



Project Erebus Environmental Statement Chapter 5: Policy and Legislation

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Acronyms

Term	Definition
AONB	Areas of Outstanding Natural Beauty
BEIS	Department of Business, Energy & Industrial Strategy
CCC	Committee on Climate Change
CfD	Contracts for Difference
CRoW	Countryside and Rights of Way Act
DECC	Department of Energy and Climate Change
Defra	Department for Environment, Food and Rural Affairs
DNS	Developments of National Significance
EIA	Environmental Impact Assessment
EPS	European Protected Species
ES	Environmental Statement
EU	European Union
FLOW	Floating Offshore Wind
GHG	Greenhouse Gas
GW	Gigawatt
HRA	Habitats Regulations Assessment
LDP	Local Development Plan
MCAA	Marine and Coastal Access Act
MCZ	Marine Conservation Zones
MHPA	Milford Haven Port Authority
MHWS	Mean High Water Springs
MLT	Marine Licensing Team
MMO	Marine Management Organisation
MPA	Marine Protected Areas
MPS	Marine Policy Statement
MSFD	Marine Strategy Framework Directive

Term	Definition
MW	Megawatt
NERC	Natural Environment and Rural Communities
nm	Nautical Miles
NNRP	National Natural Resources Policy
NPS	National Policy Statements
NRW	Natural Resources Wales
NTS	Non-Technical Summary
O&M	Operation and Maintenance
ORE Catapult	Offshore Renewable Energy Catapult
OSPAR Convention	Convention for the Protection of the Marine Environment of the North-East Atlantic
PCC	Pembrokeshire County Council
PDE	Project Design Envelope
PDZ	Policy Development Zones
PEDW	Planning and Environment Wales
PINS	The Planning Inspectorate
RBMP	River Basin Management Plan
RES	Renewable Energy Strategy
RiAA	Report to inform Appropriate Assessment
SAC	Special Areas of Conservation
SMMNR	Sustainable Management of Marine Natural Resources
SMP	Shoreline Management Plan
SoNaRR	State of Natural Resources Report
SPA	Special Protection Areas
SPG	Supplementary Planning Guidance
SRA	Strategic Resource Areas
SSSI	Site of Special Scientific Interest
TAN	Technical Advice Note

Term	Definition
UK	United Kingdom
UK BAP	UK Biodiversity Action Plan
WFD	Water Framework Directive
WNMP	Welsh National Marine Plan

Chapter 5 Policy and Legislation

5.1 Introduction

5.1.1.1 This Chapter provides an overview of the local, regional (Wales), national (UK), European and international energy and planning legislation and policy relevant to Project Erebus (the Project). This Chapter also sets out the consenting regime and legislative framework that apply to the Project, including the construction, operation and maintenance and decommissioning phases.

5.1.1.2 This Chapter is set in the context of renewable energy and climate change drivers and commitments. The technical chapters (Chapters 6 to 31) outline additional legislation which is specific to the relevant Environmental Impact Assessment (EIA) receptors.

5.1.1.3 The over-arching objectives of the Project are to:

- Demonstrate FLOW technology at Test and Demonstration scale in the Celtic Sea;
- Maximise low carbon job creation and socio-economic impact within the local supply chain;
- Demonstrate FLOW as a practical example of:
 - COVID-19 Green Recovery
 - Response to the declared Climate Emergency
 - UK and Welsh Governments 2050 Net Zero targets
 - The UK's Net Zero Strategy released in October 2021
 - UK FLOW 2030 target
 - Climate Change Committee 6th Carbon Budget stating an offshore wind target of 100GW by 2050

5.2 Legislation and Policy Background

5.2.1 *International and European Climate Change and Energy Legislation Policy*

5.2.1.1 Climate change is one of the greatest challenges facing the world today. Reducing carbon emissions and moving away from a reliance on fossil fuels is a significant way of mitigating the predicted increases in average global temperatures. As a result, this is a key driver behind the development of the renewable energy industry. A summary of relevant climate change policies is provided in Table 5.1.

5.2.1.2 The UK, as a member of the G7, plays a leading role in tackling global challenges, including climate change, at an international level. The UK has committed to continue to reducing climate change through international, legally binding, agreements to reduce greenhouse gas (GHG) emissions, including the 1997 Kyoto Protocol and the 2015 Paris Climate Agreement.

5.2.2 UK Climate Change and Energy Legislation and Policy

- 5.2.2.1 The UK established legally binding targets to reduce carbon emissions through the Climate Change Act 2008, in line with the Kyoto Protocol. In June 2019, amendments to the Climate Change Act 2008 saw the target reduction in carbon emissions by 2050 (against the 1990 baseline) revised from 80% to at least 100%. This amendment has been defined as Net Zero and was presented in a paper published in May 2019 by the Committee on Climate Change (CCC), Net Zero – the UK’s contribution to Global Warming in May 2019 (CCC, 2019). The Net Zero Strategy (HM Government, 2021) sets out how the UK will deliver on its commitment to reach net zero emissions by 2050 and highlights the importance of pioneering ideas and technologies in order to decarbonise homes, industries, land and power.
- 5.2.2.2 The Climate Change Act 2008 requires carbon budgets to be established, placing restrictions on the total amount of GHG the UK can emit within a five-year period. Monitoring by the CCC shows that the UK met the first (2008 – 2012) and second (2013 – 2017) carbon budgets and is on track to meet the third (2018 - 2022). However, monitoring suggests the UK is not currently on track to meet the fourth (2023 – 2027) or fifth (2028 - 2032) carbon budget targets. In line with CCC recommendations for the sixth carbon budget (2033 – 2037), the UK Government has enshrined into law the ambitious new target of 78% emissions reductions by 2035 (HM Government, 2021). The 2019 records show total GHG emissions as being 45.2% below 1990 levels (BEIS, 2020a) and between 1990 and 2020, UK GHG emissions decreased by 46.4%. While the pandemic led to a notable fall in emissions in 2020, the largest factor behind this consistent long-term decrease was the change in the mix of fuels being used for electricity generation, with a shift away from coal and towards renewable energy sources (BEIS, 2021).
- 5.2.2.3 The UK Energy Act (2013) intended to enable the delivery of secure, affordable and low carbon energy includes provisions to set decarbonisation target range and measures via the Electricity Market Reform (EMR) to attract investment to replace current generating capacity and upgrade the grid including Contracts for Difference (CFD).
- 5.2.2.4 In October 2020, the UK Prime Minister announced further commitments in order to reach Net Zero by 2050, which included a target for FLOW to deliver 1 GW of energy by 2030 (BEIS, 2020c). The announcement was followed by the publication of The Ten Point Plan for a Green Industrial Revolution (HM Government, 2020) and the Energy White Paper: Powering our Net Zero Future (BEIS, 2020d) which set out how the UK will achieve the targets.
- 5.2.2.5 Renewable energy is seen as a primary method of reducing emissions of GHG, in particular CO₂. The UK has implemented the EU Renewable Energy Directive (Directive 2009/28/EC) into UK law, primarily through the Promotion of the Use of Energy from Renewable Sources Regulations 2011, to deliver national targets and priorities in GHG reductions, as well as achieving a 78% reduction by 2035 and reaching Net Zero by 2050.
- 5.2.2.6 In addition to reductions in GHG emissions, renewable energy is an important element in moving to a more varied energy mix and increasing energy security in the UK, providing protection against global changes in energy prices. The renewable energy industry has also been an important economic driver, helping to create direct and indirect jobs and benefiting the wider UK economy. A report by the Offshore Wind Industry Council (OWIC) found that over 69,000 jobs could be created in the UK to service the offshore wind sector by 2026 (OWIC, 2021).

