



**LLYR**

# LLYR FLOATING OFFSHORE WIND PROJECT

**Llŷr 1 Floating Offshore Wind Farm**

**Environmental Statement**

**Volume 1: Chapter 02 – Regulatory and Planning Context**

**August 2024**





## Document Status

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## Approval for Issue

Prepared by	AECOM
Prepared for	Llŷr Floating Wind Limited
Approved by	Jay Hilton-Miller

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## Acronyms and abbreviations

Acronym or Abbreviation	Definition	Acronym or Abbreviation	Definition
AA	Appropriate Assessment	MW	Megawatt
BEIS	Department for Business, Energy and Industrial Strategy	NPS	National Policy Statement
BESS	British Energy Security Strategy	NRP	Natural Resources Policy
CNP	Critical National Policy	NRW	Natural Resources Wales
CO2	Carbon Dioxide	NSIP	Nationally Significant Infrastructure Project
COP	Conference of Parties	OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic
DCO	Development Consent Order	OWEIP	Offshore wind environmental improvement package
DEFRA	Department Environment, Food and Rural Affairs	PCC	Pembrokeshire County Council
DESNZ	Department for Energy Security & Net Zero	PCNPA	Pembrokeshire Coast National Park Authority
DNS	Developments of National Significance	PDZ	Policy Development Zone
EIA	Environmental Impact Assessment	PEDW	Planning and Environment Decisions Wales
EPS	European Protected Species	PPW	Planning Policy Wales
ES	Environmental Statement	PRoW	Public Right of Way
EU	European Union	S.n	Section [relevant number]
EWP	Energy White Paper	SAC	Special Area of Conservation
FLOW	Floating Offshore Wind	SAC	Special Areas of Conservation
FTE	Full Time Equivalent	SDP	Strategic Development Plan
GES	Good Environmental Status	SMP	Shoreline Management Plan
GW	Gigawatt	SoNaRR	State of Natural Resources Report
HMSO	His Majesty's Stationery Office	SPA	Special Protection Area
HRA	Habitat Regulations Assessment	SPG	Supplementary Planning Guidance
JNCC	Joint Nature Conservation Council	SSSI	Site of Special Scientific Interest
LDP	Local Development Plan	TAN	Technical Advice Notes
MCAA	Marine and Coastal Access Act	WFD	Water Framework Directive
MPS	Marine Policy Statement	WNMP	Welsh National Marine Plan
MSFD	Marine Strategy Framework Directive		



## Glossary of project terms

Term	Definition
The Applicant	The developer of the Project, Llŷr Floating Wind Ltd.
Array	All wind turbine generators, inter array cables, mooring lines, floating sub-structures and supporting subsea infrastructure within the Array Area, as defined, when considered collectively, excluding the offshore export cable(s).
Array Area	The area within which the wind turbine generators, inter array cables, mooring lines, floating sub-structures and supporting subsea infrastructure will be located
Floventis Energy	A joint venture company between Cierco Ltd and SBM Offshore Ltd of which Llŷr Floating Wind Ltd is a wholly owned subsidiary.
Landfall	The location where the offshore export cable(s) from the Array Area, as defined, are brought onshore and connected to the onshore export cables (as defined) via the transition joint bays (TJB).
Llŷr 1	The proposed Project, for which the Applicant is applying for Section 36 and Marine Licence consents. Including all offshore and onshore infrastructure and activities, and all project phases.
Marine Licence	A licence required under the Marine and Coastal Access Act 2009 for marine works which is administered by Natural Resources Wales (NRW) Marine Licensing Team (MLT) on behalf of the Welsh Ministers.
Offshore Development Area	The footprint of the offshore infrastructure and associated temporary works, comprised of the Array Area and the Offshore Export Cable Corridor, as defined, that forms the offshore boundary for the S36 Consent and Marine Licence application
Offshore Export Cable	The cable(s) that transmit electricity produced by the WTGs to landfall.
Offshore Export Cable Corridor (OfECC)	The area within which the offshore export cable circuit(s) will be located, from the Array Area to the Landfall.
Onshore Development Area	The footprint of the onshore infrastructure and associated temporary works, comprised of the Onshore Export Cable Corridor and the Onshore Substation, as defined, and including new access routes and visibility splays, that forms the onshore boundary for the planning application.
Onshore Export Cable(s)	The cable(s) that transmit electricity from the landfall to the onshore substation
Onshore Export Cable Corridor (OnECC)	The area within which the onshore export cable circuit(s) will be located.
Project	All aspects of the Llŷr development
Onshore Substation	Located within the Onshore Development Area, converts high voltage generated electricity into low voltage electricity that can be used for the grid and domestic consumption.



Term	Definition
Section 36 consent	Consent to construct and operate an offshore generating station, under Section 36 (S.36) of the Electricity Act 1989. This includes deemed planning permission for onshore works.



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## 2. LEGISLATION, POLICY AND GUIDANCE

### 2.1 Introduction

1. This chapter of the Environmental Statement (ES) details the key national and local legislation, policy, guidance and commitments relevant to the Llŷr Project. This is particularly in relation to climate change and renewable energy which are considered key topics and drivers in respect of the proposed Project.
2. As detailed in **Chapter 01: Introduction**, this ES is submitted as part of an application for Section 36 consent with deemed planning permission under the Electricity Act 1989 and an application for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009.
3. The Llŷr Project is a floating offshore wind (FLOW) development (hereafter referred to as the proposed Project) with a generating capacity of up to 100 MW. The proposed Project includes offshore and onshore cabling and supporting infrastructure in Pembrokeshire, Wales.
4. The proposed Project does not satisfy the criteria for being considered a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 (PA 2008) as it does not meet the requirements set out in subsections s14 (3B) (a) and (b), due to its location (within Welsh waters) and size (not over 350 MW). Therefore, the proposed Project does not trigger the need for a Development Consent Order (DCO).
5. The proposed Project is being delivered in accordance with the legislation, policy and guidance adopted at an international, national and local level.

