CHAPTER 4: POLICY AND LEGISLATION

INTRODUCTION

4.1. This chapter of the Environmental Impact Assessment (EIA) Report presents a summary of the policy and legislative context for the optimised Seagreen Project. The following key areas are considered:

- Policy (including international and European context, United Kingdom (UK) and Scottish Policy);
- Scottish Marine Planning;
- Development Consents;
- The EIA Legislative Framework; and
- Other Consents.

4.2. Where specific policy or legislation exists with respect to technical assessments, this is set out in the relevant sections of technical chapters (Chapters 8 to 15) of this EIA Report.

POLICY

4.3. The following sections present the key policy context for the optimised Seagreen Project. The international and European Policy context is presented, followed by a consideration of key UK and National policy relevant to the project.

International and European Context

4.4. The Kyoto Protocol is an international agreement under the United Nations Framework Convention on Climate Change (UNFCCC), which commits its parties to setting mandatory targets aimed at reducing greenhouse gas emissions. The protocol was agreed in 1997 and was ratified by the UK in 2002.

4.5. At the Paris climate conference (COP21) in December 2015, 195 countries adopted the first-ever universal, legally binding global climate deal, the Paris Agreement (2016). The Paris Agreement (2016) sets out a global action plan towards climate neutrality and stop in increase in global average temperatures to below 2˚C above pre-industrial levels and to pursue efforts to limit warming to 1.5˚C.

4.6. The EU Renewable Energy Directive (Directive 2009/28/EC) on the promotion of the use of energy from renewable sources was implemented in April 2009 and sets targets for all Member States to ensure that the EU will fulfil at least 20% of its total energy needs from renewable energy sources by 2020. All EU countries must also ensure that at least 10% of their transport fuels come from renewable sources by 2020. This was reinforced by the Paris Agreement (2016). The Europe 2020 strategy sets targets on climate change and energy, to shift the EU towards a low carbon economy based on renewable energy sources and energy efficiency (European commission, 2014). The Europe 2020 objectives on for climate change and energy policy, to be achieved by 2020 are:

- A reduction of 20% in greenhouse gas emissions by 2020 (from 1990 levels), explicitly acknowledged within Appendix 1 to the Copenhagen Accord;
- 20% of the total EU energy consumption to come from renewable sources by 2020; and
- A 20% improvement in energy efficiency.

4.7. The 2030 Energy Strategy framework proposed by the European Commission (EC) in October 2014 builds on the 2020 climate and energy framework. The EC has proposed new climate and energy targets up to 2030:

- A 40% cut in greenhouse gas emissions compared to 1990 levels;
- At least 27% of energy used in EC countries to be from renewable sources; and
- A 27% improvement in energy efficiency (compared to projections).

Key UK Policy and Legislation

The Climate Change Act 2008

4.8. The Climate Change Act 2008 commits the UK to a net reduction in greenhouse gas emissions of 80% against the 1990 baseline by 2050, with an interim 37% reduction target for 2020 which if achieved will allow the UK to meet and exceed its Kyoto Protocol agreement commitment. The Climate Change Act 2008 also established the Committee on Climate Change (CCC). The CCC advises the Government on emissions targets, and reports to Parliament on progress made in reducing greenhouse gas emissions. The CCC has produced five four-yearly carbon budgets, covering 2008 to 2027. These carbon budgets represent a progressive limitation on the total quantity of greenhouse gas emissions to be emitted over the five-year period.

National Policy Statement

4.9. National Policy Statements (NPSs) were designated under the Planning Act 2008. They describe the national case and establish the need for certain types of infrastructure development including energy, as well as identifying potential key issues that should be considered by the examining body and decision maker. The Overarching National Policy Statement for Energy (NPS EN-1) sets out the UK Government's policy for the delivery of major energy infrastructure and supports the requirements of the Renewable Energy Directive. The policy states that new projects are urgently required in order to ensure that the UK's renewable energy target of sourcing 15% of its energy from renewable sources is met by 2020. National Policy Statement EN-3 sets out national policy for renewable energy infrastructure. Energy policy is generally reserved to the UK government, however, in Scotland offshore planning decisions remain with the Scottish Minsters. Therefore, while NPS EN-1 is still a relevant consideration for planning decisions in Scotland, planning in respect of offshore energy installations is the responsibility of Scottish Ministers.