5.2.2.7 Specific measures for renewable energy were set out in the UK Renewable Energy Strategy (RES) which was published in parallel with the UK Low Carbon Transition Plan in July 2009 (HM Government, 2009a; HM Government, 2009b). The RES sets out the pathway for the UK to achieve a legally-binding target of 15% energy consumption from renewable sources by 2020.

5.2.2.8 The Renewable Energy Roadmap (DECC, 2012; DECC, 2013) updated some of the aims within the RES and identified eight types of technology capable of providing 90% of the renewable energy required to meet the UK's 2020 target of 15% of energy consumption derived from renewable sources. Although the Renewable Energy Roadmap is dated, its conclusions that energy from offshore wind would make a significant contribution to meeting the UK's future energy needs and export potential are still valid and reinforced through "The Ten Point Plan for a Green Industrial Revolution" (HM Government, 2020).

5.2.3 Welsh Climate Change and Energy Legislation and Policy

5.2.3.1 As a devolved administration, the Welsh Government has enacted two pieces of legislation which support action on climate change:

- Well-Being of Future Generations Act 2015; and
- The Environment (Wales) Act 2016.

5.2.3.2 The Well-Being of Future Generation Act 2015 requires public bodies across Wales to contribute to seven well-being goals including a more prosperous, resilient and globally responsible Wales, such as through low carbon energy resources.

5.2.3.3 Since the passing of the Environment (Wales) Act, guided by the Well-Being of Future Generations Act 2015, the Welsh Government has set targets and provided additional support for renewable energy.

5.2.3.4 The Environment (Wales) Act 2016 sets emission reduction targets and provides the legislative framework for establishing a five yearly carbon budgeting approach in Wales. In response to the CCC December 2020 paper (CCC, 2020), Wales has set a legal commitment to achieve Net Zero by 2050, with a push to "*get there sooner*" (Welsh Government, 2021a).

5.2.3.5 In March 2019, Welsh Government published "Prosperity for All: A Low Carbon Wales" (Welsh Government, 2019a) setting out 100 policies which aim to reach targets to deliver clean growth, protect the environment, and ensure a healthier society for future generation; including meeting carbon emissions targets as well as making policy links with the Welsh National Marine Plan (WNMP). The document highlighted that Wales is making good progress towards to the 70% target, announced by the Welsh Government in 2017 for 70% of Wales' electricity demand to be derived from Welsh renewable electricity sources, with renewable electricity equivalent to 48% of consumption. Achieving a low carbon pathway for Wales ensures maximisation of the seven national well-being goals and the Welsh Government's well-being objectives.

5.2.3.6 Wales is a significant net exporter of electricity, with approximately half of electricity produced being exported to England, Ireland and the wider European network (Welsh Government, 2018). A review undertaken in 2018 by the Welsh Government found 25% of total electricity generated in Wales is from renewables, equivalent to 50% of Wales' consumption. 67% of the renewable electricity generated comes from wind, of which 30% is generated by offshore wind projects.

Table 5.1 - Summary of relevant climate change legislation

Level	Policy / Legislation	Summary
International	United Nations Framework Convention on Climate Change (Paris Climate Agreement)	<ul style="list-style-type: none"> • Limit global temperature increase to below 2 °C, while pursuing efforts to limit the increase to 1.5 °C; • Commitments by all parties to prepare, communicate and maintain a Nationally Determined Contribution; and • In 2023, and every five years thereafter, a global stocktake will assess the collective progress towards meeting the purpose of the Agreement.
European	European Union Renewable Energy Directive	<ul style="list-style-type: none"> • A reduction of 55% in emissions by 2030 (below 1990 levels); and • 32% of the total EU energy (electricity, heat and fuel) consumption to come from renewable sources by 2030.
National (UK)	The UK Climate Change Act 2008	<ul style="list-style-type: none"> • Achieve Net Zero by 2050 (below 1990 levels).
National (UK)	The UK Energy Act 2013	<ul style="list-style-type: none"> • Introduction of provisions to enable a statutory 2030 decarbonisation target range for the GB electricity sector; and • Electricity market reform including introduction of the Contracts for Difference (CfDs) support mechanism.
Regional (Wales)	The Environment (Wales) Act 2016	<ul style="list-style-type: none"> • Achieving net zero by 2050; and • Welsh Ministers must set interim emissions targets for 2020, 2030 and 2040, together with 5-year carbon budgets for the periods 2021-2025 and 2026-2030

5.2.4 UK's Exit from European Union

5.2.4.1 Following the UK's exit from the EU and end of the transition period on the 31 December 2020, legislation has been passed to retain the domestic effect in the UK of some EU laws subject to amendments to reflect the change in their status within the UK while ensuring continuity. Many climate changes targets had already been enshrined into UK legislation, such as through the Climate Change Act 2008.

5.3 Consenting Regime and Legislation

5.3.1.1 The consenting route and relevant legislation for offshore wind in the UK is dependent on the development location and its generating capacity.

5.3.1.2 The Wales Act 2017 devolved further powers and responsibility to the Welsh Ministers over energy and environmental matters, including authorising planning permission for offshore energy generating schemes up to 350 MW under Section 36 Electricity Act 1989, which came into force on 01 April 2019.

- 5.3.1.3 The Wales Act 2017 also devolved to Welsh Ministers powers to determine marine licence applications in the Welsh offshore region from 01 April 2018, which have been delegated to Natural Resources Wales (NRW) Marine Licensing Team. Table 5.2 outlines the typical primary consents applicable to a project with a generating capacity up to 350 MW in Welsh waters.