### 2.2 Need for the Development

6. The UK has committed to net zero carbon emissions by 2050 through the Climate Change Act 2008 (as amended). Additionally, since declaring a climate emergency in 2019, the Welsh Government has also set a legal commitment to achieve net zero by 2050 through The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021. Renewable energy is seen as a primary method of reducing emissions of greenhouse gases, particularly carbon dioxide (CO<sub>2</sub>). FLOW will play a key part in this, with the UK Government announcing an initial target for FLOW to deliver 1 GW of energy by 2030 (Net Zero Strategy: Build Back Greener, 2021), with this target subsequently increased to 5 GW by 2030 in 2022 (British Energy Security Strategy, 2022).
7. The proposed Project will have a maximum capacity of 100 MW. It is estimated that, once fully operational, the proposed Project will produce enough renewable energy to power approximately 100,000 UK homes per year; saving 150,724 tonnes of carbon emissions per year. These figures have been estimated using load factors from Renewable UK for offshore wind at 40.58%<sup>1</sup>.
8. FLOW technology will contribute to the UK's target to bring all GHG emissions to net zero by 2050. As a test and demonstration development, the proposed Project is the first in a 'step-wise approach' to FLOW in the Celtic Sea, where demonstration of this technology increases learning and maximises opportunities for the local economy. Starting with smaller demonstration projects, such as the proposed Project, before moving incrementally to larger commercial scale projects in the 2030s. This approach will provide local, Welsh and UK supply chain companies with the greatest chance to grow with the sector as it expands globally. It will also maximise knowledge transfer and facilitate a sustainable transfer to a low carbon economy.

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<sup>1</sup> <https://www.renewableuk.com/page/UKWEDEExplained/Statistics-Explained.htm>



9. The purpose of the proposed Project is to:
  - Demonstrate FLOW technology at Test and Demonstration scale in the Celtic Sea;
  - Maximise low carbon job creation and positive socio-economic impact within the local supply chain; and
  - Demonstrate FLOW to respond to the climate emergency, achieve UK and Welsh Net Zero target, achieving UK FLOW target and promoting the green economy.
10. The proposed Project will deliver socio-economic benefits, including creating an estimated 2,165 gross Full-Time Equivalent (FTE) jobs during the construction phase and there are anticipated to be 96 gross direct FTE jobs created from the proposed Project resulting from the operation phase of the two 100 MW substations (i.e. Llŷr 1 and Llŷr 2, the proposed Project is only Llŷr 1) (see **Chapter 16: Socio-economics, Recreation and Tourism**). Overall, the Project will provide significant benefits in terms of Gross Value Added (GVA) and jobs created to the local Pembrokeshire economy and wider area. This will be delivered through the provision of direct jobs created by the Project, or indirect jobs created in the supply chain or through the significant GVA benefits the Project will bring.
11. The benefits of the proposed Project meet numerous requirements and policy aims set out in documents below, with the proposed Project being supported in principle by the legislative and policy context. A detailed assessment of the proposed Project's compliance with planning policy and other material considerations is included in the Planning, Design and Access Statement, which is provided to support the consent application. A further review of legislation, policy, and guidance relevant to each technical topic is also addressed within the technical chapters of the Environmental Statement (ES), **Chapters; 07: Seascape, Landscape and Visual through to Chapter 30: Cumulative Effects** so for brevity is not repeated here.

## 2.3 Energy and Climate Change Policy and Legislation

### 2.3.1. *International Commitments*

12. To address climate change there is an urgent need to generate electricity using renewable and low carbon sources to provide sufficient reliable, affordable sources of electricity whilst meeting our carbon reduction targets. These targets and policies have been set at international, UK, Wales and local levels, with offshore wind identified as a key component of the strategy to decarbonise.
13. The UK committed through international, legally binding agreements (including the 1997 Kyoto Protocol and the 2015 Paris Climate Agreement) to reduce greenhouse gas emissions. Under the Paris Climate Agreement, a global action plan was set to achieve climate neutrality with the member countries committing to limiting global temperature rise to below 2°C, while pursuing efforts to limit the increase to 1.5°C. Achieving the UK's contribution to this target requires very rapid decarbonisation of the electricity generation system. Under the Paris Climate Agreement, at the end of 2023 (and every five years thereafter) a "global stocktake" will assess the collective progress made and identify any gaps towards meeting the purpose of the Agreement. The stocktake is an opportunity to ensure every Party is upholding their pledge to the Agreement. The 28<sup>th</sup> Conference of Parties (COP28) took place in Dubai between 30 November and 12 December 2023. 85,000 participants including more than 150 heads of state and governments were amongst the attendees. COP28 marked the conclusion of the first 'global stocktake' on the efforts to address climate change under the Paris Agreement. Key points of COP28 include; that progress was too slow across all areas of climate action, from reducing greenhouse gas emissions, to strengthening resilience to a changing climate, to getting the financial and technological support to vulnerable nations. Countries have



responded with a decision on how to accelerate action across all areas by 2030 including a call on governments to speed up the transition away from fossil fuels to renewables such as wind and solar power in the next round of climate commitments.

14. The October 2018 publication of the Intergovernmental Panel on Climate Change (IPCC) special report increased public awareness of climate change with its warning of the potential 2°C increase on pre-industrial temperatures and the associated increased risk of drought, flood, extreme heat, and poverty to people worldwide. Following this, on 29<sup>th</sup> April 2019, the Welsh Government declared a climate emergency in Wales<sup>2</sup> and two days later the UK Parliament also formally declared an environmental and climate emergency.

