




**DOGGER BANK
TEESSIDE A & B**

March 2014

Consents and licences required under other legislation

Pursuant to Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Application reference: 5.3

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1 Introduction

1.1 Introduction and legislative framework

- 1.1.1 This document is provided by Forewind Limited (Forewind) in relation to the application for development consent for the Dogger Bank Teesside A & B offshore wind farms.
- 1.1.2 Forewind is seeking consent for a development consent order (DCO) for two wind turbine generating stations (each a Nationally Significant Infrastructure Project in its own right) along with associated development including export cables, converter stations and grid connection works. Under section 149A of the Planning Act 2008 the development consent order also includes a provision for four Deemed Marine Licences.
- 1.1.3 Section 150 of the Planning Act 2008 provides that an order granting development consent may remove a requirement for an additional prescribed consent or authorisation to be granted. The consents and authorisations prescribed for the purposes of section 150 of the Planning Act are set out in the Schedule to the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010.
- 1.1.4 The following tables set out the position of the draft development consent order in relation to the relevant licences as set out in the above Regulations.

2 Consents and licences required under other legislation

2.1 Offshore Consents

Table 1: Key Project Components

Ref:	Nature of Consent	Legislation	Consenting Authority	Anticipated application time-frame	Application Reference (where applicable)
1	Appropriate Assessment Habitats Regulations Assessment	The Conservation of Habitats and Species Regulations 2010 The Offshore Marine Conservation (Natural Habitats etc) Regulations 2007	Department of Energy & Climate Change (DECC)	Habitats Regulations Assessment will take place during the course of the DCO Examination process.	Habitats Regulations Assessment
2	Notices of safety zones	Energy Act 2004	DECC	Application to be made post DCO consent, but in accordance with the Safety Zone Statement submitted with this application.	Safety Zone Statement
3	Decommissioning Scheme	Energy Act 2004	DECC	Scheme to be submitted post DCO consent but in accordance with the Outline Decommissioning Statement submitted with this application.	Outline Decommissioning Statement
4	Notification of construction project (F10)	Construction (Design and Management) Regulations 2007)	Health and Safety Executive	Post DCO consent	

5	Exemption under the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010	Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010	Maritime and Coastguard Agency	Post DCO consent	
6	European Protected Species	Regulation 49 The Offshore Marine Conservation (Natural Habitats, & c) Regulations 2007	MMO	If required, application for licence to be made post DCO consent.	
7	European Protected Species Licence	Regulation 53 The Conservation of Habitats and Species Regulations 2010 The Offshore Marine Conservation (Natural Habitats, & c) Regulations 2007	Natural England MMO	If required, application for licence to be made post DCO consent.	
8	An energy generation licence	Section 6 of the Electricity Act 1989	OfGEM	Application for licence to be made, most likely post DCO consent.	
*	Note: Also see Water Framework Directive compliance – in Table 2 below.				

2.2 Onshore Consents

Table 2: Key Project Components

Ref:	Nature of Consent	Legislation	Consenting Authority	Anticipated application time-frame	Application Reference (where applicable)
9	Water abstraction and impounding	Sections 24 or 25 Water Resources Act 1991	Environment Agency	If required, application for licence to be made post DCO consent	Article 9 of Draft DCO as submitted, Disapplication and modification of legislative provisions
10	Water - Investigative Consents	Section 32 Water Resources Act 1991	Environment Agency	If required, application for licence to be made post DCO consent	

11	Main river flood defence consenting	Section 109 Water Resources Act 1991	Environment Agency	The draft DCO as submitted provides for the disapplication of this provision subject to agreement on suitable protective provisions.	Article 9 of Draft DCO as submitted, Disapplication and modification of legislative provisions
12	Byelaws for flood defence and drainage purposes	Section 164 and Schedule 25 of the Water Resources Act 1991	Environment Agency	The draft DCO as submitted provides for the disapplication of this provision subject to agreement on suitable protective provisions.	Draft DCO as submitted
13	Water – Consents for discharges	Section 166 Water Industry Act 1991	Environment Agency	If required, application for licence to be made post DCO consent	
14	CL:AIRE Definition of Waste: Development Industry Code of Practice	n/a	Environment Agency	If required, Independent Declaration that principles of the Code have been complied with issued to Environment Agency	
15	Environmental Permit, Incl. Environmental permit for water discharge or waste / registration of an exempt waste operation	The Environmental Permitting England & Wales (Amendment) Regulations 2013	Environment Agency	If required, application for licence to be made post DCO consent	
16	Hazardous Waste	Hazardous Waste (England & Wales) Regulations 2005 as amended	Environment Agency	If required, registration of site post DCO consent	

17	Water Framework Directive Compliance	Water Environment (Water Framework Directive) (England and Wales) Regulations 2003	Environment Agency	Water Framework Directive compliance assessment will take place during the course of the DCO Examination process. Note: Also applied within 1nm of the coast.	
18	Approval of health and safety codes of practice	Health and Safety at Work Act 1974	Health and Safety Executive	If required, application for licence to be made post DCO consent.	
19	Prohibition on obstructions in watercourses	Section 23 of the Land Drainage Act 1991	Internal Drainage Board	The draft DCO as submitted provides for the disapplication of this provision subject to agreement on suitable protective provisions.	Article 9 of Draft DCO as submitted, Disapplication and modification of legislative provisions
20	Prohibition on removal of certain hedgerows without consent	Hedgerow Regulations 1997	Local Planning Authority (Redcar & Cleveland Borough Council)	The draft DCO as submitted provides for the disapplication of the Regulations. This is subject to further discussions with the local planning authority, post DCO consent, regarding the implications.	Draft DCO as submitted
21	Temporary traffic regulation order (Re. Traffic management)	Sec 14 of the Road Traffic Regulation Act 1984	Local Planning Authority (Redcar & Cleveland Borough Council)	If required, application for licence to be made post DCO consent	
22	Construction Noise Prior Consent	Control of Pollution Act 1974, section 61	Local Planning Authority (Redcar & Cleveland)	If required, application for consent to be	

	(optional)		Borough Council)	made post DCO consent. If required, to be in place prior to onshore construction commencement.	
23	European Protected Species Licence	The Conservation of Habitats and Species Regulations 2010 The Offshore Marine Conservation (Natural Habitats, & c) Regulations 2007	Natural England	If required, application for licence to be made post DCO consent	Habitats Regulations Assessment
24	Power to grant licenses Wildlife and Countryside Act 1981	Section 16 Wildlife and Countryside Act 1981	Natural England	If required, application for licence to be made post DCO consent	
25	Licence to authorise work affecting badgers or interfering with badger setts	Section 10 Protection of Badgers Act 1992	Natural England	If required, application for licence to be made post DCO consent	
26	Wireless telegraphy licence	Sec 8 of the Wireless Telegraphy Act 2006	Ofcom	If required, application for licence to be made post DCO consent	
27	Party Wall	Section 6 Party Wall etc. Act 1996	-	The draft DCO as submitted provides for the disapplication of this provision subject to agreement on suitable protective provisions.	Article 9 of Draft DCO as submitted, Disapplication and modification of legislative provisions