

Hornsea Project Three
Offshore Wind Farm



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Consents Management Plan
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Date: May 2018


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Additional Application Information

Consents Management Plan

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Version: Final

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This report is also downloadable from the Hornsea Project Three offshore wind farm website at:
www.hornseaproject3.co.uk

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Front cover picture: Kite surfer near a UK offshore wind farm © Orsted Hornsea Project Three (UK) Ltd., 2018.

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Glossary

Term	Definition
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Projects (NSIP).
Nationally Significant Infrastructure Project (NSIP)	Large scale development including power generating stations which requires development consent under the Planning Act 2008. An offshore wind farm project with a capacity of more than 100 MW constitutes an NSIP.

Nature of consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
<i>Offshore consents</i>				
Appropriate Assessment and Habitat Regulations Assessment	The Conservation of Habitats and Species Regulations 2010	Secretary of State for Business, Energy & Industrial Strategy (BEIS)	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. Shadow information has been included for Norfolk Valley Fens SAC; Wensum River SAC; North Norfolk Coast SAC / Ramsar; North Norfolk Coast SPA / Ramsar the Special Areas of Conservation (SAC) and Southern North Sea candidate SAC.
Crown Consent	Section 135 of the Planning Act 2008	Crown Estate Commissioners Department of Environmental, Food and Rural Affairs Department for Transport	Post grant of DCO	Consent to acquire interests other than the Crown in Crown land.
Decommissioning Scheme	Energy Act 2004	BEIS	Post grant of 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)	24 January 2017	The Gas and Electricity Markets Authority on 24 January 2017 granted an electricity generation licence under section 6(1)(a) of the Electricity Act 1989 to Orsted Hornsea Project Three (UK) Limited (company number 08584210).
European Protected Species (EPS) Licence	The Conservation of Habitats and Species Regulations 2010	Marine Management Organisation (MMO)	Post grant of DCO	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.
F10 – Notification of Construction Project	Construction (Design and Management) Regulations 2015	Health and Safety Executive	Post grant of 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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Safety Zones	Energy Act 2004	BEIS	Post grant of DCO	Where a safety zone relates to a NSIP, the appropriate decision maker for safety zones is the Secretary of State, who has delegated that function to BEIS. The safety zone application will therefore be made to BEIS, 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 BEIS will commence once the safety zone application has been submitted and BEIS 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 MCA along with any relevant shipping interests.
Onshore consents				
Building Regulation approval (if necessary)	Building Regulations	Local Authorities	Post grant of DCO	Operational buildings within the onshore substation(s) may require Building Regulation approval if they are manned and therefore not covered by the exemption set out in Building Regulations 2000; Regulation 9; Schedule 2; Exempt Buildings and Work – Class II; Buildings not frequented by people. This would be sought by the contractor.
Crown Consent	Section 135 of the Planning Act 2008	Crown Estate Commissioners Department of Environmental, Food and Rural Affairs Department for Transport	Post grant of 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 2010 and the Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Post grant of DCO if required	The Environmental Permitting (England and Wales) Regulations 2010 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 do need to be registered.

Nature of consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
EPS Licence	The Conservation of Habitats and Species Regulations 2010	Natural England	Post grant of DCO	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. When the design of the wind farm is being finalised, discussions of the final Project details will be undertaken with Natural England.
Flood Defence Consent (for structures in, under or over a main river / permanent culverts)	The Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Post grant of DCO, if necessary	Flood Defence Consent may be required pursuant to the 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.
Land Drainage Consent (for structures in ordinary watercourses / permanent culverts)	Water Resources Act 1991	Internal drainage board/local authority	Post grant of DCO, if necessary	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.
Licence for work affecting badgers	Protection of Badgers Act 1992	Natural England	Post grant of DCO, if necessary	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. A pre-construction badger survey of the works area and 30 m buffer zone, or 100 m where trenchless installation is to be undertaken, will be undertaken in order to locate any potential new active setts that could cause a constraint to construction. If mitigation cannot be carried out to protect the sett as required under legislation, then a licence to close or disturb the sett may be required and will be obtained prior to the commencement of works as necessary. Surveys will also be carried out in order to identify signs of high levels of activity, to inform the need for measures described under Construction measures below to be carried out to protect foraging badgers.
Notice of Street Works	Traffic Management Act 2004	Highways Authority	Post grant of DCO	Permit schemes under the Traffic Management Act 2004 provide that the Applicant would need to book time on the highway through a permit.

Nature of consent	Legislation	Consenting Authority	Anticipated Application Date	Content of Consent/Licence
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 grant of DCO	The Construction and Use Regulations 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 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.
Temporary Road Traffic Orders (if construction phase requires closure of any public highway)	Road Traffic Regulation Act 1984	Highways Authority	Post grant of DCO	The Applicant has the power under the DCO to temporarily stop up, alter or divert any street within the Order limits. However Temporary Road Traffic Orders (TTRO) can be 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.
Water Abstraction Licence (if required)	Water Resources Act 1991	EA	Post grant of 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.
Consent under section 23 of the Land Drainage Act 1991	Land Drainage Act 1991	Lead Local Flood Authority, Internal Drainage Board or Environment Agency	Post grant of DCO	This permit, to allow an obstruction of an ordinary watercourse, will be sought post grant of DCO if required.
s.16 Wildlife and Countryside Act Licence	Wildlife and Countryside Act 1981	Secretary of State	Post grant of DCO	A licence may be required if construction activities are to interfere with designated species.