

MONA OFFSHORE WIND PROJECT

Other Consents or Licences Required

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Image of an offshore wind farm

MONA OFFSHORE WIND PROJECT

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Glossary

| Term | Meaning |
|-----------------------------------|---|
| 2008 Act | The Planning Act 2008 |
| Applicant | Mona Offshore Wind Limited. |
| Deemed marine licence | Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for 'deemed marine licences' as part of the DCO process. In addition, licensable activities not wholly outside Welsh inshore waters require a separate marine licence from Natural Resource Wales (NRW). |
| Development Consent Order (DCO) | An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP). |
| Local Authority | A body empowered by law to exercise various statutory functions for a particular area of the United Kingdom. This includes County Councils, District Councils, County Borough Councils and unitary authorities. |
| Marine licence | The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. |
| Ofcom | The Office of Communications |
| OfGEM | The Office of Gas and Electricity Markets |
| Project | The Mona Offshore Wind Project |
| Relevant Local Planning Authority | The Relevant Local Planning Authority is the Local Authority in respect of an area within which a project is situated, as set out in Section 173 of the Planning Act 2008. Relevant Local Planning Authorities may have responsibility for discharging requirements and some functions pursuant to the Development Consent Order, once made. |
| Statutory consultee | Organisations that are required to be consulted by an applicant pursuant to the Planning Act 2008 in relation to an application for development consent. Not all consultees will be statutory consultees (see non-statutory consultee definition). |

Acronyms

| Acronym | Description |
|---------|---|
| CCBC | Conwy County Borough Council |
| DCC | Denbighshire County Council |
| DCO | Development Consent Order |
| EPS | European Protected Species |
| DESNZ | Department for Energy Security and Net Zero |
| dML | Deemed Marine Licence |
| MCA | Maritime and Coastguard Agency |
| ML | Marine Licence |
| MMMP | Marine Mammal Mitigation Protocol |
| NRW | Natural Resources Wales |

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| Acronym | Description |
|---------|---|
| NRW MLT | Natural Resources Wales Marine Licencing Team |
| SABS | Sustainable Drainage Approval Body |
| SNCB | Statutory Nature Conservation Body |
| UXO | Unexploded Ordnance |

Units

| Unit | Description |
|------|---------------|
| nm | Nautical mile |

1 Other consents or licences required

1.1 Introduction and Summary

- 1.1.1.1 Mona Offshore Wind Limited (the Applicant), a joint venture of bp Alternative Energy investments (hereafter referred to as bp) and Energie Baden-Württemberg AG (hereafter referred to as EnBW) is developing the Mona Offshore Wind Project. The Mona Offshore Wind Project is a proposed offshore wind farm located in the east Irish Sea.
- 1.1.1.2 As the Project is an offshore generating station with a capacity of greater than 350 MW located in Welsh waters, it is a Nationally Significant Infrastructure Project (NSIP) as defined by Section 15(3) of the Planning Act 2008 (the 2008 Act). As such, there is a requirement to submit an application for a Development Consent Order (DCO) to the Planning Inspectorate to be decided by the Secretary of State for Energy Security and Net Zero.
- 1.1.1.3 This document sets out the consents that are, or may be, required for the Project that are not contained within the draft DCO. This document also provides details of the consents that the Applicant is seeking to disapply within the DCO and which, as a result, will not need to be applied for separately.
- 1.1.1.4 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 Mona DCO application.
- 1.1.1.5 Under section 120(5) of the 2008 Act an order granting development may:
- (a) Apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order; and
 - (b) 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.
- 1.1.1.6 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.

1.2 Consents which are to be disapplied or included in the DCO

- 1.2.1.1 The Applicant proposes to disapply or include the following consents within the DCO and as a result they will not need to be applied for separately.

