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# East Anglia TWO Offshore Windfarm

## Consents and Licences required under other Legislation

Applicant: East Anglia TWO Limited

Document Reference: 5.4

SPR Reference: EA2-DWF-ENV-REP-IBR-000969 Rev ~~02~~03

Pursuant to APFP Regulation: 5(2)(q)

Date: ~~25<sup>th</sup> March~~5<sup>th</sup> July 2021

Revision: Version 23

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**Applicable to  
East Anglia TWO**



Revision Summary				
Rev	Date	Prepared by	Checked by	Approved by
<del>001</del> <u>01</u>	25/09/2019	Shepherd and Wedderburn LLP	Julia Bolton	Helen Walker
<del>002</del> <u>02</u>	25/03/2021	Shepherd and Wedderburn LLP	Lesley Jamieson	Rich Morris
<u>03</u>	<u>05/07/2021</u>	<u>Shepherd and Wedderburn LLP</u>	<u>Lesley Jamieson</u>	<u>Rich Morris</u>

Description of Revisions			
Rev	Page	Section	Description
<del>001</del> <u>01</u>	n/a	n/a	Final for Submission
<del>002</del> <u>02</u>	n/a	n/a	Updated for submission at Deadline 8
<u>03</u>	<u>n/a</u>	<u>n/a</u>	<u>Updated for submission at Deadline 13</u>



## Glossary of Acronyms

DBEIS	Department for Business, Energy and Industrial Strategy
DCO	Development Consent Order
<a href="#">EPS</a>	<a href="#">European Protected Species</a>
<a href="#">HRA</a>	<a href="#">Habitats Regulations Assessment</a>
<a href="#">LONI</a>	<a href="#">Letter of No Impediment</a>
MMO	Marine Management Organisation
NSIP	<del>Nationally</del> <a href="#">National</a> Significant Infrastructure Project
OFGEM	Office of Gas and Electricity Market
TTRO	Temporary Traffic Regulation Orders

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Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
<b>Offshore Consents</b>				
<b>Appropriate Assessment and Habitat Regulations Assessment (HRA)</b>	The Conservation of Offshore Marine Habitats and Species Regulations 2017 and the Conservation of Habitats and Species Regulations 2017 (together the “Habitats Regulations”)	Secretary of State for Business, Energy and Industrial Strategy	Part of Development Consent Order (DCO) process – parallel with DCO	The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive and the Habitats Regulations. The Applicant has submitted Information to Support Habitat Regulations Assessment with the Application.
<b>Coastal Station Radio Licence</b>	Wireless Telegraphy Act 2006	Ofcom	Post DCO	The principal legislation governing the use of radio in the UK is the Wireless Telegraphy Act 2006. 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 Ofcom and paying the appropriate fee.
<b>Decommissioning Scheme</b>	Energy Act 2004	Department for Business, Energy and	Post DCO	The Secretary of State may require a decommissioning programme to be submitted prior to commencement of the offshore

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		Industrial Strategy (DBEIS)		works pursuant to section 105 of the Energy Act 2004. The requirement to submit a decommissioning programme in compliance with a notice served upon the undertaker by the Secretary of State is secured by a requirement within the DCO.
<b>Energy Generation Licence</b>	Electricity Act 1989	Office of Gas and Electricity Market (OFGEM)	Application for generation licence made prior to submission of DCO application and generation licence granted on 3 December 2020.	The Applicant has been granted a generation licence pursuant to section 6(1)(a) of the Electricity Act 1989 which authorises the Applicant to generate electricity for the purpose of giving a supply to any premises or enabling a supply to be so given.
<b>European Protected Species (EPS) Licence</b>	The Habitats Regulations	Marine Management Organisation (MMO)	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>It is anticipated that an EPS Licence may be required for disturbance caused by piling activities and in respect of injury/disturbance during UXO clearance activities. When the detailed design of the East Anglia</p>

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				TWO project 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 Licence and, if required, an application for a Licence will be made.
<b>F10 – Notification of Construction Project</b>	Construction (Design and Management) Regulations 2015	Health and Safety Executive	Post DCO	The Construction (Design and Management) Regulations 2015 require particulars of the East Anglia TWO project to be notified to the Health and Safety Executive in advance of construction. This would be sought by the appointed contractor.
<b>Safety Zones</b>	Energy Act 2004	DBEIS	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 DBEIS which may, if it is considered appropriate to do so, issue a notice declaring that such areas as specified or described in the notice are to be safety zones. A Safety Zone Statement has been submitted with the DCO application noting the intention to apply for safety zones however the application for safety zones will be made post DCO and

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				following detailed design. The application will be subject to consultation with the MCA along with any relevant shipping interests.
<b>Onshore Consents</b>				
<b>Building Regulation approval (if necessary)</b>	Building Regulations 2010	Local Authorities	Post DCO	Operational buildings within the onshore substation and the National Grid substation may require Building Regulation approval if they are manned and therefore not covered by the exemption set out in Building Regulations 2010, Regulation 9 (Exempt Buildings and Work) and Schedule 2, Class II (Buildings not frequented by people). Should this be required, it would be sought by the contractor however it is not anticipated that the onshore substation or the National Grid substation will be manned.
<b>Environmental Permit for water discharge or waste operations / registration of exempt waste operations and water discharges (as necessary)</b>	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	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 exemptions to this, being activities that do not need a permit but generally these activities require to be registered with the Environment Agency.