UK Marine Policy Statement

4.10. The UK-wide Marine Policy Statement (MPS) was published in March 2011, under Section 44 of the Marine and Coastal Access Act (MCAA) 2009, in order to provide a framework for marine spatial planning, specifically for the preparation of Marine Plans and to ensure that marine resources are used in a sustainable way (HM Government, 2011). The MPS was jointly adopted by Scottish Ministers, the Secretary of State, Welsh Ministers and the Department of the Environment Northern Ireland. The MPS confirms that in examining and determining applications for all energy infrastructure, the following must be considered:

- The national level of need for energy infrastructure;
- The positive wider environmental, societal and economic benefits of low carbon electricity generation;

- That the renewable energy resources can only be exploited where the resource exists and where economically feasible; and
- The potential for inward investment on energy related manufacturing and deployment activity and employment opportunities and regeneration of local and national economies, supporting the objective of developing the UK's low carbon manufacturing capability.

4.11. Recognising the important role of renewable energy and offshore wind energy, the MPS states that 'Marine Plans should take account of and identify areas of potential for the deployment of different renewable energy technologies' and notes that as offshore wind is the most developed offshore renewable energy technology it has the biggest potential to improve the UK's medium-term energy security.

4.12. Potential impacts from renewable energy along with mitigation measures are considered in the National Policy Statement (NPS) Renewable Energy Infrastructure (EN-3). The NPS is specific to England and Wales, however the MPS confirms that in Scotland reference should be made to National Planning Framework 2, now superseded by National Planning Framework 3 (see section below) (Scottish Government, 2014). The MPS states that renewable energy offers the potential for significant broad-scale environmental benefits through mitigating greenhouse gas emissions.

4.13. The MCAA requires all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area to do so in accordance with the MPS and the relevant Marine Plans. Decisions on activities in the UK marine area will be plan led once Marine Plans are in place (HM Government, 2011).

Scottish Policy and Legislation

The Climate Change Act (Scotland) 2009

4.14. The Climate Change (Scotland) Act 2009 introduced binding targets on the Scottish Government to reduce net Scottish greenhouse gas emissions by 80% by 2050 from 1990 levels, with an interim target of 42% by 2020. In support of this objective, the Act commits to a generating capacity equivalent to 100% of national electricity needs from renewable energy development by 2020.

The Electricity Generation Policy Statement

4.15. The Electricity Generation Policy Statement 2013 (EGPS) examines the way in which Scotland generates electricity, and considers the changes which will be necessary to meet the targets that the Scottish Government has established (Scottish Government, 2013). The Scottish Government's policy on electricity generation is that Scotland's generation mix should deliver:

- A secure source of electricity supply;
- At an affordable cost to consumers;
- Which can be largely decarbonised by 2030; and
- Which achieves the greatest possible economic benefit and competitive advantage for Scotland, including opportunities for community ownership and community benefits.

4.16. The EGPS states that in order to meet the ambitious targets set by the Scottish Government "a sustained annual renewable deployment rate of more than twice that ever experienced in Scotland, and thus investment in and installation of large-scale schemes especially offshore wind" is required. The EGPS states the following targets:

- Delivering the equivalent of at least 100% of gross electricity consumption from renewables by 2020 as part of a wider, balanced electricity mix, with thermal generation playing an important role though a minimum of 2.5GW of thermal generation progressively fitted with Carbon Capture and Storage (CCS);
- Enabling local and community ownership of at least 500MW of renewable energy by 2020;
- Lowering final energy consumption in Scotland by 12%;
- Demonstrating carbon capture and storage (CCS) at commercial scale in Scotland by 2020, with full retrofit across conventional power stations thereafter by 2025 to 2030; and
- Seeking increased interconnection and transmission upgrades capable of supporting projected growth in renewable capacity.

The Scottish Energy Strategy

4.17. The Scottish Energy Strategy sets out the Scottish Government's vision for the future energy system in Scotland (Scottish Government, 2017). The strategy outlines six priorities around Scotland's 2050 vision, which includes renewable and low carbon energy solutions. The strategy set targets of the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; and an increase by 30% in the productivity of energy use across the Scottish economy (a measure of energy consumption and the output of the economy), to be achieved by 2030. The strategy highlights the success of Scottish projects in offshore wind in recent contract for difference auctions and highlights the great potential for future development, particularly within deeper waters.