Table 5.2 - Overview of Primary Consent Requirements for Offshore Wind Developments between 1 MW and 350 MW in Welsh Inshore and Offshore Waters (Source: Welsh Government, 2020a)

Consent	Consenting Authority	Post Licence Discharging Authority	Enforcement Authority
Marine Licence – Marine and Coastal Access Act 2009	NRW	NRW	Welsh Ministers
Section 36 Energy Consent – Electricity Act 1989	Welsh Ministers, following recommendation by the Planning and Environment Decisions Wales (PEDW)	Welsh Ministers	The Crown (summary conviction)

5.3.2 The Project Consenting Regime and Legislation

- 5.3.2.1 The Project requires the following primary consents in order to proceed:
- A Section 36 Consent under the Electricity Act 1989; and
 - A marine licence under the Marine and Coastal Access Act 2009 (MCAA).
- 5.3.2.2 Deemed planning permission for the associated onshore infrastructure will be sought with the Section 36 Consent.
- 5.3.2.3 This Environmental Statement (ES) presents the results of the EIA and will be submitted with the primary consent applications.
- 5.3.2.4 An Electricity Generation Licence under the Electricity Act 1989 has been obtained from Ofgem in accordance with The Electricity (Applications for Licences, Modifications of an Area and Extensions and Restrictions of Licences) Regulations 2019.
- 5.3.2.5 Other secondary consents for certain aspects of the Project may include, but are not limited to:
- European Protected Species Licence;
 - Site of Special Scientific Interest (SSSI) Consent / Assent;
 - Milford Haven Port Authority Marine Works Licence;
 - Declaration, pursuant to Section 36A of the Electricity Act 1989 to extinguish public rights of navigation where the FLOW structures are located; and
 - Safety Zones as set out in the Energy Act 2004 and under the amendments to The Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007 introduced by The Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) (Amendment) (Wales) Regulations 2019.

5.3.2.6 Additional consents that may be required include:

- Operational agreements with MoD;
- Notification procedure under the New Roads and Street Works Act 1991, with the relevant highway authority; and,
- Environmental Permits, for example for flood risk activities.

5.3.3 *Electricity Act 1989*

5.3.3.1 The Electricity Act 1989 sets out the framework for public supply and reorganisation of the electricity industry and makes provision for the separation of the generation, transmission, distribution and supply functions of the industry. Applications can be made under Section 36 for the construction or extension, and operation, of electricity generating stations.

5.3.4 *The Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019*

5.3.4.1 The Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019 make provision about the grant of consents under Section 36 of the Electricity Act 1989 (the 1989 Act) to construct, extend or operate an offshore generating station in respect of which the Welsh Ministers are the appropriate authority (projects up to and including 350 MW – see Section 2.1).

5.3.4.2 For the purposes of these Regulations, a reference to an application for consent under Section 36 of the 1989 Act also includes applications under Section 36A of that Act for a declaration relating to public rights of navigation. An application under Section 36A will be deferred until the Section 36 consent has been determined.

5.3.5 *Marine and Coastal Access Act 2009*

5.3.5.1 The MCAA introduced a new system for marine planning in the marine and coastal environment in England and Wales. Under the MCAA, a marine licence is required for carrying out a “licensable marine activity”, including construction works on the seabed, deposition/removal of substances or objects by certain means, dredging and aggregate extraction. Welsh Ministers are the licensing authority within the Welsh inshore and offshore regions. The NRW Marine Licensing Team administers marine licences on behalf of the Welsh Ministers.

5.3.5.2 The MCAA also provides the Welsh Government with powers to introduce Marine Conservation Zones (MCZs) in the Welsh inshore and offshore region. The designation of MCZs is one means of delivering an ecologically coherent network of Marine Protected Areas (MPAs) across the UK and to ensure the health of the wider UK marine environment. MCZs are intended to protect a range of nationally important, rare or threatened habitats not necessarily protected by existing mechanisms. The sites complement the existing MPA network, including the Natura 2000 sites within the UK national site network designated under the Habitats and Birds Directives (see Section 5.9). The first MCZ in Wales, Skomer, was designated in 2014.

5.3.6 Wales Act 2017

- 5.3.6.1 The Wales Act 2017 introduced a new reserved powers model of devolution for Wales. Part A1 of The Wales Act 2017 makes Senedd Cymru ('the Senedd') a permanent part of the UK's political framework. As a result, the Senedd Cymru/Welsh Parliament is able to legislate on anything not reserved to the UK Parliament. The Wales Act 2017 therefore devolves powers to the Senedd and Welsh Government in areas including consenting for new energy projects with generating capacities up to 350 MW. The development consent powers for energy generation schemes under the Wales Act 2017 came into force on 01 April 2019.
- 5.3.6.2 The Wales Act 2017 also devolved licensing authority powers to Welsh Ministers in the Welsh offshore region; beyond 12 nm (nautical miles) to the median line or up to 200 nm, which came into force on 01 April 2018. NRW's Marine Licensing Team administers marine licence applications on behalf of Welsh Ministers in both the Welsh offshore and inshore regions. Prior to April 2018, marine licence applications in the Welsh offshore region were determined by the Marine Management Organisation (MMO).

5.3.7 Well-being of Future Generation (Wales) Act 2015

- 5.3.7.1 The policy intent of the Well-being of Future Generations (Wales) Act 2015 is to improve the social, economic, environmental and cultural well-being of Wales. The Well-being of Future Generations (Wales) Act 2015 places a statutory duty on public bodies in relation to sustainable development, based on seven well-being goals. These are set out in Table 5.3 along with how the Project meets the goals.
- 5.3.7.2 Climate change is integral to the well-being goals, which recognise that the case for action on climate change is clear and fundamental to future prosperity and the future resilience of communities. The Well-being of Future Generations (Wales) Act 2015 provides a mechanism for public bodies to set targets and report progress against indicators. Through its well-being objectives, the Well-being of Future Generations (Wales) Act 2015 sets a clear agenda for sustainable development.

5.3.8 Energy Act 2004

- 5.3.8.1 Decommissioning schemes for offshore wind, FLOW and marine energy installations are established in sections 105-114 of the Energy Act 2004 which incorporates decommissioning requirements of the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention).
- 5.3.8.2 Under the terms of OSPAR Decision 98/3 there is a prohibition on the dumping of and leaving offshore installations wholly or partly in place unless further consents are granted. The future decommissioning of the windfarm will need to comply with the requirements of the Energy Act and include measures to remove the windfarm at the end of its functional life.
- 5.3.8.3 Guidance from the Department of Business, Energy and Industrial Strategy (BEIS) states that the default position for decommissioning should be full removal unless there are strong reasons for exceptions (BEIS, 2019). In addition, the guidance states that BEIS "*expects that final drafts of decommissioning programmes should be submitted for approval no later than 6 months in advance of the start of construction.*"

5.3.9 Planning (Wales) Act 2015

- 5.3.9.1 The Planning (Wales) Act 2015 sets out the legislative changes to deliver reform of the planning system in Wales.

