



# **Awel y Môr Offshore Wind Farm**

## **Category 5: Reports**

### **Document 5.4: Consents and Licences Required Under Other Legislation**

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## Glossary of terms

TERM	DEFINITION
The array	The area where the wind turbines will be located.
AyM	The Awel y Môr Offshore Wind Farm project.
The Export Cable Corridor (ECC)	The area(s) where the export cables will be located.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP) from the relevant Secretary of State (SoS).
Design envelope/ Maximum Design Scenario (MDS)	The maximum design parameters of the combined project assets that result in the greatest potential for change in relation to the impacts assessed.
LiDAR	Light Detection and Ranging (remote sensing).
Marine Licence	A licence administered under the Marine and Coastal Access Act 2009 for marine works in Welsh waters by the Natural Resources Wales (NRW) Marine Licensing Team (MLT) on behalf of the Welsh Ministers.
PEIR	Preliminary Environmental Information Report. The PEIR was written in the style of a draft Environmental Statement (ES) and formed the basis of statutory consultation. Following that

TERM	DEFINITION
	consultation, the PEIR documentation was updated into the final ES that accompanies the applications for the Development Consent Order (DCO) and Marine Licence.
Order Limits	The extent of development including all offshore and onshore works areas.

## Abbreviations and acronyms

TERM	DEFINITION
AyM	Awel y Môr Offshore Wind Farm
AyMOWFL	Awel y Môr Offshore Wind Farm Limited
BEIS	Department for Business, Energy and Industrial Strategy
CAA	Civil Aviation Authority
DCO	Development Consent Order
DCC	Denbighshire County Council
DECC	Department for Energy and Climate Change (now BEIS)
DP	Dynamic Positioning
GyM	Gwynt y Môr Offshore Wind Farm
HAT	Highest Astronomical Tide
HDD	Horizontal Directional Drill
HVAC	High Voltage Alternative Current
HVDC	High Voltage Direct Current
LAT	Lowest Astronomical Tide
MCAA	Marine and Coastal Access Act

TERM	DEFINITION
MDS	Maximum Design Scenario
MFE	Mass Flow Excavation
MHWS	Mean High Water Springs
NPS	National Policy Statement
NRW	Natural Resources Wales
O&M	Operation and Maintenance
THLS	Trinity House Lighthouse Service
WTG	Wind Turbine Generator

# 1 Introduction

- 1 This document sets out the consents that are, or may be, required for the Awel y Môr Offshore Windfarm (AyM) that are not contained within the draft Development Consent Order (DCO). This document also provides details of the consents that the Applicant is seeking to dis-apply within the DCO and which, as a result, will not need to be applied for separately.
- 2 There is no requirement for this document in the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009, but it is provided to assist in the examination of the Awel y Môr application.
- 3 Under section 120(5) of the 2008 Act an order granting development consent may—
  - ▲ apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order; and
  - ▲ make such amendments, repeals or revocations of statutory provisions of local application as appear to the decision-maker to be necessary or expedient in consequence of a provision of the order or in connection with the order.
- 4 Under section 150(1) of the 2008 Act, an order granting development consent may include provisions to remove a requirement for a prescribed consent or authorisation only if the relevant body has consented to the inclusion of the provision. These consents and authorisations are listed in column 2 of the table in Part 1 of Schedule 2 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.

## 2 Consents which are to be disappplied

- 5 The Applicant proposes the following consents that are dis-applied within the DCO and which, as a result, will not need to be applied for separately.

NATURE OF CONSENT	LEGISLATION	CONSENTING AUTHORITY	APPLICANT POSITION
Ordinary Watercourse Consent	Land Drainage Act 1991	Denbighshire County Council (DCC)	The Applicant seeks to disapply this legislation as the Draft DCO provides for works to be undertaken on Ordinary Watercourses, and the requisite information has been provided within the Environmental Statement and associated supporting information, including the Code of Construction Practice (application ref: 8.13) and associated appendices which include a construction method statement (application ref: 8.13.1)
Flood Risk Activities Permit (FRAP)	Environmental Permitting (England and Wales) Regulations 2016	Natural Resources Wales	The Applicant seeks to disapply this legislation as the Draft DCO provides for works to be undertaken on or near main rivers, and the requisite information has been provided within the Environmental Statement

NATURE OF CONSENT	LEGISLATION	CONSENTING AUTHORITY	APPLICANT POSITION
			and associated supporting information, including the Code of Construction Practice (application ref: 8.13) and associated appendices which include a construction method statement (application ref: 8.13.1), and Flood Consequence Assessments for the cable infrastructure and onshore substation (application ref: 6.5.7.1 and 6.5.7.2 respectively).
Temporary Traffic Regulation Order (if construction phase requires temporary revisions to traffic regulations and temporary closure (with diversion) of a Public Right of Way)	Road Traffic Regulation Act 1984	DCC	If construction requires amendments to the public highway, such as temporary closures of Public Rights of Way and temporary traffic management the Applicant is seeking to disapply the need for further application for Temporary Traffic Regulation Orders as the Draft DCO provides for works to be undertaken on Ordinary Watercourses, and the requisite information has been provided within the Environmental Statement and associated supporting