4.18. The Scottish National Marine Plan (NMP) includes objectives relevant to energy strategy, including for the Offshore Wind and Marine Renewable Energy sector. The NMP is discussed further in the Scottish Marine Planning section below.

National Planning Framework 3

4.19. The National Planning Framework 3 (NPF3) is the long term strategy for Scotland for development and investment in infrastructure and the spatial expression of the Government Economic Strategy (Scottish Government, 2014). NPF3 informs development and investment decisions of the Scottish Government, its agencies, planning authorities, private investors and other bodies. In relation to renewable energy and offshore wind energy, one of the key visions for Scotland's development is the enhancement of the low carbon economy and to be a world leader in low carbon energy generation, both onshore and offshore. NPF3 commits Scottish Ministers to maximising the economic benefits arising from the manufacturing, construction, operations and maintenance activities associated with offshore wind energy developments.

Scottish Planning Policy

4.20. NPF3 is supported by the Scottish Planning Policy (SPP), which set out national planning policies, reflecting priorities for operation of the planning system and for the development and use of land. This includes policy on a series of topics, including renewable energy. The SPP states that 30% of overall energy demand and the equivalent of 100% of electricity demand should be produced from renewable sources by 2020.

The Renewables Action Plan and 2020 Routemap for Renewable Energy in Scotland

4.21. The Renewables Action Plan (RAP) was published by the Scottish Government's Renewable Energy Division in June 2009. The overall aim of the RAP is to support and accelerate the implementation of renewable energy in line with EU targets, and it sets out short term targets towards the delivery of 2020 targets for renewable energy (Scottish Government, 2011). In 2011 an updated extension to the RAP was published by the Scottish Government, the '2020 Routemap for Renewable Energy in Scotland'. The aim being to reflect, among others, the new targets of an equivalent of 100% demand for electricity from renewables and at least 30% overall energy demand from renewables by 2020 (Scottish Government, 2011). The Routemap presents the potential opportunities and challenges facing the offshore wind energy industry, and reflects these in four key actions:

- Market incentives;
- Invest in infrastructure;
- Support innovation; and
- Grid regulations and charging.

4.22. The latest update to the Routemap in 2015, highlighted that offshore wind is showing increasing promise as a source of renewable energy, and huge economic value (Scottish Government, 2015).

Scotland's Offshore Wind Route Map

4.23. The Offshore Wind Industry Group (OWIG) (consisting of both industry, government and public sector bodies) published Scotland's Offshore Wind Route Map in 2010, presenting an approach to identifying opportunities, challenges and priority recommendations for the offshore wind industry (OWIG, 2010). The ambition of the offshore wind industry was highlighted, "with 25% of Europe's offshore wind potential, the manufacturing, supply chain, job creation and training opportunities present Scotland with huge scope for sustainable economic growth". The route map presented recommendations to ensure that offshore wind will make a significant contribution to meeting Scotland's renewable energy target of 80% of Scotland's electricity consumption coming from renewable sources by 2020. The latest review of this route map was in 2013 which reviewed the progress that has been made in line with the original recommendations and in relation to updated targets, such as an equivalent of 100% demand for electricity from renewables (OWIG, 2013). The ambitions for renewables and clean electricity go beyond 2020 and the full deployment of Round 3 sites and Scottish Territorial Waters sites play a key role in meeting both the 2020 targets and 2030 decarbonisation targets (OWIG, 2013).

SCOTTISH MARINE PLANNING

4.24. The Marine and Coastal Access Act 2009 and Marine (Scotland) Act 2010 introduced a system of marine planning that covers both Scottish Offshore Waters and Scottish Territorial Waters. Both Acts require authorisation decisions to be made in accordance with the appropriate marine plans (as defined) unless relevant considerations indicate otherwise.