### 2.3.2. *European Legislative and Policy Context*

15. The UK formally left the EU on 31<sup>st</sup> January 2020 after triggering Article 50 of the Lisbon Treaty, in what is now referred to as 'Brexit'. Since leaving the EU, the UK Government has committed to implement international environmental obligations in accordance with the European Union (Withdrawal) Act 2018 and to maintain environmental and legislative commitments. As such, the EU's existing renewable energy targets for the UK, including those established by the Renewable Energy Directive (2009/28/EC) remain applicable.
16. The UK Government set legally binding targets to reduce carbon dioxide emissions in the UK by at least 80% by 2050, from 1990 levels through the Climate Change Act 2008. The Renewable Energy Directive (2009/28/EC) came into force in 2009 and mandated levels of renewable energy use in EU countries between 2009 and 2021. The Renewable Energy Directive was revised in 2018; within the 2018 revision the UK committed to sourcing 32% of its total energy needs from renewable sources by 2030.

### 2.3.3. *UK Legislative and Policy Context*

17. The Climate Change Act, 2008 (as originally enacted) requires the UK Government to ensure its net carbon account and greenhouse gas emissions are reduced by 80% by 2050, compared to the 1990 levels. To achieve this, the UK Government committed to implementing carbon budgets on a five-year cycle until 2032. In June 2019, with the Climate Change Act 2008 (2050 Target Amendment) Order 2019, the reduction target was revised to a 100% reduction of greenhouse gas emissions (net zero).
18. The Climate Change Act 2008 established the Committee on Climate Change, which works to advise the UK Government and its devolved administrations on setting and achieving the carbon budgets.
19. Offshore wind developments, such as the proposed Project, are an important contributor to meeting the legally binding target to decrease carbon emissions and achieve net zero by 2050.
20. The UK Energy Act, 2013 amended the decarbonisation targets for the wider UK described in the Climate Change Act 2008. It reduced the UK's net zero target to 2030 for the electricity generation sector as the earliest year for decarbonisation. Alongside this, it made commitments to improve the UK's energy security as well as consumer cost. Progress to this decarbonisation target will be reviewed every 5 years with the latest review being reported in 2022. The review confirmed that the UK was on track to meet 30% renewable electricity generation by 2020. The review highlighted the key role of offshore wind energy in achieving the decarbonisation, energy security and consumer cost goals of the Energy Act 2013. The UK

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<sup>2</sup> Press Release available here: <https://www.gov.wales/welsh-government-makes-climate-emergency-declaration>



Energy Act was further amended in October 2023. The 2023 amendments cover a wide range of areas which seek to overhaul the UK's approach to energy use and efficiency and deliver on a number of commitments made by UK Government in the British Energy Security Strategy, the Ten Point Plan for a Green Industrial Revolution (HM Government, 2020), and the Powering up Britain: Net Zero Growth Plan, 2023 (NZG Plan). The purpose of these commitments is to increase the resilience and reliability of energy systems across the UK, support the delivery of the UK's climate change commitments and reform the UK's energy system whilst minimising the costs to the consumer.

21. The 2023 Act will help the UK scale-up power generation from offshore wind, with Part 13 of the Act addressing offshore wind electricity generation, oil and gas. Part 13 of the Act provides the primary powers to implement the Offshore Wind Environmental Improvement Package (OWEIP) to address the impacts of offshore wind infrastructure in the marine environment and help to speed up the consenting process for offshore wind. It also includes provision to improve the delivery of offshore wind through enabling amendments to the habitats regulations assessment (HRA) regime and facilitating strategic compensation via the Marine Recovery Fund.
22. The UK Government's Ten Point Plan supports the reduction of UK emissions by 180 million tonnes of carbon dioxide equivalent (Mt CO<sub>2</sub> e) between 2023 and 2032 to meet the net zero target, and with respect to energy generation and transmission, the plan includes measures to *'advance the development of offshore wind'*.
23. The UK Government published The Energy White Paper – Powering our Net Zero Future (EWP) (BEIS, 2020d) in 2020, setting out how the UK will decarbonise the energy system and reach net zero emissions by 2050 and builds on the Ten Point Plan. At the core of the EWP is the commitment to achieve net zero and tackle climate change. The EWP seeks to put in place a strategy for the wider energy system that transforms energy, supports a green recovery, and creates a fair deal for consumers. Chapter 2 of the EWP deals with 'power' with the stated goal to use electricity to enable the transition away from fossil fuels and decarbonise the economy cost-effectively by 2050. Figure 3.2 of the plan, *'Electricity demand, Net Zero scenarios'* highlights how electricity demand could double by 2050 as electricity replaces the use of petrol and diesel in transport and to some extent, gas, for heating. This requires a four-fold increase in clean electricity generation with the decarbonisation of electricity underpinning the delivery of the net zero target.
24. The EWP explains that the government is not targeting a particular generation mix, however it commits the government to maintaining the market conditions which stimulate the cost reductions that have been seen in the renewable's energy market over the preceding five years (2015-2020). It states that it is possible to determine key characteristics of the future generation mix at this stage identifying that a *'low-cost, net zero consistent system is likely to be composed predominantly of wind and solar'*.
25. Building upon the commitments in the EWP, the Net Zero Strategy - Build Back Greener, published by the Government in October 2021 includes a vision for a decarbonised economy by 2050 including recognising that in June 2021 the Government set in law the sixth carbon budget limiting the volume of greenhouse gases emitted from 2033 to 2037 by approximately 78% by 2035 compared to 1990 levels. To achieve this target the Strategy goes further than the 2020 Energy White Paper by stating on page 78 that:  
*'By 2035, all our electricity will need to come from low carbon sources, subject to security of supply, moving to a fully decarbonised power system whilst meeting a 40-60% increase in demand.'*