Table 1 Disapplication of other consents.

| Consent | Legislation | Consenting authority | Content of consent/licence |
|--|------------------------------------|---|--|
| Ordinary Watercourse Consent | Land Drainage Act 1991 | Conwy County Borough Council (CCBC) / 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 (ES) Volume 3, Chapter 2 Hydrology and Flood Risk (Document Reference F3.2) and associated information, including the outline Code of Construction Practice (Document Reference J26) and associated appendices which include an Onshore Construction Method Statement (Document Reference J26.15) CCBC/DCC's consent to the disapplication of Ordinary Watercourse Consent is expected to be, secured through a Statement of Common Ground. |
| 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 | CCBC/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 applications for Temporary Traffic Regulation orders as the Draft DCO provides for such works to be undertaken and the requisite information has been provided within the ES and associated supporting information, including the Outline Code of Construction Practice (Document Reference J26) including the Outline Public Rights of Way Management Strategy (Document Reference J.27) and Outline Construction Traffic Management Plan (Document Reference J26.13) |
| Marine Licence for unexploded ordnance (UXO) clearance | Marine and Coastal Access Act 2009 | NRW on behalf of Welsh Government | Clearance of UXO (if required) will be included in the DCO and deemed Marine Licence (dML). Specific methodological details and relevant mitigation methods required (such as those described in a UXO-specific Outline Marine Mammal Mitigation Protocol (MMMP) (Document Reference J21) would be subject to agreement with NRW and consultation with any of their advisors and the statutory nature conservation bodies (SNCBs). |

1.3 Consents which will be required

- 1.3.1.1 At this stage it is expected that the following consents, which are not provided for in the DCO, will be required:
- (a) A marine licence from Natural Resources Wales (NRW) on behalf of the Welsh Government under the Marine and Coastal Access Act 2009 for licensable activities that are not wholly outside Welsh inshore waters; and
 - (b) A water abstraction licence under section 24 or 25 of the Water Resources Act 1991.
- 1.3.1.2 Further information regarding additional consents and licences beyond those discussed above is provided in Table 2 and Table 3 below.
- 1.3.1.3 Specifically, with regard to the marine licences, the transmission assets for the Mona Offshore Wind Project are located partially in the Welsh inshore region. It is not possible for the DCO to include a deemed marine licence in respect of the works in that region. It has been agreed with NRW that a deemed marine licence can be included for the Mona generation assets as these are wholly located outside of Welsh inshore waters.
- 1.3.1.4 As set out above, a separate transmission assets ML application will be submitted to NRW’s Marine Licencing Team (NRW MLT), immediately following acceptance of the DCO application, who will deal with the application on behalf of the Welsh Ministers.
- 1.3.1.5 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 the Applicant to provide relevant information for the ML from the DCO process to NRW MLT.
- 1.3.1.6 The Applicant and NRW MLT have worked together to draft the Marine Licence Principles Document (Document Reference J9) which provides a likely framework and approach for the transmission ML. It is based on other recent MLs that NRW has issued including those for the Awel y Môr project in November 2023. The Marine Licence Principles document is designed to assist the examination of the Mona Offshore Wind Project by clearly setting out how the deemed ML for the generation assets and the separate ML for the transmission assets will interact and operate together.

Table 2: Other offshore consents and licences that will be required

| Consent | Legislation | Consenting authority | Anticipated application date | Content of consent/licence |
|----------------|------------------------------------|-----------------------------------|------------------------------|--|
| Marine Licence | Marine and Coastal Access Act 2009 | NRW 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 an application for a marine licence related to the transmission assets. |

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| Consent | Legislation | Consenting authority | Anticipated application date | Content of consent/licence |
|---|--|--|---|---|
| Appropriate Assessment and Habitat Regulations Assessment | The Conservation of Habitats and Species Regulations 2017 The Conservation of Offshore Marine Habitats and Species Regulations 2017 | Secretary of State for Energy Security and Net Zero and Welsh Ministers through NRW (for the ML) | Part of DCO and dML process – parallel with DCO | The relevant Secretary of State is the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017. The Applicant has submitted Information to Support and Appropriate Assessment (ISAA) (Document Reference E1.1 – E1.3) with the Application. |
| Coast Station Radio Licence | Wireless Telegraphy Act 2006 | Ofcom | Post DCO | The principal legislation governing the use of radio in the UK is the Wireless Telegraphy Act 1949. The Wireless Telegraphy Act 1949 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 design 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 Ofcom and paying the appropriate fee. |
| TCE Beneficial Use Agreement | Commercial Agreement | The Crown Estate | Post DCO | A commercial agreement may be required from The Crown Estate for the use of extracted sea bed material in gravity base foundations. |
| Decommissioning Scheme | Energy Act 2004 | DESNZ | 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 | NRW | Post DCO | It is an offence to deliberately kill, capture or disturb European protected species (EPS), 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. 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. |

