

# Norfolk Boreas Offshore Wind Farm Consents and Licences required under other legislation

## DCO Document 5.4

Applicant: Norfolk Boreas Limited  
Document Reference: 5.4  
Pursuant to APFP Regulation: 5(2)(q)

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*Photo: Ormonde Offshore Wind Farm*

Norfolk Boreas Limited

Norfolk Boreas Offshore Wind Farm

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Author	Womble Bond Dickinson
Date	11 June 2019
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Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
<b>Offshore Consents</b>				
Appropriate Assessment and Habitat Regulations Assessment	The Conservation of Offshore Marine Habitats and Species Regulations 2017	Department for Business, Energy and Industrial Strategy (DBEIS)	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 2017 Habitats Regulations. Norfolk Boreas Limited (the <b>Applicant</b> ) has submitted an Information to Support 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 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 the Radiocommunications Agency and paying the appropriate fee.
Decommissioning Scheme	Energy Act 2004	DBEIS	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. This is secured by a condition in the deemed marine licences within the DCO.
Energy Generation Licence	Electricity Act 1989	Office of Gas and Electricity	To be finalised Post DCO	The Applicant will apply for a

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		Markets ( <b>OfGEM</b> )		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.
European Protected Species ( <b>EPS</b> ) Licence	The Conservation of Offshore Marine Habitats and Species Regulations 2017	Marine Management Organisation ( <b>MMO</b> )	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.</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.
Safety Zones	Energy Act 2004	DBEIS	Post DCO – by 2024 (as per the Safety Zone Statement, document reference 7.2)	Where a safety zone relates to a Nationally Significant Infrastructure Project ( <b>NSIP</b> ), the appropriate decision maker for safety zones is

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				the Secretary of State, who has delegated that function to DECC (now DBEIS). The safety zone application will therefore be made to DBEIS, 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 DBEIS will commence once the safety zone application has been submitted and DBEIS 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.

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<b>Onshore Consents</b>				
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.

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Crown Consent	Section 135 of the Planning Act 2008	Crown Estate Commissioners	Post DCO	Consent to acquire interests other than the Crown in Crown land.
Environmental Permit for water discharge or waste operations / registration of exempt waste operations and water discharges (as necessary)	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Part of the DCO process	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.
Land Drainage Consent (for structures in ordinary watercourses/ permanent culverts)	Water Resources Act 1991	Internal drainage board/ local authority	Part of the DCO process	Land Drainage Consent may be required pursuant to the Land Drainage Act 1991 from the Internal Drainage Board/ local authority for the crossing of drainage ditches along the cable route
Flood Defence Consent (for structures in, under or over a main river/ permanent culverts)	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Part of the DCO process	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.
European Protected Species (EPS) Licence	The Conservation of Habitats and Species Regulations 2017	Natural England	Post DCO and/or as part of the DCO process	It is an offence to deliberately kill, capture or disturb European protected species, and to damage or destroy their breeding sites or resting

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				<p>places. EPS Licences can be obtained to allow persons to carry out activities that would otherwise be prohibited, without committing an offence.</p> <p>An EPS Licence will be required for great crested newt. The letter of no-impediment is being sought from Natural England to state that they see no impediment to issuing a licence in the future.</p> <p>Additional EPS Licences (e.g. bats) will be determined based on the final design and findings from pre-construction surveys in consultation with Natural England.</p>
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>Any identified setts along the Project's cable 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 newly excavated setts to be identified.</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

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				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	Department for Transport, Highways Agency, Local Highway Authority or the police and bridge owners (if any) as appropriate	Post DCO	<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>
Temporary Road Traffic Orders (if construction phase requires closure of any public highway)	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 the authorised project, subject to certain restrictions and limitations. However Temporary Traffic Regulation Orders ( <b>TTRO</b> ) can be sought where construction requires closure of any public highway, which includes those outside the Order limits. Therefore if



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				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.
Water Abstraction Licence (if required)	Water Resources Act 1991	EA	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.
Section 16 Wildlife and Countryside Act Licence	Wildlife and Countryside Act 1981	Secretary of State	Post DCO	A licence may be required if construction activities are to interfere with designated species.