26. The Net Zero Strategy (HMSO, 2021) also emphasizes the importance of innovative renewable technologies such as FLOW and associated infrastructure to meet the UK net zero targets.
27. The British Energy Security Strategy (BESS) (HMSO, 2022) acknowledges the country's vulnerability to international oil and gas prices, with reference to the war in Ukraine and restrictions on Russian imports. The BESS sets out long-term goals for reducing dependence upon imported oil and gas by promoting domestic renewable energy production. The BESS recognises that the UK's island resources, its shallow seabed's and high winds, offer unique advantages that have helped make the UK a global leader in offshore wind and pioneers of floating wind. The BESS describes an increase in the pace of deployment of offshore wind, promoting a target of 50 GW by 2030, including 5 GW of floating wind, with the ambition that by 2030 over half the UK's renewable energy generation capacity will be from wind.
28. The targets for total offshore wind capacity and FLOW increase between publication of the National Infrastructure Strategy in November 2020 and the BESS in April 2022, showing the government's commitment to the offshore wind sector. The BESS also notes that the unit cost of offshore wind electricity has fallen by around two thirds, showing the benefit of the sector through improved affordability of energy.
29. The National Infrastructure Strategy (HMSO, 2020) describes the goals for decarbonisation of the UK's energy network, stating that to attain net zero by 2050 the power system will need to be mostly carbon free and significantly larger to cope with the additional demand from electrification in transport, heating, and industrial processes. The bulk of generation will likely be provided by low-cost renewables, with the strategy reiterating a target to deliver 40 GW of offshore wind energy production by 2030, also stating that, '*the government expects around 65% of electricity generated in Great Britain to come from renewable sources by 2030*'.

#### 2.3.4. Welsh Legislative and Policy Context

30. The Welsh Government has also established a legislative and policy framework that enables and drives action on climate change. The Environment (Wales) Act 2016 governs the sustainable and holistic management of natural resources within Wales, whilst meeting the challenges of creating jobs, housing and infrastructure. This legislation aims to accelerate the UK's Net Zero targets within Wales and places a duty on Welsh Ministers to set targets for reducing greenhouse emissions and to set a carbon budget every five years. The first carbon budget ran from 2016 to 2020, the second carbon budget runs from 2021-2025 with a targeted average reduction of 37%.
31. The Act provides a framework that ensures managing the natural resources sustainably will be a core consideration in decision making, including the following elements:
  - The State of Natural Resources Report (SNRR). Natural Resources Wales (NRW) must produce a SNRR assessing natural resources and how well and sustainably they are being managed;
  - The National Natural Resources Policy (NRP) set by the Welsh Government to set the priorities, risks and opportunities for managing the natural resources sustainably. The NRP highlight the need to reduce carbon emissions using investment into local renewable energy and nature-based solutions (Welsh Government, 2017); and
  - Area Statements have been produced by NRW on the delivery of the NRP in seven localities, detailing the requirements of a local evidence base helping to implement the priorities, risks and opportunities identified within the National Policy and how NRW will address these. The Southwest Area Statement covers the landfall site of the proposed



Project, and priorities relevant to the proposed Project include increasing the local renewable energy sector, under the climate change mitigation priority area.

32. The Well-being of Future Generations (Wales) Act 2015 seeks to improve the economic, social, and cultural well-being of Wales. Under this Act, Welsh Government public bodies, including Natural Resources Wales (NRW) must assess any activities against seven well-being goals that cover socio-economic, cultural and environmental variables with an aim to carry out sustainable development. Throughout the Act, mitigation of climate change is a key theme, recognising the employment, economic and sustainable development benefits of renewable energy projects to the well-being of the Welsh population.
33. The two goals most relevant to the proposed Project include firstly: A Prosperous Wales: The Well-being of Future Generations (Wales) Act 2015 defines this goal as follows:  
*'An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well- educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.'*
34. The proposed Project is being developed to have an operational life of 30 years, after which it may be either decommissioned or repowered (subject to a separate consent). During its operation, the proposed Project would contribute to reaching global, European and national targets on CO<sub>2</sub> reduction and renewable energy production.
35. The proposed Project would provide huge employment opportunities in the local area during both the construction and operational phases, creating an estimated 2,165 gross FTE jobs during the construction phase and an anticipated 96 gross direct FTE jobs created from the proposed Project resulting from the operation phase of the two 100 MW substations (i.e. Llŷr 1 and Llŷr 2, the proposed Project is only Llŷr 1).
36. Further information on the energy output of the proposed Project and anticipated employment opportunities is set out in **Chapter 01: Introduction** and **Chapter 16: Socio-economics, Recreation and Tourism** of the ES.
37. The second most relevant goal is A Resilient Wales: The Well-being of Future Generations (Wales) Act 2015 defines this goal as follows:  
*'A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).'*
38. The Applicant has prepared an ES in support of a Section 36 Consent Application and an application for a Marine Licence. The ES considers the likely significant effects of the proposed Project on the environment. **Chapter 08: Ecology and Biodiversity** of the ES considers the proposed Project's likely impacts on ecology and biodiversity. The proposed Project has been designed, as far as reasonably practicable, to be complementary to its surroundings; the design has been iteratively developed over time in response to environmental surveys, consultation and the wider policy context, to achieve the best outcome for local communities and the proposed Project. In respect of climate change, **Chapter 29: Climate** of the ES demonstrates how the proposed Project has been designed to be resilient to future changes in the climate.
39. The 2015 Act requires public bodies to adopt defined ways of working, which are relevant to environmental sustainability. The proposed Project's compliance with the Well-being of



Future Generations (Wales) Act is further assessed within the Planning, Design and Access Statement.

- 40. The Planning, Design and Access Statement includes Table 8-1 which sets out a detailed assessment of how and where the proposed Project addresses each well-being goal of The Well-being of Future Generations (Wales) Act 2015.
- 41. The Welsh Governments Net Zero Strategic Plan, 2022 provides a framework for making the Welsh public sector carbon neutral by 2030 in response to the climate emergency. The Strategic Plan sets out 54 initiatives and targets to promote low carbon.
- 42. The Future Potential for Offshore Wind in Wales, 2018 report prepared by the Carbon Trust for and funded by the Welsh Government investigated the potential for increased offshore wind development in Wales. The report concluded that floating wind (offshore development) in south-west Wales should be centred around the Pembrokeshire Development Zone.

## 2.4 The Consenting Process and Environmental Legislation

- 43. A high-level overview of the consenting process is set out in **Figure 2-1**. Additional topic specific legislation is addressed throughout the various technical chapters of the ES and detailed within the Planning, Design and Access Statement.