- 5.3.9.2 The main objectives of the Planning (Wales) Act 2015 are to improve the existing planning process by producing a modernised framework for the delivery of planning services, strengthening the plan led approach, improving resilience, improving the development management system and enabling effective enforcement. The Planning (Wales) Act 2015 introduced a statutory purpose for the planning system in Wales, and statutory bodies carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Wales) Act 2015.
- 5.3.9.3 The Planning (Wales) Act 2015 introduced a new category of planning applications in Wales, Developments of National Significance (DNS) in 2016. DNS are larger-scale infrastructure projects including developments such as: onshore wind, airport related development and railways. Such projects require relevant planning applications to be submitted to Planning and Environment Decisions Wales (PEDW) and determined by the Welsh Government.
- 5.3.9.4 Most large-scale infrastructure projects in Wales are considered as DNS under the Town and Country Planning Act 1990. As of 01 April 2019, this also included all onshore energy generation projects of between 10 MW and 350 MW. However, as the Project is for a proposed FLOW development, it is subject to both an application for consent under Section 36 of the Electricity Act and for a marine licence under the MCAA (see paragraphs 5.3.1.1 to 5.3.2.2). The DNS regime is explicitly limited to terrestrial projects and the Project does not, therefore, constitute a DNS.
- 5.3.9.5 Deemed planning permission for the associated onshore infrastructure will be sought with the Section 36 Consent, therefore a separate planning application under the Town and Country Planning Act 1990 is not being made for the onshore infrastructure.

Table 5.3 – Well Being Goals and Adherence by the Project

Well-being Goal	Description	How the Project Address the Goal
A prosperous Wales	An innovative, productive and low carbon society which recognises the limits of the global environment and, therefore, uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.	<p>The Project is located in an economically deprived coastal community where a skilled energy sector supply chain already exists but whose current resilience is weakening with the closure of refineries.</p> <p>It is predicted that FLOW in the Celtic Sea could provide significant opportunity for highly skilled jobs and manufacturing in Wales and the South West of England (ORE Catapult, 2020).</p> <p>The purpose of the demonstration scale Project is to help prove the concept of FLOW in the Celtic Sea, allowing for future, commercial development and enable a resilient and indigenous supply chain to grow, including job creation.</p>
A resilient Wales	A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).	<p>The ES details the considerations of the Project on the baseline environment for key receptors. To support the Habitats Regulations Assessment (HRA) undertaken by the Competent Authority, an HRA Screening Report and Report to inform Appropriate Assessment (RiAA) have been compiled to inform their assessment as to whether the Project has the potential to have an adverse effect on the integrity and features of a Natura 2000 site and are included in as Volume 3, Technical Appendices 8.2 and 8.3. Where appropriate, mitigation measures are provided to ensure that no residual likely significant effects are caused by the Project.</p> <p>The Project intends to build sustainable employment in rural and coastal communities to tackle regional socio-economic inequalities, through creating and maintaining viable productive non-urban communities, through investment and job creation, where local people can prosper.</p> <p>The Project intends to use the natural environment in a sustainable manner to deliver the social, economic and ecological resilience as well as capacity to adapt. This is detailed throughout the ES.</p> <p>The technical chapters (Chapters 6 to 30) outline legislation which is specific to the relevant receptors.</p>

Well-being Goal	Description	How the Project Address the Goal
		Information to support the HRA is provided as Technical Appendix 8.2 HRA Screening Report and Technical Appendix 8.3: Report to inform Appropriate Assessment (RiAA).
A healthier Wales	A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.	<p>An assessment of the impact from the Project on health is covered in the relevant topic specific chapters, Chapter 22 Onshore Noise and Vibration and Chapter 26 Air Quality, whilst analysis and assessment of socio-economics impacts is provided in Chapter 27.</p> <p>The Project will have no significant adverse impacts on human health and well-being. It is expected the Project will have minor, beneficial impacts to a number of receptors.</p>
A more equal Wales	A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstances).	<p>An assessment of the impact of the Project on socio-economics is provided in Chapter 27.</p> <p>The Project will have no significant adverse impact on socio-economics and it is expected to produce socio-economic benefits to the region.</p> <p>The Project intends to build sustainable employment in rural and coastal communities to tackle regional socio-economic inequalities, through creating and maintaining viable productive non-urban communities, through investment and job creation, where local people can prosper. The Project will also attract inward investment and migration to the region, include retention of school leavers. This investment will help to manage this process and ensure rewarding careers are available in the region.</p>
A Wales of cohesive communities	Attractive, viable, safe and well-connected communities.	<p>The Applicant, BGW, has established their office in Pembroke Dock and has strong links with local community groups through active stakeholder engagement.</p> <p>The Project intends to create supply chain resilience by creating more opportunities. The Project may counteract some impacts from the current decline experienced by the closure of the refineries in the region.</p> <p>By creating opportunities that reverse the current outward migration of the employment, aging population, the Project can help support a stronger, more diverse community. This section of the population has greater disposable income helping to create more vibrancy and social opportunities, and will have a beneficial impact on the hospitality and recreation industries locally particularly post Covid-19.</p>

Well-being Goal	Description	How the Project Address the Goal
		Independently from the community engagement process, BGW is establishing a Community Benefit Fund with a number of communities across the Angle Peninsula (landfall location). The Community Benefit Fund will be focused on key community issues as well as climate change, marine conservation and wider Pembrokeshire communities.
A Wales of vibrant culture and thriving Welsh language	A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.	<p>Copies of the Project Non-Technical Summary (NTS) are available in Welsh. The BGW website is bi-lingual and encourages correspondence in Welsh.</p> <p>To help encourage a vibrant culture, BGW has sponsored two local sports clubs.</p> <p>The Project has been designed to avoid impacts on archaeology and culture heritage. An assessment of the impact of the Project on Offshore Archaeology and Cultural Heritage is provided in Chapter 15 and Onshore Archaeology and Cultural Heritage in Chapter 24.</p> <p>The Project has also been designed avoid and minimise interference with other sea users, such as the proposed construction sequencing to minimise disruption to recreational activities. An assessment of the impact of the Project on Coastal and Marine Infrastructure and Other Users is provided in Chapter 18.</p>
A globally responsible Wales	A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a beneficial contribution to global well-being.	<p>The Project seeks to generate clean, renewable energy, in an effort to reduce the reliance on fossil fuels for electricity, and to reduce the impacts of climate change.</p> <p>The UK Government has recognised the contribution that FLOW can make to reducing GHG emissions and has set a target of 1 GW of FLOW by 2030.</p>

5.4 Marine Planning Policy and Legislation

5.4.1 *Marine Spatial Planning Directive*

5.4.1.1 The Maritime Spatial Planning Directive (EU Directive 2014/89) (MSPD) required Member States to bring into force the necessary laws and regulations to comply with the Directive by 18 September 2016 and to establish maritime spatial plans no later than 31 March 2021. These plans will enable public authorities to organise human activities in marine areas ensuring efficiency and sustainability of ecological, economic and social objectives.

