licence to deposit substances and articles on the seabed
- CPA Consent to meet navigational requirements
- MS-LOT provide advice and assistance to applicants at all stages of the process



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