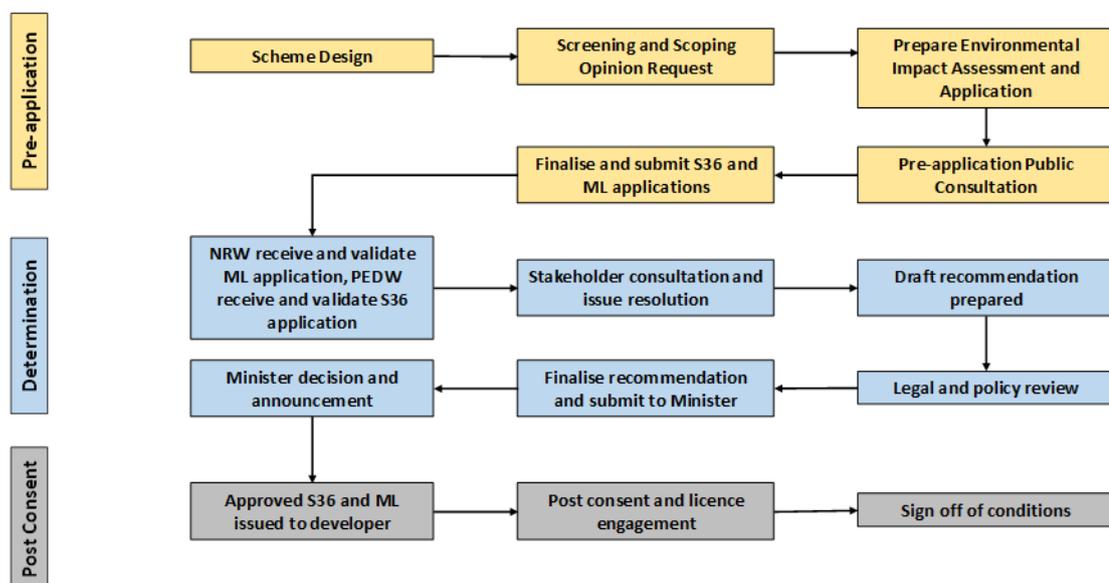


Figure 2-1 Overview of S36 and marine licence consenting process

- 44. The proposed Project requires two separate applications and is comprised of:
  - **Section 36 Consent under the Electricity Act 1989:** The Electricity Act 1989 provides the framework for consenting offshore generating stations in Welsh Waters which when constructed do not exceed 350 MW. Planning and Environment Decisions Wales (PEDW) (who are authorised to undertake work in respect of these applications for the Welsh Ministers) confirmed in an email to Floventis on 17 February 2022 that the deemed planning permission (sought from the Welsh Ministers) under Section 90(2) of the Town and Country Planning Act 1990 for the onshore development could be included within the S36 Consent. The application for deemed planning permission seeks consent for the onshore infrastructure including that at the point of landfall, and the grid connection substation; the onshore underground cable route will also form part of this consent. The full detail of the development included within the deemed planning permission is provided within Chapter 03 of the Planning, Design and Access Statement.



- **Marine Licence under Part 4 of the Marine and Coastal Access Act 2009 (MCAA):** The Marine and Coastal Access Act (MCAA 2009) introduced a revised system of marine management and licensing which includes marine planning. The MCAA 2009 gives devolved administrations responsibility for their inshore and offshore waters as the responsible marine planning authority. The marine licence is required for the carrying out of certain activities in the marine environment, including construction works on the seabed, depositing substances or articles and dredging. The Natural Resources Wales (NRW) Marine Licensing Team administers marine licences on behalf of the Welsh Ministers. Under the MCAA 2009 (Section 69(1)), NRW will be required to consider the following in deciding whether to grant a marine licence:
  - The need to protect the environment;
  - The need to protect human health; and
  - The need to prevent interference with legitimate uses of the sea and such other matters as the authority see as relevant.

#### 2.4.1. *The Environmental Impact Assessment Regulations*

45. Environmental Impact Assessment (EIA) is the process used to examine and assess the impacts of a proposed Project on the physical, biological and human environment. EIA identifies potential significant effects and then presents ways and means to avoid, prevent, reduce or, if possible, offset those effects.
46. The legislative framework for EIA was provided by the European Council Directive 2011/92/EU, as amended by Directive 2014/52/EU (the EIA Directive), which set out the statutory process and requirements for EIA in accordance with the EIA Directive. Following the UK's departure from the EU, the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 made under the European Withdrawal Act 2018, made the changes to this legislation which governs EIA, thereby ensuring that EIA Regulations continue to apply in substantially the same way as they did before the departure from the EU.
47. The purpose of the EIA Directive is to ensure that consent is granted in the knowledge of any likely significant effects on the environment. The EIA Directive sets out procedures that must be followed for certain types of development before they can be granted consent.
48. The requirements of the EIA Directive considered relevant to the proposed Project, as set out in **Chapter 01: Introduction** of this ES, have been transposed into English and Welsh legislation by:
  - **The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017;** and
  - **The Marine Works (Environmental Impact Assessment) Regulations 2007,** (for projects requiring a marine licence under the MCAA). This was amended by the Marine Works (Environmental Impact Assessment (Amendment) Regulations 2017.
49. These Regulations together detail the procedures required as part of an EIA, including a requirement to carry out pre-application consultation on the proposed Project, prior to submission of the application, the approach taken to pre-application consultation has been informed by accepted best practice and is summarised within the consultation report; the EIA regulations also detail the information that must be included within an ES. **Chapter 01: Introduction** of the ES signposts the relevant requirements to their location within this ES.