5.4.2 *National Policy Statement*

5.4.2.1 The Project is seeking a Section 36 Consent from PEDW and a marine licence from NRW. Although the Project is not seeking a Development Consent Order (DCO) due to its size (up to 100 MW) and location (Welsh waters), it is considered that certain National Policy Statements (NPS) are relevant to the Project and decision-making and, where appropriate, are referenced throughout this ES. The relevant NPSs are:

- Overarching National Policy Statement for Energy (EN-1) (DECC, 2011a), which sets out the Governments high-level objectives, policy and regulatory framework for the delivery of major energy infrastructure supported by technology specific NPSs including EN-3, for renewable energy;
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (DECC, 2011b), includes general principles and policy on the assessment of impacts that should be applied in the assessment of development consent applications across renewable energy projects, including offshore wind.

5.4.3 *Marine Policy Statement*

5.4.3.1 The UK Marine Policy Statement (MPS), adopted by all UK administrations in March 2011, provides the policy framework for the preparation of marine plans and establishes how decisions affecting the marine area should be made in order to enable sustainable development. The MPS sets out a vision of having “*clean, healthy, safe, productive and biologically diverse oceans and seas*” by supporting the development of Marine Plans.

5.4.3.2 One of the overarching themes of the MPS is the role low carbon energy generation, including offshore renewables, has as mitigation against climate change and in reducing the UK’s dependence on fossil fuels.

5.4.3.3 The MPS states that “*Marine based activities can provide opportunities for employment in long established industries such as... offshore electricity transmission. This employment provides wide and long-term benefits for both national and local economies.*”

5.4.3.4 In addition, the MPS states that “*Offshore wind is expected to provide the largest single renewable electricity contribution as we move towards 2020 and beyond.*” The MPS identifies the UK as the leading country in offshore wind deployments and through identifying potential sites for offshore renewables in UK waters can “*keep the UK as a global leader in renewable energy production.*”

- 5.4.3.5 The MPS recognises the role marine planning has in ensuring the right development occurs in the right location, this includes the deployment of pre-commercial demonstration offshore renewable energy projects by stating *“It is important for marine planning to take account of appropriate locations for such developments alongside more established uses of marine space and to recognise the timescales and stages against which the sector is likely to progress, including the lead time for grid and infrastructure development. For example, pre-commercial demonstration deployments will need to manage the potential environmental impacts in relation to the scale of risks and legislative requirements while recognising that not all uncertainties can be addressed in the early life of this technology.”*
- 5.4.3.6 The policy document suggests to developers that adaptation, mitigation and management measures for offshore renewable technology may be supported by detailed monitoring programmes and co-ordinated research initiatives, including post-deployment. This approach is being followed by BGW, with the intention to produce detailed construction and operation monitoring and mitigation plans.
- 5.4.3.7 All public authorities, including devolved administrations such as the Welsh Government and Local Planning Authorities, are to take into account the MPS and relevant Marine Plans when making decisions in regard to the marine area. This ensures that marine resources are used in a sustainable way, in line with the high-level marine objectives.

5.4.4 Welsh National Marine Plan

- 5.4.4.1 The Welsh Government published and adopted the first WNMP in November 2019 (Welsh Government, 2019c). Since adoption, the WNMP must be adhered to and relevant public authorities, such as Local Planning Authorities and PEDW must consider it when making decisions regarding the Welsh marine area. The WNMP covers Welsh inshore and offshore waters and seeks to ensure marine resources are used in a sustainable way in line with the high-level marine objectives over its 20- year lifespan. The WNMP sets out policies to achieve this, including both general and sector specific policies.
- 5.4.4.2 Developers are responsible for ensuring their plans are in accordance with the WNMP, and are encouraged to:
- Engage early across and between relevant stakeholders;
 - Consider the WNMP early during project development;
 - Apply the WNMP policies to help shape proposals;
 - Consider sectoral marine planning and other plans in developing proposals;
 - Supply information required for the relevant public authorities to assess their proposal(s) including fit with WNMP policies;
 - Ensure evidence provided is sound and proportionate; and
 - Help address evidence gaps by gathering and sharing relevant evidence where appropriate.

Each of the above has been considered throughout the Project EIA process (Chapter: 2 EIA Methodology) and a summary is provided below in Table 5.4.

Table 5.4 Summary of Actions undertaken through the Project EIA Process to Align with the WNMP

WNMP Requirements	Project EIA Action
Engage early across and between relevant stakeholders	The Project has engaged with key stakeholders, including NRW, PINS (now PEDW), Welsh Government, MCA, JNCC, RSPB, The Wildlife Trust and local/national/international fishing organisations comprehensively throughout all stages of the Project including site selection, scoping and pre-application. Public exhibitions have been held, both virtually and in-person events to encourage stakeholder engagement and multiple technical meetings across the range of EIA topics have been held with relevant regulators and stakeholders. Stakeholder engagement and consultation is documented in each ES chapter and presented in Volume 3, Technical Appendix 2.3: Consultation Report.
Consider the WNMP early during project development	The WNMP has recognised throughout all stages of the Project development and was a primary driver through site selection and the early development stages of the Project.
Apply the WNMP policies to help shape proposals	WNMP policies were recognised during site selection for example Strategic Resources Areas; helped define required offshore surveys for example water quality; and have underpinned the Project EIA process. Relevant WNMP policies are considered in all offshore EIA topic chapters and directly influenced the assessment process (e.g., Marine Character Areas) or mitigation (e.g., marine historic assets). Further details are provided in Chapter 6-18.
Consider sectoral marine planning and other plans in developing proposals	Sectoral marine planning was a defining consideration in the site selection process and throughout the EIA process. Other plans, such as LDPs and River Basin Management Plans have also been recognised in topic impact assessments and are identified in relevant offshore ES chapters.
Supply information required for the relevant public authorities to assess their proposal(s) including fit with WNMP policies	This ES presents a comprehensive review of all stages of the Project, including site selection, offshore surveys and impact assessments and how these fit with the WNMP. Specific references are provided in each offshore topic chapter and an overview is provided in the Project Planning Statement.
Ensure evidence provided is sound and proportionate	The evidence presented in this ES and in support of the Project has been developed in accordance with relevant guidance and best practice; and in consultation with key stakeholders including NRW and JNCC with survey methodologies, assessment approaches and key receptors presented for discussion, review and consulted on with the

WNMP Requirements	Project EIA Action
	regulators. All surveys and impact assessments have been undertaken by professionals, the details of whom are presented in the relevant offshore ES chapters.
Help address evidence gaps by gathering and sharing relevant evidence where appropriate.	The Project has actively addressed evidence gaps where identified and engaged with a range of stakeholders to identify, source and deliver additional data and evidence to inform the EIA. This has been possible due to the extensive stakeholder engagement undertaken throughout all stages of the Project and has formed a part of the Projects approach to ensure all topics are comprehensively understood and assessed. For example where it was identified that additional seabird data may be available the Project engaged with and commissioned leading seabird researchers from Oxford, Sheffield, and Heriot-Watt Universities to support the offshore ornithology EIA.

