



Vattenfall Wind Power Ltd

Thanet Extension Offshore Wind Farm

Consents and Licences Required Under Other Legislation

June 2018, Revision A

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June 2018

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1 INTRODUCTION

- 1.1.1 This document sets out the consents that are, or may be, required for the Thanet Extension Offshore Windfarm (Thanet Extension) that are not contained within the draft Development Consent Order (DCO). This document also provides details of the consents that are dis-applied within the DCO and which, as a result, will not need to be applied for separately and the position of the bodies that would otherwise be responsible for granting those consents.
- 1.1.2 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 Thanet Extension application.
- 1.1.3 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.

2 CONSENTS WHICH WILL BE REQUIRED

- 2.1.1 At this stage it is expected that the following consents, which are not provided for in the DCO will be required:
- Approvals from the relevant planning authority pursuant to the requirements contained in the DCO (see Part 3 of Schedule 1 of the DCO, Document Ref: 3.1);
 - Approvals from the MMO pursuant to the conditions contained in the deemed Marine Licences (See Schedule 11 and 12 of the DCO, Document Ref: 3.1);
 - An environmental permit under the Environmental Permitting (England and Wales) Regulations 2010 in relation to discharge to water or groundwater;
 - A water abstraction licence under sections 24 or 25 of the Water Resources Act 1991; and
 - Approval from the Ministry of Justice for the purposes of section 227(5) of the 2008 Act), which confirms the relevant authority's consent to inclusion of the following in the DCO:

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- Provisions which authorise the compulsory acquisition of interests held for the time being otherwise than by or on behalf of the Crown; and/or
- Any other provision applying in relation to Crown land, or rights benefitting the Crown, as appropriate, for the purposes of sub-sections 135(1) and (2) of the 2008 Act respectively.

2.1.2 Further information regarding additional consents and licences beyond those discussed above are provided in Table 1.1 below.

Table 1.1 Additional Consents and Licences

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
Offshore Consents				
Appropriate Assessment and Habitat Regulations Assessment	The Conservation of Habitats and Species Regulations 2010	Secretary of State for Energy and Climate Change (DECC)	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 2010 Habitats Regulations. The Applicant has submitted a Habitat 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.

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Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
Decommissioning Scheme	Energy Act 2004	DECC	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.
Energy Generation Licence	Electricity Act 1989	Office of Gas and Electricity Markets (OfGEM)	Licence granted on 21 February 2014	The Applicant was granted a generation licence on 21 February 2014 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.

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Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
European Protected Species (EPS) Licence	The Conservation of Habitats and Species Regulations 2010	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>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 Licence and, if required, an application for a Licence will be made in line with the shadow EPS licence (Document Ref: 8.9).</p>
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.

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Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
Safety Zones	Energy Act 2004	DECC	Post DCO	<p>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 DECC. The safety zone application will therefore be made to DECC, 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 DECC will commence once the safety zone application has been submitted and DECC will then provide comment 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>

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Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
Onshore Consents				
Building Regulation approval (if necessary)	Building Regulations 2010	Local Authorities	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 Ministry of Justice	Post DCO	Consent to acquire interests other than the Crown in Crown land.

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Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
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	Environment Agency	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 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 the Environment Agency.
Environmental Permit for flood defence or flood risk activity works	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Post DCO, where flood defences need crossing	A Flood Risk Activity Permit 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.
Water Abstraction Licence (if required)	Water Resources Act 1991	Environmental Agency	Post DCO	A Water Abstraction Licence may be required pursuant to the Water Resources Act 1991 from the EA for if required by the contractor the abstraction of water for the construction works.

Consents and Licences Required Under Other Legislation

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
European Protected Species (EPS) Licence	The Conservation of Habitats and Species Regulations 2010	Natural England	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 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>

Consents and Licences Required Under Other Legislation

Nature of 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	Natural England	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> <p>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.</p>
Notice of Street Works	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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Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
<p>Permit for transport of abnormal loads (if necessary)</p>	<p>Road Vehicles (Authorisation of Special Types) (General) Order 2003/Road Traffic Act 1988</p>	<p>Department for Transport, Highways Agency, Local Highway Authority or the police and bridge owners (if any) as appropriate</p>	<p>Post DCO</p>	<p>The Construction and Use Regulations are the primary legislation for the construction and maximum dimensions for all vehicles.</p> <p>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 requirements of notification procedures, an abnormal load can be moved without the need for any permit or authorisation.</p>

Consents and Licences Required Under Other Legislation

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
<p>Temporary Traffic Regulation Order (if construction phase requires temporary revisions to traffic regulations)</p>	<p>Road Traffic Regulation Act 1984</p>	<p>Highways Authority</p>	<p>Post-DCO</p>	<p>Temporary Traffic Regulation Orders (TTROs) can be sought where construction requires temporary revision traffic regulations, e.g. reducing speed limits or imposing parking restrictions. Therefore if construction requires such amendments to the public highway, TTROs will be discussed with the highway authority after the DCO is granted and before works commence.</p>