#### 2.4.2. *The Habitats Regulations*

50. The European Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive) seeks to protect biodiversity by requiring EU member states to take measures to maintain and restore the natural habitats and wild species. Where a project or plan is likely to have a significant effect upon the network of sites (known as the Natura 2000 network in Europe and the National Site Network in the UK, these include Special Areas of Conservation (SAC's), Special Protection Areas (SPA's) Ramsar and priority natural habitats), the Habitats Directive requires an Appropriate Assessment (AA) to be prepared. The scope and content of an AA will depend on the nature, location, duration and scale of the proposed plan or project and the interest features of the relevant site. The AA is carried out by the determining authority and must contain complete, precise and definitive findings and conclusions to ensure that there is no reasonable doubt as to the effects of the proposed plan or project. The competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of a protected site. **Chapter 08: Ecology and Biodiversity** of the ES assesses the proposed Project's impact on SACs, SPAs, Ramsar and priority habitats and identifies any likely significant effects from an EIA perspective.
51. Following the UK's departure from the EU, the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019 mean that the HRA process under the Habitats Regulations continues to apply in substantially the same way as it did before the departure from the EU.
52. Whilst HRA is a standalone process and not a part of the EIA process, the two are closely linked with much of the baseline information as well as the impact assessment being common to both processes. The Applicant aims to submit a HRA Screening for consultation in August 2024.

#### 2.4.3. *European Protected Species*

53. European Protected Species (EPS) such as bats, great crested newts, otters and dormice receive protection under The Conservation of Habitats and Species Regulations 2017 (as amended). This makes it an offence to:
  54. Deliberately capture, injure or kill any EPS:
    - To deliberately disturb them; or
    - To damage or destroy a breeding site or resting place.
  55. Additionally, the Wildlife and Countryside Act 1981 (as amended) makes it an offence to disturb an EPS intentionally or recklessly whilst it is occupying a structure or place it uses for shelter or protection, or to obstruct access to any structure or place the species uses for shelter or protection. If disturbance cannot be avoided, EPS licences can be issued to permit otherwise prohibited action providing three licensing tests are met (the purpose test, the no satisfactory alternative test and the favourable conservation status test). **Chapter 08: Ecology and Biodiversity** and **Chapter 21: Marine Mammals** of the ES further discuss the requirements for EPS licence as determined in consultation with NRW.

#### 2.4.4. *The Water Framework Directive (WFD)*

56. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 transposes the requirements of the Water Framework Directive 2000/60/EC into English and Welsh law, it sets out a series of objectives for waterbodies and groundwaters. The Water Environment (Water Framework Directive) Regulations 2017 include a requirement to improve the water environment to achieve good or high status and maintain existing good or



high status and implementing mitigation to support the water environment at a catchment. Under these regulations a WFD assessment has been prepared as part of this ES (see **Appendix 10C: Onshore WFD Assessment** and **Appendix 10D: Offshore WFD Assessment**).

## 2.5 Key Planning Policy and Legislation

### 2.5.1. Overview

57. This section presents an overview of the key relevant planning policy and legislation at a national and local level that applies to the proposed Project. The generating capacity and the location of the proposed Project dictates the consenting route for offshore wind generation in the UK. The Wales Act 2017 devolved responsibility to the Welsh Ministers for energy and environmental matters, including the consenting of planning permission for offshore energy generation schemes of up to 350 MW under Section 36 Electricity Act 1989. The Wales Act 2017 also devolved powers to the Welsh Ministers to determine marine licence applications administered by Natural Resources Wales Marine Licencing Team.
58. The key Welsh legislation when considering the most appropriate consenting route for the proposed Project, is discussed below.
59. Section 7 of the Planning, Design and Access Statement sets out the Applicant's review of the key relevant national and local planning policies in respect of the proposed Project. It summarises the marine planning policy context, Welsh national planning policy, relevant energy sector policy, and sets out the relevant development plan documents and policies. Section 8 of the Planning, Design and Access Statement expands on this further by providing an appraisal of the proposed Project's compliance with the key planning policy. It sets out the proposed Project's accordance with the relevant policies through the identification of key planning 'themes' which are based on the location of the proposed Project and key considerations such as environmental constraints.

### 2.5.2. Welsh Planning Legislation

60. The Planning (Wales) Act, 2015 amended the Town and Country Planning Act 1990 to create a new category of development projects in Wales; developments of national significance. This applies to most generating stations with a capacity of between 10 MW and 350 MW in Wales, but is limited to terrestrial projects, excluding offshore wind and therefore not relevant to this Project.
61. The Wales Act 2017 introduces a new reserved powers model of devolution for Wales. The Act provides a clearer separation of powers between those which through the Act are devolved to the National Assembly for Wales (Senedd), and those powers which remain reserved for the UK Parliament. One of the powers devolved to the Senedd makes it a consenting body for energy schemes, including offshore projects up to a generating capacity of 350MW. Therefore, the application under S36 of the Electricity Act 1998 is made to the Welsh Ministers. Welsh Ministers are also empowered to deem planning permission granted for the tertiary elements of the proposed Project.

### 2.5.3. National Marine Policy Statements

62. The UK Marine Policy Statement, 2011 (MPS) provides the framework for preparing marine plans and provides the high-level policy context for marine planning on which the Welsh National Marine Plan (WNMP) was developed. The high-level marine objectives of the UK MPS are to promote sustainable economic development, enable the UK's move towards the goals of the Net Zero Strategy (**Section 2.3.3**), ensure a sustainable marine environment and contribute to the societal benefits of the marine area.



63. The WNMP (Welsh Government, 2019) is one of a suite of UK marine plans and the first marine plan for Wales. Marine planning for Wales operates within the UK framework but has a distinct Welsh focus, reflecting devolved legislative context, responsibilities and commitments. Marine planning will guide the sustainable development of the marine area by setting out how proposals will be considered by decision makers.
64. The UK Marine Strategy, 2019 puts in place a framework to safeguard the seas for future generations. Its goal is to achieve or maintain Good Environmental Status (GES) in coastal and marine waters. GES is defined through 11 descriptors covering the marine environment. The Marine Strategy sets out a range of targets, a monitoring programme and a set of measures to achieve / maintain GES. The Marine Policy Statement recognises that marine planning will be a key tool in implementing these measures.
65. The WNMP covers the inshore (from mean high water spring tides out to 12 nautical miles) and offshore (beyond 12 nautical miles) Welsh marine plan regions and has been prepared and adopted under the Marine and Coastal Access Act 2009 and in conformity with the UK Marine Policy Statement. The WNMP recognises the importance of marine renewable energy such as the proposed Project in helping Wales achieve the legal targets in the Environment (Wales) Act 2016 (Welsh Government, 2016). The plan includes policies to ensure renewable resources are harnessed in a sustainable way to protect marine ecosystems and livelihoods. This includes ongoing engagement with all stakeholders involved and ensuring reliable project and ecosystem information is shared with regulatory authorities. The WNMP contains a specific policy regarding offshore wind energy: 'ELC\_01: Low carbon energy (supporting wind)'. The two key aspects of Policy ELC\_01 are described in **Table 2-1** below.