- 5.4.4.3 The Energy – Low Carbon policies in the WNMP support future FLOW opportunities in Welsh waters and recognise the significant contribution that the offshore renewable energy sector, including FLOW, can make to decarbonising the Welsh economy.
- 5.4.4.4 The Welsh Government has acknowledged the strategic need to develop marine renewable energy generation capacity through the deployment of demonstration and commercial scale renewable technologies (Welsh Government, 2018).
- 5.4.4.5 Table 5.5 outlines the WNMP policies of particular relevance to the Project.
- 5.4.4.6 To ensure a consistent approach to planning at the land sea interface, the WNMP overlaps with terrestrial planning Future Wales: The National Plan 2040 (Welsh Government, 2020c).
- 5.4.4.7 Welsh Government has committed to developing an environmental evidence base for the Welsh marine area, which in turn will help inform marine planning into the future.
 The first WNMP identifies that Strategic Resource Areas (SRA) should be developed for certain sector activities, such as aggregates and aquaculture. The WNMP states that “SRAs are a tool to improve the management of marine activities, space and resources, helping to support the management of sector-sector interactions”. It is understood that SRAs will be developed and implemented through Marine Planning Notices to support the WNMP (Welsh Government, 2020b) which could include FLOW.

Table 5.5 - Relevant Welsh National Marine Policy and Signposting to ES Sections

Policy	Policy Description	Signposting to relevant ES sections for policy consideration
<p>ELC_01: Low carbon energy (supporting) wind</p>	<p>ELC_01 a: Proposals for offshore wind energy generation will be supported where they contribute to the objectives of this plan. Proposals should comply with the relevant general policies and sector safeguarding policies of this plan and any other relevant considerations.</p> <p>Proposals for wind >350 MW will be considered by UK Government in accordance with relevant national policy. In determining an NSIP for a wind proposal, the decision maker will have regard to this plan. Any determination in relation to energy developments of any scale will be taken in accordance with this plan alongside any other relevant considerations.</p> <p>ELC_01 b: In order to understand future opportunities for offshore wind development, including floating technologies, this plan supports strategic planning for the sector. Relevant public authorities and the sector are encouraged, in liaison with other interested parties, to collaborate to understand opportunities for the sustainable use of wind energy resources including identification of:</p> <ul style="list-style-type: none"> • Natural resources that provide potential opportunity for future use; • Evidence to de-risk consenting for the sector; and • Opportunities to define and, once in place, further develop and refine Strategic Resource Areas for offshore wind energy resource safeguarding; in order to support the sustainable development of the sector through marine planning. <p>Relevant public authorities should make appropriate evidence available to support planning and decision making in order to support the sustainable development of the sector through marine planning, where it is appropriate to do so.</p>	<p>Chapter 1: Introduction</p> <p>Chapter 3: Site Selection and Alternatives</p> <p>Chapter 4: Project Development Description</p>
<p>ECON_01: Sustainable economic growth</p>	<p>Proposals for economically sustainable activities are encouraged, particularly where they contribute to:</p> <ul style="list-style-type: none"> • The sustainable management of natural resources thereby supporting ecosystem resilience; 	<p>Chapter 1: Introduction</p> <p>Chapter 2: Overview of EIA methodology</p> <p>Chapter 27: Socio-economics, Tourism and Recreation</p>

Policy	Policy Description	Signposting to relevant ES sections for policy consideration
	<ul style="list-style-type: none"> • A more resilient economy; • Employment opportunities particularly for coastal communities; • Protecting and creating employment at all skill levels; • Maintaining communities with a high-density of Welsh speakers; and/or • Tackling poverty by supporting deprived coastal communities. 	Chapter 30: Climate Change, Major Accidents and Natural Disaster
GEN_01: Planning policy	There is a presumption in favour of the sustainable development of the plan area in order to contribute to Wales' well-being goals.	
SOC_02: Well-being of coastal communities	Proposals that contribute to the well-being of coastal communities are encouraged.	Chapter 27: Socio-economics, Tourism and Recreation
SOC_05: Historic assets	<p>Proposals should demonstrate how potential impacts on historic assets and their settings have been taken into consideration and should, in order of preference:</p> <ol style="list-style-type: none"> a. Avoid adverse impacts on historic assets and their settings; and/or b. Minimise impacts where they cannot be avoided; and/or c. Mitigate impacts where they cannot be minimised. <p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.</p> <p>Opportunities to enhance historic assets are encouraged.</p>	<p>Chapter 14: Offshore Archaeology and Cultural Heritage</p> <p>Chapter 23: Onshore Archaeology and Cultural Heritage</p> <p>Chapter 13: Seascape and Visual Impact</p> <p>Chapter 21: Landscape and Visual Impact</p>
SOC_06: Designated landscapes	<p>Proposals should demonstrate how potential impacts on the purposes and special qualities for which National Parks or Areas of Outstanding Natural Beauty have been designated have been taken into consideration and should, in order of preference:</p> <ol style="list-style-type: none"> a. Avoid adverse impacts on designated landscapes; and/or b. Minimise impacts where they cannot be avoided; and/or c. Mitigate impacts where they cannot be minimised. 	<p>Chapter 13: Seascape and Visual Impact</p> <p>Chapter 21: Landscape and Visual Impact</p>

Policy	Policy Description	Signposting to relevant ES sections for policy consideration
	<p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.</p> <p>Opportunities to enhance designated landscapes are encouraged.</p>	
SOC_07: Seascapes	<p>Proposals should demonstrate how potential impacts on seascapes have been taken into consideration and should, in order of preference:</p> <ul style="list-style-type: none"> a. Avoid adverse impacts on seascapes; and/or b. Minimise impacts where they cannot be avoided; and/or c. Mitigate impacts where they cannot be minimised. <p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.</p> <p>Opportunities to enhance seascapes are encouraged.</p>	<p>Chapter 13: Seascape and Visual Impact</p> <p>Chapter 21: Landscape and Visual Impact</p>
SOC_10: Minimising climate change	<p>Proposals should demonstrate how they, in order of preference:</p> <ul style="list-style-type: none"> a. Avoid the emission of greenhouse gases; and/or b. Minimise them where they cannot be avoided; and/or c. Mitigate them where they cannot be minimised <p>Where significant emission of greenhouse gases cannot be avoided, minimised or mitigated, proposals for regulated activities must present a clear and convincing case for proceeding.</p>	<p>Chapter 5: Policy and Legislation</p> <p>Chapter 28: Climate Change, Major Accidents and Natural Disaster</p>
SOC_11: Resilience to climate change	<p>Proposals should demonstrate that they have considered the impacts of climate change and have incorporated appropriate adaptation measures, taking into account Climate Change Risk Assessments for Wales.</p> <p>Proposals that contribute to climate change adaptation and/or mitigation are encouraged.</p>	<p>Chapter 28: Climate Change, Major Accidents and Natural Disaster</p>
ENV_01: Resilient marine ecosystems	<p>Proposals should demonstrate how potential impacts on marine ecosystems have been taken into consideration and should, in order of preference:</p>	<p>Chapter 28: Climate Change, Major Accidents and Natural Disaster</p>