Scottish National Marine Plan (NMP)

4.25. The Scottish National Marine Plan (NMP) was adopted in 2015 and sets the overall framework for the management of Scotland's Seas (Marine Scotland, 2015). The NMP covers both Scottish inshore waters (0 to 12 nautical miles [nm]) governed by the Marine (Scotland) Act 2010, and offshore waters (12 to 200nm) governed by the Marine and Coastal Access Act 2009 (an Act of the UK Parliament). The NMP sets out strategic policies for the sustainable development of Scotland's marine resources and is compatible with the UK Marine Policy Statement and other existing marine plans (Marine Scotland, 2015). Planning for renewable energy is progressed through the NMP and Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy. The NMP reflects the ecosystem approach in the adoption of the Marine Strategy Framework Directive: Good Environmental Status Descriptors (2008/56/EC), and outlines five strategic objectives:

- Achieve a sustainable marine economy;
- Ensuring a strong, healthy and just society;
- Living within environmental limits;
- Promoting good governance; and
- Using sound science responsibly.

4.26. General policies have been developed to support these five strategic objectives, and sectoral objectives (e.g. Offshore Wind and Marine Renewable Energy) are presented in the context of the strategic objectives and general policies. The NMP explains that offshore wind, wave and tidal energy will make a significant contribution towards Scotland's future energy needs, and the ambitions for Scotland's renewables and clean electricity go beyond the 2020 targets (Marine Scotland, 2015).

Regional Marine Plans

4.27. Regional Marine Plans (RMPs) will be implemented at a local level within defined Scottish Marine Regions (extending to 12nm). RMPs will be developed by Marine Planning Partnerships to take account of local circumstances and smaller ecosystem units. Unless relevant considerations indicate otherwise, they are required to be in accordance with the National Marine Plan and the Marine Policy Statement (MPS), to ensure they are consistent with national objectives and priorities and are subject to adoption by Scottish Ministers.

Sectoral Plans

4.28. A draft sectoral Marine Plan for Offshore Wind Energy in Scottish Territorial Waters (Blue Seas – Green Energy) was published in 2011, which sets out the Government's vision for development offshore wind energy up to and beyond 2020 (Marine Scotland, 2011). In 2011, up to 10GW of planned development was in progress at offshore wind sites in Scottish waters, between the Round 3 sites in Scottish Offshore Waters and sites in Scottish Territorial Waters. In addition to the existing development capacity, the sectoral plan identified the potential for another 5GW of generation capacity and an additional 25 investigation sites.

4.29. This draft sectoral plan was then developed further through:

- The production of a Scoping Report for potential offshore wind development in Scottish Waters out to 200nm (Davies and Watret, 2011);
- The production of Regional Locational Guidance prepared to consider detailed environmental, technical and socioeconomic and planning issues of the offshore renewable energy regions of Scotland (Scottish Government, 2012);
- The production an Initial Plan Framework detailing draft Plan Options for future commercial scale offshore wind developments on a regional basis (Scottish Government, 2013c); and
- The production of a Sustainability Appraisal comprising of a Strategic Environmental Assessment (Scottish Government, 2013e), a Socioeconomic Assessment (Scottish Government, 2013d), a Habitats Regulations Appraisal (Scottish Government, 2011b) and a Consultation Analysis (Scottish Government, 2014) (all subject to consultation from July to November 2013).

4.30. Scottish Ministers approved a number of areas to go forward for publication in Scotland's National Marine Plan, published in March 2015 (Marine Scotland, 2015).

DEVELOPMENT CONSENTS

Section 36 Consent

4.31. As set out in Chapter 1 (Introduction), in 2010, Seagreen Wind Energy Limited, the parent company of Seagreen Alpha Wind Energy Limited (SAWEL) and Seagreen Bravo Wind Energy Limited (SBWEL), was awarded exclusive development rights to the Firth of Forth Round 3 Offshore Wind Farm Development Zone (Zone 2) by the Crown Estate. In 2012, Seagreen, on behalf of SAWEL and SBWEL, submitted applications for development consent to construct and operate two OWFs, Seagreen Alpha and Seagreen Bravo, within the Firth of Forth Development Zone (the Seagreen Phase 1 Project). Consents and licences for Seagreen Alpha OWF and Seagreen Bravo OWF and the Offshore Transmission Asset were awarded by Scottish Ministers in October 2014.