Table 2-1. Description of the two main policy statements under WNMP ELC-01 (Welsh Government, 2019c)

ELC-01 Policy Statements	Policy Summary
ELC-01 a	Proposals for offshore wind energy generation will be supported where they contribute to the objectives of this plan [the WNMP]. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations. Any determination in relation to energy developments of any scale will be taken in accordance with this plan alongside any other relevant considerations.
ELC-01 b	This plan supports strategic planning for the sector in order to understand future opportunities for offshore wind development, including floating technologies. Relevant public authorities and the sector are encouraged, in liaison with other interested parties, to collaborate to understand opportunities for the sustainable use of wind energy resources including identification of: <ul style="list-style-type: none"> <li>• Natural resources that provide potential opportunity for future use.</li> <li>• Evidence to de-risk consenting for the sector; and</li> <li>• Opportunities to define and, once in place, further develop and refine Strategic Resource Areas for offshore wind energy resource safeguarding; in order to support the sustainable development of the sector through marine planning.</li> </ul>

66. The proposed point of landfall is located within the area of the South Wales Shoreline Management Plan (SMP): Lavernock Point to St Ann's Head. Shoreline Management Plans provide assessment of the risks associated with coastal processes and helps reduce these risks to people and the environment. The proposed landfall location of the proposed Project is within Policy Development Zone (PDZ) 18 between St Govan's Head and Thorn Island. The SMP2 outlines policies to ensure environmental, infrastructure and socio-economic impacts



in the coastal zone from adverse coastal processes such as erosion are minimised. SMP2 concludes that the majority of the PDZ 18 coastline requires ‘no active intervention’ in relation to coastal defences.

#### 2.5.4. *Welsh Planning Policy and Guidance*

67. This section provides an overview of national policy and guidance of direct relevance to the proposed Project.
68. Planning Policy Wales Edition 11, February 2021 (PPW 11) sets out the land use planning policies of the Welsh Government. PPW 11 seeks to ensure the planning system contributes towards the delivery of sustainable development aligning with the seven well-being goals of the Well-Being of Future Generations Act 2015 (see **Section 2.3.4**), relevant to the terrestrial aspects of the proposed Project. Section 5.7 of PPW 11 addresses the energy sector, stating: ‘*Low carbon electricity must become the main source of energy in Wales.*’ The policy also stresses effective provision of electricity from renewable sources to guarantee the benefits to the Welsh population. To achieve this, Welsh Government recommend underground cabling as well as bolstering local grid and energy storage capacity associated with development. This aims to move to a local, specific and holistic energy strategy for Wales which accounts for the whole energy generation system.
69. PPW 11 is accompanied by a series of 19 Technical Advice Notes (TANs) that cover a wide array of detailed planning advice on subjects ranging from nature conservation (TAN 5) to the historic environment (TAN 24).
70. The TANs which are considered of relevance to the proposed Project and are addressed within the technical chapters of this ES and further within the Planning, Design and Access Statement are:
  - TAN 5: Nature conservation and planning (2009);
  - TAN 11: Noise (1997);
  - TAN 12: Design (2016);
  - TAN 13: Tourism (1997);
  - TAN 14: Coastal Planning (2021);
  - TAN 15: Development and flood risk (2004) (updated 2023 version due to be adopted has also been considered);
  - TAN 18: Transport (2007);
  - TAN 21: Waste (2017);
  - TAN 23: Economic development (2014); and
  - TAN 24: The historic environment (2017)
71. TAN 12: Design provides guidance on pre-application public consultation in the creation of a pro-active planning system. Paragraph 6.19 (TAN 12) states one aim of pre-application discussions is to identify the key design and access issues arising from a development at the outset. It reasons that engaging with the end users from the outset, and throughout the entire process will foster a sense of ownership, that is important to the long-term success of a project.
72. Future Wales – The National Plan 2040 (Welsh Government, 2021) is the Welsh Government’s long term (20 year) development strategy, last updated in February 2021. As the national



development framework, Future Wales is the highest tier of development plan, focused at a national scale. The plan states that:

*'The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. This sets out the policy considerations for the determination of planning applications for renewable and low carbon energy developments.'*

73. Future Wales notes that the Welsh Government is supportive of offshore proposals and sees them as an important part of the future for renewable energy. Consequently, Strategic Development Plans (SDPs) and Local Development Plans (LDPs) consider future renewable energy developments such as floating offshore wind energy as playing a key role in strategic energy development. This includes associated onshore infrastructure such as landfall cables.

#### 2.5.5. National Policy Statements

74. National Policy Statements (NPS) on Energy have been designated by the UK government to guide decision making on Nationally Significant Infrastructure Projects (NSIPs) consented under the Planning Act 2008. Given that the NPS's only apply to offshore wind projects that exceed 350 MW in capacity, they would not directly guide decision making on the Llŷr Project. However, given that the revised NPS's were written to guide decision making for offshore wind, they are considered relevant as material considerations.

75. A suite of energy NPS's were originally designated in 2011 with a government aim to update every five years. Following consultation, a series of revised NPS's (EN-1 to EN5) came into force on 17<sup>th</sup> January 2024.