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				Further detail in terms of what is likely to be applied for post consent can be found within the <b>Statement of Common Ground with the Environment Agency</b> ( <del>ExA-SoCG-3-D8-V3</del> <a href="#">REP12-071</a> ).
<b>European Protected Species (EPS) Licence</b>	The Conservation of Habitats and Species Regulations 2017	Natural England	<p>Post DCO</p> <p><a href="#">During a pre-application Expert Topic Group meeting on 20 February 2018, Natural England agreed the level and <del>or part type of the DCO process</del></a></p> <p><a href="#">survey data required for the Application and in their Relevant Representation (RR-059), Natural England requested that a draft mitigation licence should be submitted to secure a Letter of No Impediment (LoNI)</a>. A draft great crested newt EPS licence application was <a href="#">therefore</a> submitted to Natural England on 12 February 2021 <a href="#">on this basis</a> in</p>	<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 detailed design of the onshore works is being finalised, discussions of the final project details will be undertaken with Natural England. 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>





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			<p>order to obtain a <del>'Letter of No Impediment'</del> <u>LoNI</u> from Natural England.</p> <p><u>However, Natural England has now concluded that it cannot determine the draft mitigation licence application on this basis due to recent changes in Natural England's process for issuing LoNIs which requires additional survey information to be made available. The Applicants have not yet received a 'Letter Applicant will therefore progress licensing for great crested newt post-consent based on the results of No Impediment' from Natural England.</u><del>pre-construction surveys.</del></p>	
<b>Licence for work affecting badgers</b>	Protection of Badgers Act 1992	Natural England	<p>Post DCO</p> <p>A draft badger mitigation licence application was submitted to Natural England on 12 February 2021 in order to obtain a</p>	<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. Any identified setts along the East Anglia TWO project's onshore cable</p>



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			<p><del>'Letter of No Impediment'</del> <a href="#">LoNI</a> from Natural England. <del>The Applicants have not yet received a 'Letter of No Impediment' from</del> <a href="#">Following receipt of Natural England's comments on the draft licence application, the Applicant has submitted an updated draft badger mitigation licence application to</a> Natural England. <a href="#">Natural England has yet to issue the associated LoNI.</a></p>	<p>route will be surveyed in a pre-construction walkover survey in order to assess their status and current use. The pre-construction walkover survey will also allow any new excavated setts to be identified. Licences allowing works to proceed close to active badger setts or works that would cause disturbance as defined by Natural England, will be acquired where necessary.</p>
<b>Flood Defence Consent (for structures in, under or over a main river / permanent culverts)</b>	The Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Post DCO	Flood Defence Consent may be required pursuant to the Environmental Permitting (England and Wales) Regulations 2016 and land drainage byelaws from the Environment Agency for river and main stream crossings along the cable route.
<b>Notice of Street Works</b>	Traffic Management Act 2004	Highways Authority	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.



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<b>Permit for transport of abnormal loads (if necessary)</b>	Road Vehicles (Authorisation of Special Types) (General) Order 2003/ Road Traffic Act 1988	Department for Transport, Highways Agency, Local Highway Authority or the police and bridge owners (if any) as appropriate	Post DCO	The Road Vehicles (Construction and Use) Regulations 1986 are the primary legislation for the construction and maximum dimensions for all vehicles. The Road Vehicles (Authorisation of Special Type) General Order 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 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 requirement of notification procedures, an abnormal load can be moved without the need for any permit or authorisation.
<b>Temporary Traffic Regulation Orders</b>	Road Traffic Regulation Act 1984	Highways Authority	Post DCO	The Applicant has the power under the DCO to temporarily stop up, alter or divert any street for the purposes of carrying out the East Anglia TWO project, subject to certain restrictions, and limitations. However Temporary Traffic Regulation Orders (TTRO) can be



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				sought where construction requires closure of any public highway, which includes those outside the Order limits. Therefore if construction requires closure of any public highway not included in the proposed DCO, additional TTROs will be discussed with the highway authority after the DCO is granted and before works commence.
<b>Land Drainage Consent (for structures in ordinary watercourses / permanent culverts)</b>	Land Drainage Act 1991	Lead Local Flood Authority, Internal Drainage Board or Environment Agency	Post DCO	Consent may be required pursuant to the Land Drainage Act 1991 for the crossing of drainage ditches along the cable route or to allow an obstruction of an ordinary watercourse. Such consent will be sought post grant of DCO if required.
<b>Water Abstraction Licence (if required)</b>	Water Resources Act 1991	Environment Agency	Post DCO	A Water Abstraction Licence pursuant to the Water Resources Act 1991 will be sought from the Environment Agency if required by the contractor for the abstraction of water for the construction works.
<b>Section 16 Wildlife and Countryside Act Licence</b>	Wildlife and Countryside Act 1981	Secretary of State, Natural England or the Marine Management Organisation	Post DCO	A licence may be required if construction activities will interfere with designated species.