

Outer Dowsing Offshore Wind

Draft Development Consent Order and Supporting Documents

Other Consents and Licences

Date: July 2024

Document Reference: 3.3

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

Rev: 2.0

Company:		Outer Dowsing Offshore Wind		Asset:	Whole Asset	
Project:		Whole Wind Farm		Sub Project/Package :	Whole Asset	
Document Title or Description:		Other Consents and Licences				
Internal Document Number:		PP1-ODOW-DEV-CS-CLP-0003_02		3 rd Party Doc No (If applicable):	N/A	
Rev No.	Date	Status / Reason for Issue	Author	Checked by	Reviewed by	Approved by
1.0	March 2024	DCO Application	Shepherd & Wedderburn	Outer Dowsing	Outer Dowsing	Outer Dowsing
2.0	June 2024	Response to Section 51 Advice	Shepherd & Wedderburn	Outer Dowsing	Outer Dowsing	Outer Dowsing

Acronyms & Definitions

Abbreviations / Acronyms

Abbreviation / Acronym	Description
DCO	Development Consent Order
DESNZ	Department for Energy Security and Net Zero
EPS	European Protected Species
HRA	Habitats Regulations Assessment
IDB	Internal Drainage Board
LLFA	Lead Local Flood Authority
MMO	Marine Management Organisation
NSIP	Nationally Significant Infrastructure Project
ODOW	Outer Dowsing Offshore Wind (The Project)
Ofgem	Office of Gas and Electricity Markets

Terminology

Term	Definition
Applicant	GT R4 Ltd. The Applicant making the application for a DCO. The Applicant is GT R4 Limited (a joint venture between Corio Generation, Tota Energies and Gulf Energy Development (GULF)), trading as Outer Dowsing Offshore Wind. The Project is being developed by Corio Generation (a wholly owned Green Investment Group portfolio company), TotalEnergies and GULF.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP).
Habitats Regulations	The Conservation of Offshore Marine Habitats and Species Regulations 2017 and the Conservation of Habitats and Species Regulations 2017
Habitats Regulations Assessment (HRA)	A process which helps determine likely significant effects and (where appropriate) assesses adverse impacts on the integrity of European conservation sites and Ramsar sites. The process consists of up to four stages of assessment: screening, appropriate assessment, assessment of alternative solutions and assessment of imperative reasons of over-riding public interest and compensatory measures.
The Project	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.

Reference Documentation

Document Number	Title
7.1	Report to Inform Appropriate Assessment
9.3	Safety Zone Statement

Introduction

1. This document has been prepared to accompany an application by GT R4 Limited (the Applicant) for a Development Consent Order (DCO) under Section 37 of the Planning Act 2008 for Outer Dowsing Offshore Wind (the Project).
2. The Project will include both offshore and onshore infrastructure including an offshore generating station (windfarm) located approximately 54km from the Lincolnshire coastline, export cables to landfall, onshore cables, connection to the electricity transmission network, and ancillary and associated development (see Volume 1, Chapter 3: Project Description for full details).
3. This Other Consents and Licences document provides details of offshore and onshore consents, licences and permits required under other legislation that the Applicant may need to obtain to enable the construction, operation, maintenance and decommissioning of the Project.
4. This document is not required to accompany an application for Development Consent under Regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. However, details of other consents, licences and permits required under other legislation should be provided in the standard Application Form, in line with Paragraph 45 of the Department for Communities and Local Government Application Form Guidance (Department for Communities and Local Government, 2013). This document has been prepared in support of this requirement.
5. Table 1 below sets out the key environmental consents, licences and permits that may be required under other legislation and provides details of when it is anticipated these will be applied for. Where the relevant consent is being sought as part of the DCO process, this is mentioned in the table.
6. This document may be updated and resubmitted during the examination, if required to reflect relevant progress made in obtaining necessary consents, licences or permits where appropriate.

Table 1 Other Consents and Licences

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
Offshore Consents				
Appropriate Assessment and Habitats Regulations Assessment	The Conservation of Offshore Marine Habitats and Species Regulations 2017 and the Conservation of Habitats and Species Regulations 2017 (together the “Habitats Regulations”)	Department for Energy Security and Net Zero (DESNZ)	Part of Development Consent Order (DCO) process	The relevant Secretary of State is the competent authority for the purposes of the Habitats Regulations. The Applicant has submitted a Report to Inform the Appropriate Assessment (document reference 7.1) as part of the DCO Application.
Maritime Radio Licence (Coastal Station)	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 onshore 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.
Decommissioning Scheme	Energy Act 2004	DESNZ	Post DCO	The Secretary of State may require a decommissioning programme to be submitted prior to commencement of the offshore works pursuant to section 105 of the Energy Act 2004. The requirement to submit a decommissioning programme in compliance with a notice served

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
				upon the undertaker by the Secretary of State is secured by a requirement within the DCO.
Electricity Generation Licence	Electricity Act 1989	Office of Gas and Electricity Markets (Ofgem)	Application for generation licence made prior to submission of DCO application and generation licence granted on 22 June 2022	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.
European Protected Species (EPS) Licence	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. When the detailed design of the 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.</p>

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
F10 – Notification of Construction Project	Construction (Design and Management) Regulations 2015	Health and Safety Executive	Post DCO	The Construction (Design and Management) Regulations 2015 require particulars of the Project to be notified to the Health and Safety Executive in advance of construction. This notification will be provided by the appointed contractor.
Safety Zones	Energy Act 2004	DESNZ	Post DCO	Where a safety zone relates to a Nationally Significant Infrastructure Project (NSIP), the appropriate decision maker for safety zones is the Secretary of State, who has delegated that function to DESNZ 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 (document reference 9.3) 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 following detailed design.
Marine Licence(s)	Marine and Coastal Access Act 2009	MMO	Post DCO	Additional marine licences may be required for the Project (for example, in relation to UXO clearance activities, or in respect of HRA derogation compensation measures). Such licences will be applied for post DCO consent once the need for such licences has been ascertained and design details are known. It may be that some licences will be applied for in parallel to the DCO application where this is considered necessary.