##### **NPS for Energy, 2023**

76. The Overarching National Policy Statement for Energy (EN-1), 2023 was designated on 17<sup>th</sup> January 2024. Paragraph 3.3.20 emphasises the growing importance of wind and solar energy generation, with these expected to be the main form of electricity generation in an energy system that meets the government's objectives for delivering secure, affordable energy and meets its climate change commitments, it states:

*'Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar'.*

77. Section 4.2 of EN-1 refers to the Critical National Priority (CNP) for the provision of nationally significant low carbon infrastructure. This applies a policy presumption that, subject to any legal requirements, the urgent need for CNP Infrastructure to achieve the energy objectives, together with the national security, economic, commercial and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy.

##### **NPS for Renewable Energy Infrastructure, 2023**

78. The NPS for Renewable Energy Infrastructure (EN-3) sets out technology specific policies, including policies to guide decision making on large offshore wind farms. EN-3 recognises the government target to deliver 50 GW of offshore wind including up to 5 GW of floating offshore wind by 2030; this target is in line with that set within the British Energy Security Strategy (BESS).



2.5.6. Local Policy and Guidance

79. This section provides an overview of local policy and guidance of direct relevance to the onshore elements of the proposed Project. The Applicant has been in early dialogue with the Local Planning Authorities affected by the proposed Project; Pembrokeshire County Council (PCC) and the Pembrokeshire Coast National Park Authority (PCNPA). The design of the proposed Project has been developed with regard to local planning policies, together with local land use planning designations detailed in relevant development plans. **Volume 5: Figure 2.2** shows the red line boundary for the proposed project alongside relevant designations and allocations.
80. PCC are currently reviewing their LDP, and consulted on their Deposit Plan during 2020. However, NRW published revised guidance on phosphate levels for Riverine Special Areas of Conservation (SAC) in Wales which has implications for the way in which any proposed development in a Riverine SAC is assessed. This therefore has implications on the location and sites which can be included as allocations within the revised LDP (LDP2). PCC have published an intent to delay the publication of the LDP2 until further research is undertaken. The current PCC LDP: Planning Pembrokeshire’s Future, was adopted in 2013. Key policies of relevance to the proposed Project include:
81. General Policy 4: Resource Efficiency and Renewable and Low-Carbon Energy which states that:
- *‘Development proposals should seek to minimise resource demand, improve resource efficiency and seek power generated from renewable resources, where appropriate. They will be expected to be well designed in terms of energy use. Developments which enable the supply of renewable energy through environmentally acceptable solutions will be supported.’*
82. Strategic Policy SP1 Sustainable Development states:
- *‘All development proposals must demonstrate how positive economic, social and environmental impacts will be achieved and adverse impact is minimised.’*
83. The LDP is accompanied by a series of Supplementary Planning Guidance (SPG) documents which address key aspects of land use development including biodiversity, the historic environment, development sites, renewable energy. The Renewable Energy SPG, 2016 lists the key considerations projects must implement in the planning and development stages as well as the need for a comprehensive Habitats Regulations Assessment (HRA) (**Table 2-2**). Other SPGs are described in more detail in the technical chapters in the ES, as appropriate.

Table 2-2. A summary of PCC’s SPG on renewable energy for large scale development

Receptor	Large scale development considerations
Socio-economics – Tourism, local communities, and the local economy.	Significant impacts likely. Visual and noise pollution impacts should be comprehensively assessed.
Biodiversity – Fauna and flora, all associated habitats, Special Areas of Conservation, Special Protection Areas, Sites of Special Scientific Interest and Ramsar sites.	The likely impacts on habitat and breeding grounds, especially birds and bats, should be assessed.
Cultural and historical heritage – Listed buildings, conservation areas, Scheduled Monuments.	Likely to have an impact on the visual setting and aesthetics if near a designated heritage asset.
Areas of landscape value – National Parks, Historic Parks, etc.	Likely significant impacts if situated within a National Park boundary. Sufficient planning, mitigation and consultation required.



Receptor	Large scale development considerations
Public Access – Designated Public Rights of Way (PRoW).	Potential visual distractions of the development on driver safety should be considered. Safety distances away from PRoW should be maintained.
Cumulative impacts with other nearby developments.	Cumulative impacts should be assessed.

84. The Pembrokeshire Coast National Park Local Development Plan 2 (LDP2) was adopted in September 2020. The LDP2 is supported by a number of topic specific SPGs including; archaeology, biodiversity, renewable energy, the cumulative impact of wind turbines and seascape character. These topic specific SPGs are referred to within the relevant technical chapters of the ES and an appraisal of how the proposed Project accords with planning policy is presented within the Planning, Design and Access Statement.
85. The key policies of the LDP2 relevant to the proposed Project include Policy 33 Renewable Energy and Low Carbon Energy and Policy 62 Powerlines and Pipelines. Policy 33 addresses specifically onshore connections to offshore renewable energy generators. Criteria of Policy 33 considered relevant to the proposed Project are summarised in **Table 2-3**. Policy 62 Powerlines and Pipelines, requires that; *'the least obstructive and damaging location, route and installation techniques is chosen for proposed cables and associated development'*.

Table 2-3. Summary of PCNPA's LDP policy 33: Renewable and Low Carbon Energy

Policy Section	Brief Description of Policy Criteria
33 b)	Large scale renewable infrastructure (>65 m blade height) will be permitted subject to demonstrating the development will not have an unacceptable adverse effect on the special qualities of the National Park.
33 c)	Onshore connections to offshore renewable energy generators should not have an unacceptable adverse effect on the visual amenities, landscape character or nature conservation of the developed and undeveloped coast.
33 d)	All renewable and low carbon energy development proposals will be required to demonstrate that: <ul style="list-style-type: none"> <li>i. Measures have been taken to minimise impacts on the landscape and natural environment of the National Park:</li> <li>ii. There will be no unacceptable impacts on residential amenity:</li> <li>iii. The development would not compromise highway safety:</li> <li>iv. The development would not interfere with radar, air traffic control systems, telecommunications links, television reception, radio communication and emergency services: and</li> <li>v. There are satisfactory proposals in place for site restoration.</li> </ul>



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