4.32. Seagreen are seeking consents for an optimised project within the same red line boundary as the originally consented projects. The original consents and licences received in 2014 are not affected by the current applications and therefore remain valid.

4.33. Seagreen Alpha Offshore Wind Farm (OWF) and Seagreen Bravo OWF are both wholly located in Scottish Offshore Waters (12nm up to 200nm offshore), within the Scottish Renewable Energy Zone (REZ), where offshore generating stations of greater than 50MW require consents under Section 36 of the Electricity Act 1989. A Section 36 consent is required for all elements of the 'generating station'.

4.34. Where a consent is granted in relation to construction and operation of an offshore generating station under Section 36 of the Electricity Act 1989, a declaration under Section 36A for extinguishment of rights of navigation may be made at the same time. Scottish Ministers may not grant Section 36 consent where the generating station, whether in the territorial seas or the REZ, would interfere with recognised sea lanes essential to international navigation.

4.35. Schedule 9 of the Electricity Act 1989, in respect of preservation of amenity and fisheries, requires the licence holder when formulating any relevant proposals to:

i. Have regard to the desirability of preserving natural and historical features of special interest; and

ii. Do what they reasonably can to mitigate any effect which the proposals would have on such interests.

When considering the application for consent under Section 36 of the Electricity Act 1989 the Scottish Ministers must have regard to the extent to which there has been compliance with the duty to do what can reasonably be done to mitigate the effects of the proposals. This EIA Report sets out in full the assessment and the proposed mitigation of potential environmental effects as a result of the construction, operation and decommissioning of the optimised Seagreen Project.

Marine Licensing

4.36. The Marine (Scotland) Act 2010 and Marine and Coastal Access Act 2009 both require that a Marine Licence is obtained prior to the construction, alteration or improvement of any works or deposit any object in or over the sea, or on or under the seabed. The Marine Licence requirements under the Marine (Scotland) Act 2010 apply in Scottish Territorial Waters and the Marine Licence requirements under the Marine and Coastal Access Act 2009 apply in Scottish Offshore Waters. The responsibility for administering licence applications under the Marine and Coastal Access Act 2009 lies with Scottish Ministers acting through Marine Scotland.

EIA LEGISLATIVE FRAMEWORK

4.37. The European Community (EC) EIA Directive (85/337/EEC as amended by 97/11/EC, 2003/35/EC and 2009/31/EC, codified by 2011/92/EU and further amended by 2014/52/EU) requires that an EIA must be carried out in support of an application for development consent for certain types of major projects which are likely to have the potential to give rise to significant environmental effects. Under the EIA Directive, an EIA is required for all projects listed under Annex I; Annex II projects may require an EIA depending on the potential environmental effects of the project. OWF developments are listed under Annex II as "installations for the harnessing of wind power for energy production (wind farms)". Annex II projects require an EIA to be undertaken where the project is "likely to have significant effects on the environment by virtue of factors including their nature, size or location". Due to the size and scale of the optimised Seagreen Project, Seagreen has prepared an EIA in support of this application for development consent.

4.38. The EIA Directive has been transposed into Scottish law through a number of different regulations. In relation to the optimised Seagreen Project, the EIA Directive is applied through the following regulations:

- The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended);
- The Electricity (Applications for Consent) Regulations 1990 (as amended);
- The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (for works within the 12nm boundary); and
- The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (in relation to works outwith the 12nm boundary).

4.39. Seagreen requested a scoping opinion prior to the 16 May 2017 and the new EIA Regulations coming into force and therefore this EIA Report has been prepared in accordance with the transitional provisions set out within the 2017 EIA regulations.

OTHER CONSENTS AND LEGISLATION

Habitats and Birds Directives and Regulations

4.40. The Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) and the Birds Directive (Council Directive 2009/147/EC on the conservation of wild birds) are transposed into Scottish law through:

- The Conservation of Habitats and Species Regulations 2010;
- The Conservation (Natural Habitats, &c.) Regulations 1994; and
- The Conservation of Offshore Marine Habitats and Species Regulations 2017.

4.41. The Conservation of Offshore Marine Habitats and Species Regulations 2017, transpose the Habitats Directive and the Birds Directive into national law within the Scottish Offshore Waters (12 to 200nm).