NATURE OF CONSENT	LEGISLATION	CONSENTING AUTHORITY	APPLICANT POSITION
			<p>information, including the Code of Construction Practice (application ref: 8.13) and associated appendices which include a public access management plan (application ref: 8.13.8) and construction traffic management plan (8.13.7).</p>

### 3 Consents which will be required

- 6 At this stage it is expected that the following consents, which are not provided for in the DCO, will be required:
  - ▲ Marine licences from Natural Resources Wales (NRW) on behalf of the Welsh Government under the Marine and Coastal Access Act 2009 for licenceable activities within Welsh waters; and
  - ▲ A water abstraction licence under sections 24 or 25 of the Water Resources Act 1991.
- 7 Further information regarding additional consents and licences beyond those discussed above are provided in Table 1.1 below.
- 8 Specifically, with regards the marine licences, as the AyM project is located in the Welsh inshore region, it is not possible for the DCO to include a deemed marine licence (ML).
- 9 As set out above, a separate ML application will therefore be submitted to Natural Resources Wales' Marine Licencing Team (NRW MLT) who will deal with the application on behalf of the Welsh Ministers.
- 10 NRW will be a prescribed consultee for the purposes of the DCO and is therefore expected to be an active participant in the DCO examination process by reviewing relevant DCO documents, submitting representations and attending hearings where marine issues are considered. The applicant and NRW MLT have also agreed to meet regularly during the DCO examination to review progress of the ML application and for AyM to provide relevant information for the ML from the DCO process to NRW MLT.
- 11 AyM and NRW have worked together to draft the ML principles document (at Annex 5.4.1) which provides a likely framework and approach for any MLs. It is based on other recent MLs that NRW has issued including the ML issued for the Morlais Tidal Stream Demonstration Project in December 2021. The ML principles document is designed to assist the examination of the AyM project by clearly setting out how the MLs will be structured and the matters that they will cover. Please note that the detailed wording of any ML conditions has not been agreed and will be a matter for NRW in determining the ML applications.

- 12 There may, for example, be instances where conditions of the ML could be adequately covered within the DCO or vice versa. Where this occurs, AyM does not consider it appropriate or necessary to duplicate provisions in the ML and DCO. For example, certain conditions of the ML may be more appropriately included in the DCO which will be granted by the Secretary of State. These are set out in the table at Annex 5.4.1.

NRW MLT has confirmed to AyM that separate MLs for the AyM generation and transmission assets can be applied for and that these licences can cover the construction, operational and decommissioning phases of the development. A separate (third) ML will also be sought to facilitate a proposed electrical connection to the existing Gwynt y Môr offshore wind farm. The separate licences can be determined under a single application.

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
<b>Offshore Consents</b>				
Marine Licence(s)	Marine and Coastal Access Act 2009	Natural Resources Wales on behalf of Welsh Government	In parallel with DCO process	Required for all licensable activities, as defined in Section 66 of the Marine and Coastal Access Act 2009. The Applicant will submit a single application for marine licences for the marine works related to the generation assets, offshore transmission assets and the connection to GyM. A marine licence principles document drafted in discussion with NRW is at annex 1 of this document (application ref: 5.4.1)
Appropriate Assessment and Habitat Regulations Assessment	The Conservation of Habitats and Species	Secretary of State for Business, Energy and Industrial Strategy (BEIS) and NRW (for the MLs)	Part of DCO and Marine Licence (ML) process –	The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive and the 2010 Habitats Regulations. The Applicant has submitted a Habitat

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
	Regulations 2010		parallel with DCO	Regulations Assessment report with the Application.
Coast Station Radio Licence	Wireless Telegraphy Act 2006	Radiocommunications Agency	Post DCO	The principal legislation governing the use of radio in the UK is the Wireless Telegraphy Act 1949. This Act requires the possession of a licence to install or use wireless telegraphy (radio) apparatus unless the equipment has been exempted from this requirement. Coastal Station Radio licences are designed to allow coast (base) stations on shore to communicate with vessels. The Applicant does not anticipate any issues with obtaining such a licence, as it is a matter of requesting a channel from the Radiocommunications Agency and paying the appropriate fee.