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| Consent | Legislation | Consenting authority | Anticipated application date | Content of consent/licence |
|--|---|-----------------------------|-------------------------------------|--|
| 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 | DESNZ | 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 the Department for Energy Security and Net Zero (DESNZ). As set out in the Safety Zone Statement (Document Reference J6) the safety zone application will therefore be made to DEZNS which may, if it is considered 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 DESNZ will commence once the safety zone application has been submitted and DESNZ 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. |
| Energy Generation Licence | Electricity Act 1989 | OfGEM | NA | The Applicant has a generation licence pursuant to section 6(1)(a) of the Electricity Act 1989 which authorises the Applicant to generate electricity in a specified area for the purposes of giving a supply to any premises in a specified area or enabling a supply to be so given. |

Table 3: Other onshore consents and licences that will be required

| Consent | Legislation | Consenting authority | Anticipated application date | Content of consent/licence |
|--|---|----------------------------------|------------------------------|--|
| Building Regulation Approval (if necessary) | Building Regulations 2010 | CCBC / 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. This would be sought by the contractor. |
| Listed Building Consent | Planning (Listed Buildings and Conservation Areas) Act 1990 | Welsh Ministers | Parallel with DCO | Listed building consent is required for the works to widen the existing opening in the Grade II listed Gwrych Castle wall. |
| Crown Consent | Section 135 of the Planning Act 2008 | The Crown Estate/Welsh Ministers | Post DCO | Consent to acquire interests other than the Crown in Crown land (which includes land held by the Welsh Government and related bodies) and consent to include other provisions affecting Crown land as shown in the Crown Land Plan (Document Reference B6). |
| Environmental Permit for water discharge or waste operations / registration of exempt waste operations and water discharges (as necessary) | Environmental Permitting (England and Wales) Regulations 2016 | NRW | Post DCO | The Environmental Permitting (England and Wales) Regulations 2016 require most waste management activities and discharges to surface or groundwater to have a permit. There are some exceptions to this, being activities that do not need a permit, but the exemptions are generally required to be registered with NRW. |
| Water Abstraction Licence (if required) | Water Resources Act 1991 | NRW | Post DCO | A Water Abstraction Licence may be required pursuant to the Water Resources Act 1991 from NRW if required by the contractor for the abstraction of water for the construction works. |
| European Protected Species (EPS) Licence | The Conservation of Habitats and Species Regulations 2017 | NRW | 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 that would otherwise be prohibited, without committing an offence. When the design of the Project 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. |

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| Consent | Legislation | Consenting authority | Anticipated application date | Content of consent/licence |
|--|--|--|-------------------------------------|---|
| Licence for work affecting badgers | Section 10 of the Protection of Badgers Act 1992 | NRW | Post DCO | 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. Pre-construction walkover surveys will allow any newly excavated setts to be identified. Licences allowing works to proceed close to active badger setts, as works that would cause disturbance, will be acquired where necessary. |
| Notice of Street Works | Traffic Management Act 2004 | CCBC / 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 and Mid Wales Trunk Road Agent (NMWTRA), Local Highway Authority or the police and bridge owners (if any) as appropriate | Post DCO | The Road Vehicles (Authorisation of Special Types) (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 load. It also contains the regulations for loads which exceed the maximum width permitted. 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. |
| Application for a 'Part B' permit for crushing and screening | Local Authority Pollution Prevention and Control Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2016 | CCBC / DCC | Post DCO | If required, a Part B permit will be sought to operate mobile plant crushing and screening. |
| Section 16 Wildlife and Countryside Act Licence | Wildlife and Countryside Act 1981 | NRW | Post DCO | A licence may be required if construction activities are to interfere with designated species. |