4.42. The Conservation of Habitats and Species Regulations 2017 and the Conservation (Natural Habitats, &c.) Regulations 1994 form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas of Scotland within territorial waters out to 12nm. The 2010 Regulations consolidate various amendments to the 1994 Regulations and apply in Scotland to, among other things, Section 36 applications. The latest Conservation Regulations 1994 amendment was in 2012 to ensure public bodies must exercise their functions relevant to nature conservation so as to comply with the Habitats Directive and the Birds Directive.

4.43. Under these Habitat Regulations, a network of protected sites for birds and certain habitats and species have been established in the UK. The network of sites are collectively known as the Natura 2000 network. These internationally important sites are often referred to as 'European sites' and include:

- Special Areas of Conservation (SACs), or candidate SACs (cSACs);
- Special Protection Areas (SPAs), or potential SPAs (pSPAs);
- Sites of Community Importance (SCIs);
- Sites hosting priority habitats or species; and
- Ramsar Sites.

4.44. Where a project is likely to have a significant effect on a Natura 2000 site, regardless of whether the project location is within or beyond the 12nm boundary, there is a requirement for the competent authority (Marine Scotland) to carry out an Appropriate Assessment. The Regulations state that it is the developer's responsibility to provide sufficient information to the competent authority, to enable them to assess whether there are likely to be any significant effects and to enable them to carry out the AA, where necessary, as part of a HRA.

European Protected Species (EPS) Licence

4.45. The Habitats Directive lists certain species of animals and plants on Annex IV (a) and (b) respectively, that require strict protection. Those Annex IV species occurring naturally in Britain are defined as 'European Protected Species' (EPS) (Marine Scotland, 2014). The Offshore Marine Regulations implement the species protection requirements of the Habitats and Birds Directives in Scottish Offshore Waters and make it an offence to kill, injure, capture or disturb marine EPS. This EIA Report provides the information to enable the need for an EPS licence to be considered by Marine Scotland, in consultation with JNCC and Scottish Natural Heritage (SNH). While the grant of such a licence is separate to the main Section 36 and Marine Licence application process, it is understood that this will be considered in parallel by Marine Scotland.

Energy Act 2004 – Safety Zones

4.46. Section 95 of the Energy Act 2004 introduced provisions for the establishment of safety zones around Offshore Renewable Energy Installations (OREIs), with the Electricity (Offshore Generating Stations) (Safety Zones) (Applications Procedures and Control of Access) Regulations 2007 requiring that the Scottish Ministers be consulted prior to issue of any notice establishing a safety zone. An area may be declared to be a safety zone only if it is an area of water around or adjacent to a place where an OREI is to be, or is being, constructed, extended, operated or decommissioned; but may also extend to waters outside the waters subject to regulation.

4.47. The Scotland Act 2016 amends the Energy Act 2004, transferring functions to Scottish Ministers in relation to the declaration of safety zones around offshore renewable energy developments in Scottish Offshore Waters.

Decommissioning Plan

4.48. The Energy Act 2004 also introduced a requirement to prepare a decommissioning programme for offshore wind farms, to ensure the reinstatement of sites and to ensure the availability of adequate funds to undertake decommissioning. These provisions were subsequently updated by the Energy Act 2008.

4.49. The Scotland Act 2016 (Section 62) transfers to Scottish Ministers functions under the Energy Act 2004 to determine whether developers of an offshore renewable energy installation in Scottish Territorial Waters or in a Scottish Offshore Waters should be required to prepare a decommissioning programme for submission and approval to Scottish Ministers (Scottish Government, 2017). This is subject to savings and transitional provisions applicable to existing offshore installations.

Marine Strategy Framework Directive

4.50. European Council Directive 2008/56/EC, the Marine Strategy Framework Directive (MSFD) requires Member States to prepare national strategies to manage their seas to achieve Good Environmental Status (GES) by 2020. The Directive came into force on 15 July 2008 and was transposed into UK law by the Marine Strategy Regulations 2010. The UK's approach and targets for achieving GES were outlined subsequently in a 'UK programme of measures' (Defra, 2015). The approach ensures that all developments comply with the regulatory regime, and that regulatory assessments take full consideration of any potential impacts that may compromise GES.

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