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
Decommissioning Scheme	Energy Act 2004	BEIS	Post DCO	The Secretary of State will require a decommissioning programme to be submitted prior to commencement of authorised development pursuant to section 105(6) of the Energy Act 2004.
European Protected Species (EPS) Licence	The Conservation of Offshore Marine Habitats and Species Regulations 2017	Natural Resources Wales	Post DCO	<p>It is an offence to deliberately kill, capture or disturb European protected species, and to damage or destroy their breeding sites or resting places. EPS Licences can be obtained to allow persons to carry out activities that would otherwise be prohibited, without committing an offence.</p> <p>When the design of the wind farm is being finalised, discussions of the final Project details will be undertaken with the MMO. If necessary, clarification will be sought on the requirement for an EPS</p>

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
				Licence and, if required, an application for a Licence will be made.
F10 – Notification of Construction Project	Construction (Design and Management) Regulations 2015	Health and Safety Executive	Post DCO	The Construction (Design and Management) Regulations 2015 require particulars of the Project to be notified to the Health and Safety Executive in advance of construction. This would be sought by the appointed contractor.
Safety Zones	Energy Act 2004	BEIS	Post DCO	Where a safety zone relates to a Nationally Significant Infrastructure Project (NSIP), the appropriate decision maker for safety zones is the Secretary of State, who has delegated that function to BEIS. As set out in the Safety Zone Statement (application ref: 7.2) the safety zone application will therefore be made to BEIS, which may, if it is considered

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
				<p>appropriate to do so, issue a notice declaring that such areas as are specified or described in the notice are to be safety zones. Consultation with BEIS will commence once the safety zone application has been submitted and BEIS will then provide comments on the proposed safety zones at this time and following the notice period. The application will be subject to consultation with the MCA along with any relevant shipping interests.</p>

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
<b>Onshore Consents</b>				

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
Building Regulation approval (if necessary)	Building Regulations 2010	DCC	Post DCO	Operational buildings may require Building Regulations approval if they are manned and therefore not covered by the exemption set out in the Building Regulations 2010, Regulation 9 and Schedule 2 'Exempt Buildings and Work' – "Part CLASSa" – 'Buildings not frequented by people'. This would be sought by the contractor.
Crown Consent	Section 135 of the Planning Act 2008	Crown Estate Commissioners	Post DCO	Consent to acquire interests other than the Crown in Crown land.
Environmental Permit for water discharge or waste operations/ registration of	Environmental Permitting (England and Wales) Regulations 2016	Natural Resources Wales	Post DCO	The Environmental Permitting (England and Wales) Regulations 2016, which came into force on 1 January 2017, consolidate the Environmental Permitting (England and Wales) Regulations 2010 and subsequent amendments. They require most

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
exempt waste operations and water discharges (as necessary)				waste management activities and discharges to surface or groundwater to have a permit. However, there are some exceptions to this, being activities that do not need a permit but the exemptions generally require to be registered with NRW.
Water Abstraction Licence (if required)	Water Resources Act 1991	Natural Resources Wales	Post DCO	A Water Abstraction Licence may be required pursuant to the Water Resources Act 1991 from NRW if required by the contractor the abstraction of water for the construction works.
European Protected Species (EPS) Licence	The Conservation of Habitats and Species Regulations 2017	Natural Resources Wales	Post DCO	It is an offence to deliberately kill, capture or disturb European protected species, and to damage or destroy their breeding sites or resting places. EPS Licences can be obtained to allow persons to carry out activities

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
				<p>that would otherwise be prohibited, without committing an offence.</p> <p>When the design of the wind farm is being finalised, discussions of the final Project details will be undertaken with NRW. If necessary, clarification will be sought on the requirement for an EPS Licence and, if required, an application for a Licence will be made.</p>
Licence for work affecting badgers	Section 10 of the Protection of Badgers Act 1992	Natural Resources Wales	Post DCO	<p>Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett.</p> <p><i>No setts were identified during the EIA characterisation surveys. Pre-construction walkover surveys will allow any newly excavated setts to be identified.</i></p>

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
				Licences allowing works to proceed close to active badger setts, as works that would cause disturbance as defined by Natural England, will be acquired where necessary.
Notice of Street Works	Traffic Management Act 2004	DCC	Post DCO	Permit schemes under the Traffic Management Act 2004 provide that the Applicant would need to book time on the highway through a permit.
Permit for transport of abnormal loads (if necessary)	Road Vehicles (Authorisation of Special Types) (General) Order 2003 Road Traffic Act 1988	North Mid Wales Trunk Road Agency (NMWTRA), Local Highway Authority or the police and bridge owners (if any) as appropriate	Post DCO	The Construction and Use Regulations are the primary legislation for the construction and maximum dimensions for all vehicles.  The Road Vehicles (Authorisation of Special Type) General Order 2003 permits the use of vehicles and/or loads, which cannot comply with the maximum permitted weight, either gross or axle weight, for the class of vehicle being used for transporting a

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
				<p>load. It also contains the regulations for loads, which exceed the maximum width permitted by the Construction and Use Regulations, agricultural vehicles and many other miscellaneous vehicles. The legislation is in the most part permissive in that (with some exceptions) providing the haulier complies with the requirements of notification procedures, an abnormal load can be moved without the need for any permit or authorisation.</p>



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