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
Onshore Consents				
Building Regulation approval <i>(if necessary)</i>	Building Regulations 2010	Local Authorities	Post DCO	Operational buildings within the onshore 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.
Crown Consent	Section 135 of the Planning Act 2008	Crown Estate Commissioners	Part of DCO process	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 (the "2016 Regulations")	Environment Agency	Post DCO (if required)	The 2016 Regulations 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.
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 DCO process	Flood Defence Consent would ordinarily be required pursuant to the 2016 Regulations and land drainage byelaws from the Environment Agency for main river and other flood defence crossings along the cable route. However, regulation 12(1)(a) (requirement for environmental permit) of the 2016 Regulations has been disapplied in relation to the carrying out of flood risk activities. The provisions of any

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
				<p>byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991 that require consent or approval for the carrying out of works have also been disappplied. The consent of the Environment Agency to the disapplication has been sought by the Applicant and protective provisions have been included in the Draft DCO for the benefit of the Environment Agency.</p>
<p>Land Drainage Consent (for structures in ordinary watercourses / permanent culverts)</p>	<p>Land Drainage Act 1991</p>	<p>Internal Drainage Board (IDB) or Lead Local Flood Authority (LLFA)</p>	<p>Part of DCO process</p>	<p>Land Drainage Consent would ordinarily be required pursuant to the Land Drainage Act 1991 from the IDB or LLFA for the crossing of drainage ditches along the cable route.</p> <p>However, Section 23 of the Land Drainage Act 1991 (prohibition of obstructions etc. in watercourses) and the provisions of any byelaws made under section 66 of the Land Drainage Act 1991 that require consent or approval for the carrying out of works have been disappplied in the DCO (see Article 7) and the consent of the relevant IDBs and LLFAs to the disapplication has been sought by the Applicant. Protective provisions have been included in the Draft DCO for the benefit of the drainage authorities.</p>
<p>Notice of Street Works</p>	<p>Traffic Management Act 2004</p>	<p>Highways Authority</p>	<p>Post DCO</p>	<p>Permit schemes under the Traffic Management Act 2004 provide that the Applicant would need to book time on the highway through a permit.</p>

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
Water Abstraction Licence	Water Resources Act 1991	Environment Agency	Post DCO (if required)	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.
European Protected Species (EPS) Licence	The Conservation of Habitats and Species Regulations 2017	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>It is anticipated that an EPS Licence may be required for great crested newts. 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>
Licence for work affecting badgers	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 onshore cable route will be surveyed in a pre-construction walkover survey in order to assess their status and current use. The pre-</p>

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
				<p>construction walkover survey will also allow any new excavated setts to be identified.</p> <p>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 these are required.</p>
Licence for water vole displacement	Wildlife and Countryside Act 1981	Natural England	Post DCO	<p>Water voles are protected under the Wildlife and Countryside Act 1981, which makes it illegal to kill, injure or take water voles, damage, destroy or obstruct structures or places used for shelter or protection or disturb water voles while occupying such a structure or place.</p> <p>It is anticipated that a licence permitting damage or destruction of water vole burrows and/or disturbance to water voles occupying burrows will be required and this will be sought from Natural England post consent, as necessary.</p>
Permit for transport of abnormal loads <i>(if necessary)</i>	Road Vehicles (Authorisation of Special Types) (General) Order 2003/ Road Traffic Act 1988/ Road Vehicles (Construction and Use) Regulations 1986	Department for Transport, Highways Agency, Local Highway Authority or the police and bridge owners (if any) as appropriate	Post DCO	<p>The Road Vehicles (Construction and Use) Regulations 1986 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</p>

Nature of Consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
				<p>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>
<p>Temporary Road Traffic Orders <i>(if necessary)</i></p>	<p>Road Traffic Regulation Act 1984</p>	<p>Highways Authority</p>	<p>Post DCO</p>	<p>The Applicant has the power under the DCO to temporarily stop up, alter or divert any street for the purposes of carrying out the ODOW project, subject to certain restrictions, and limitations. The Applicant also has the power to prohibit vehicular access, waiting of vehicles and parking and regulate vehicular speed traffic.</p> <p>If construction requires restrictions beyond those permitted within the DCO then any Temporary Traffic Regulation Orders required will be discussed with the highway authority after the DCO is granted and before works commence.</p>
<p>Section 16 Wildlife and Countryside Act Licence</p>	<p>Wildlife and Countryside Act 1981</p>	<p>Secretary of State, Natural England or the Marine Management Organisation</p>	<p>Post DCO</p>	<p>A licence may be required if construction activities will interfere with designated species.</p>