Policy	Policy Description	Signposting to relevant ES sections for policy consideration
	<p>a. Avoid adverse impacts; and/or</p> <p>b. Minimise impacts where they cannot be avoided; and/or</p> <p>c. Mitigate impacts where they cannot be minimised.</p> <p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.</p> <p>Proposals that contribute to the protection, restoration and/or enhancement of marine ecosystems are encouraged.</p>	<p>Chapter 8: Offshore Designated Sites</p> <p>Chapter 9: Marine and Coastal Ecology</p> <p>Technical Appendix 8.3: Report to inform Appropriate Assessment (RIAA)</p>
ENV_02: Marine Protected Areas	<p>Proposals should demonstrate how they:</p> <ul style="list-style-type: none"> • Avoid adverse impacts on individual Marine Protected Areas (MPAs) and the coherence of the network as a whole; • Have regard to the measures to manage MPAs; and • Avoid adverse impacts on designated sites that are not part of the MPA network. 	<p>Chapter 8: Offshore Designated Sites</p> <p>Chapter 9: Marine and Coastal Ecology</p> <p>Chapter 11: Offshore Ornithology</p> <p>Chapter 12: Marine Mammals and Reptiles</p> <p>Technical Appendix 8.3: Report to inform Appropriate Assessment (RIAA)</p>
ENV_03: Invasive non-native species	<p>Proposals should demonstrate how they avoid or minimise the risk of introducing and spreading invasive non-native species.</p> <p>Where appropriate, proposals should include biosecurity measures to reduce the risk of introducing and spreading of invasive non-native species.</p>	<p>Technical Appendix 9.4: Invasive Non-Native Species Plan</p>
ENV_05: Underwater noise	<p>Proposals should demonstrate that they have considered man-made noise impacts on the marine environment and, in order of preference:</p> <p>a. Avoid adverse impacts; and/or</p> <p>b. Minimise impacts where they cannot be avoided; and/or</p> <p>c. Mitigate impacts where they cannot be minimised.</p>	<p>Chapter 9: Marine and Coastal Ecology</p> <p>Chapter 10: Fish and Shellfish</p> <p>Chapter 12: Marine Mammals and Reptiles</p> <p>Chapter 15: Commercial Fisheries</p>

Policy	Policy Description	Signposting to relevant ES sections for policy consideration
	<p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.</p>	
<p>ENV_06: Air and water quality</p>	<p>Proposals should demonstrate that they have considered their potential air and water quality impacts and should, in order of preference:</p> <ul style="list-style-type: none"> a. Avoid adverse impacts; and/or b. Minimise adverse impacts where they cannot be avoided; and/or c. Mitigate adverse impacts where they cannot be minimised. <p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.</p>	<p>Chapter 7: Marine Seabed and Water Quality Chapter 26: Air Quality</p>
<p>ENV_07: Fish Species and Habitats</p>	<p>Proposals potentially affecting important feeding, breeding (including spawning and nursery) and migration areas or habitats for key fish and shellfish species of commercial or ecological importance should demonstrate how they, in order of preference:</p> <ul style="list-style-type: none"> a. Avoid adverse impacts on those areas; and/or b. Minimise adverse impacts where they cannot be avoided; and/or c. Mitigate adverse impacts where they cannot be minimised. <p>If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.</p>	<p>Chapter 8: Offshore Designated Sites Chapter 10: Fish and Shellfish Ecology Chapter 15: Commercial Fisheries</p>
<p>GOV_01: Cumulative effects</p>	<p>Proposals should demonstrate that they have assessed potential cumulative effects and should, in order of preference:</p> <ul style="list-style-type: none"> a. Avoid adverse effects; and/or b. Minimise effects where they cannot be avoided; and/or c. Mitigate effects where they cannot be minimised. 	<p>Chapter 30: Cumulative Effects</p>

Policy	Policy Description	Signposting to relevant ES sections for policy consideration
	<p>If significant adverse effects cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.</p> <p>Proposals that contribute to positive cumulative effects are encouraged.</p>	
<p>GOV_02: Cross-border and plan compatibility</p>	<p>Relevant public authorities, in making their decisions, should have regard to:</p> <ul style="list-style-type: none"> • Any applicable policy in a relevant marine plan; • Any applicable policy in relevant terrestrial development plans or related documents; • The Natural Resources Policy; • Any relevant local well-being plan(s) (including the local well-being assessment); and • Evidence in any relevant Area Statement(s) produced by Natural Resources Wales (NRW). 	<p>Chapter 29: Inter-related Effects</p> <p>Chapter 30: Cumulative Effects</p> <p>Transboundary Assessments included in each technical Chapter throughout ES.</p>

5.4.5 Shoreline Management Plan

- 5.4.5.1 A Shoreline Management Plan (SMP) provides a large-scale assessment of the risks associated with coastal processes and helps reduce these risks to people and the developed, historic and natural environments in a sustainable manner. In doing so, an SMP is a high-level document that forms an important part of the Welsh Governments strategy for flood and coastal defence and local coastal management strategies.
- 5.4.5.2 The SMP is a non-statutory policy document for coastal defence management planning. It takes account of other existing planning initiatives and legislative requirements and is intended to inform wider strategic planning. The shoreline of Wales is divided into a number of Policy Development Zones (PDZ). The coastal area of the Project for the landfall location is within PDZ18 (St Govan's Head to Thorn Island) (Halcrow, 2012a), for which the policy is No Active Intervention, meaning "*where the shoreline is currently defended, any existing defences will not be maintained and will be allowed to fail*".
- 5.4.5.3 However, it is noted in Policy Statement (18.3) "*within West Angle Bay, there is a stretch of isolated defences, which reduce the risk of coastal erosion and flooding to a car park, cafe and caravan park. Continued maintenance or upgrading of these defences would be unlikely to attract public coastal erosion and flood risk management funding due to the limited socio-economic value of assets at risk. Alternative funding sources could be used to either continue to maintain existing defences or to relocate assets inshore*" (Halcrow, 2012b). Should the Project need to interact with existing defences in West Angle Bay, there may be an opportunity to contribute to the maintenance of the existing defences in the absence of public funding.
- 5.4.5.4 Further information on the baseline environment within the SMP Zone is detailed in Chapter 6: Marine and Coastal Processes and Chapter 19: Onshore Geology, Hydrogeology and Hydrology.

5.5 Terrestrial Planning Policy and Legislation

5.5.1 Future Wales – The National Plan 2040

- 5.5.1.1 The Welsh Government published Future Wales: the national plan 2040 in February 2021 (Welsh Government 2021b). It is the national development framework, setting out the direction of development in Wales to 2040. The national plan is a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.
- 5.5.1.2 Future Wales is the highest tier of the development plan in Wales. It sets out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (SDPs) and Local Development Plans (LDPs). All SDPs and LDPs must be in conformity with Future Wales. There is no SDP in place at the time of writing this Statement.
- 5.5.1.3 Future Wales is a spatial plan, setting a direction for where Wales should be investing in infrastructure and development for the greater good of Wales and its people. Future Wales recognises the obligations of the Well-being of Future Generations (Wales) Act 2015, embedding the seven principles of the Act (see Table 5.3) into the Plan.
- 5.5.1.4 Future Wales supports and helps to deliver the aims of the Wales Economic Action Plan. This includes supporting a low carbon economy and the growth of sustainable and renewable energy; recognising the importance of key future sectors such as renewable technologies.

- 5.5.1.5 The Project aims to demonstrate the deployment of FLOW and progress investment towards commercial deployment in the Celtic Sea region. This aligns with the Plans' aim for Wales to become a world leader in renewable energy technologies, support investment and reduce carbon emissions. The Project also supports the Plans' focus on new strategic energy development, including marine energy.
- 5.5.1.6 As noted in Planning Policy Wales (PPW) (Welsh Government, 2021c), Future Wales sets out the national development plan context for energy and provides specific policies for renewable energy development. The Plan notes that the Welsh Government is supportive of offshore proposals and sees them as an important part of our future energy mix, however, they do not fall within the remit of Future Wales. The onshore aspects of offshore schemes are supported by Future Wales, for example cable landfall infrastructure. It is recognised that Development Plans and the WNMP should work together across marine and terrestrial interfaces.
- 5.5.1.7 Table 5.6 details the relevant policies of Future Wales that are applicable to the Project.

Table 5.6 - Relevant Policies of Future Wales

Policy	Policy Description	Signposting to relevant ES sections for policy considerations
1	<p>'Where Wales will grow' – Sustainable growth within the South West as a Regional Growth Area (including Pembroke and Pembroke Dock) is supported.</p>	Chapter 27: Socio-economics, Tourism and Recreation
9	<p>'Resilient Ecological Networks and Green Infrastructure' – Indicative maps produced by Natural Resources Wales illustrate national natural resources themes including ecological networks, biodiversity hotspots, ecosystem services and opportunities for habitat creation.</p> <p>The Pembrokeshire coast is identified as a biodiversity hotspot.</p>	Chapter 20: Terrestrial and Coastal Ecology and Onshore Ornithology
10	<p>'International Connectivity' – Identifies strategic gateways to facilitate international connectivity, this includes the Haven Waterway (including Ports of Milford Haven and Pembroke Dock). New development around the Strategic Gateways should be carefully managed to ensure their operation is not constrained or compromised</p>	Chapter 16: Shipping and Navigation Chapter 25: Traffic and Transport
17	<p>'Renewable and Low Carbon Energy and Associated Infrastructure' – The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. This sets out the policy considerations for the determination of planning applications for renewable and low carbon energy developments.</p>	<p>Not applicable as these policies relate directly to the approach for determining applications under the Town and Country Planning Act 1990 –</p> <p>The Welsh Government is supportive of offshore proposals and sees them as an important part of</p>

Policy	Policy Description	Signposting to relevant ES sections for policy considerations
18	<p>'Renewable and Low Carbon Energy Developments of National Significance' – Sets out criteria for DNS to meet.</p>	<p>our future energy mix, but they do not fall within the remit of Future Wales.</p>
29	<p>'Regional Growth Areas – Carmarthen and the Haven Towns'</p> <p>Recognises the importance of development and sustainable growth in Carmarthen and the Pembrokeshire Haven Towns (Haverfordwest, Milford Haven, Pembroke and Pembroke Dock) and notes the importance of the south-west's tourism industry.</p> <p>The Welsh Government wishes to see biodiversity enhanced and ecosystems become more resilient across the South West (see Policy 9). These policies require consideration be given to the type of action necessary at regional and local levels and how this can be facilitated through Strategic and Local Development Plans</p>	<p>Chapter 20: Terrestrial and Coastal Ecology and Ornithology</p> <p>Chapter 21: Landscape and Visual Impacts</p> <p>Chapter 27: Socio-economics, Tourism and Recreation</p>
32	<p>'Haven Waterway and Energy'</p> <p>The Welsh Government supports operations at Haven Waterway (which includes Pembroke Dock) and recognises its location for potential new renewable and low carbon energy-related development, innovation and investment.</p> <p>Onshore developments associated with offshore renewable energy projects will be supported in principle.</p>	<p>Chapter 3: Site Selection and Alternatives</p> <p>Chapter 27: Socio-economics, Tourism and Recreation</p>

5.5.2 Planning Policy Wales

- 5.5.2.1 PPW 11 (Welsh Government, 2021c) (published in February 2021) sets out the land use planning policies of the Welsh Government. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.
- 5.5.2.2 PPW 11 is supplemented by numerous documents, including Technical Advice Notes (TANs). There is no longer a TAN specifically related to renewable energy, however, PPW notes Future Wales sets out the national development plan for energy and provides specific policies for renewables energy development (see paragraphs 5.5.1.1.1 to 5.5.1.5.1.6). As noted above, these are specifically in relation to onshore renewable projects, with Future Wales acknowledging that onshore developments associated with offshore renewable energy projects will be supported in principle.
- 5.5.2.3 The following TANs are material considerations and have been reviewed and utilised within the relevant ES chapters for the associated onshore infrastructure:
- TAN 5: Nature Conservation and Planning (2009);
 - TAN 11: Noise (1997);
 - TAN 12: Design (2016);
 - TAN 13: Tourism (1997);
 - TAN 14: Coastal Planning (1998);
 - TAN 15: Development and Flood Risk (2004);
 - TAN 18: Transport (2007);
 - TAN 21: Waste (2017);
 - TAN 23: Economic Development (2014); and
 - TAN 24: The Historic Environment (2017).

5.5.3 Local Plans

Pembrokeshire County Council Local Development Plan

- 5.5.3.1 Pembrokeshire County Council (PCC) adopted their Local Development Plan (LDP) in February 2013 (PCC, 2013). The LDP provides development strategy and policies to guide development and land use in Pembrokeshire up to 2021.
- 5.5.3.2 General Policy 4 notes that development which enable the supply of renewable energy through environmentally acceptable solutions will be supported. As per Future Wales, offshore renewable energy projects are outside the jurisdiction of the planning system but such developments may require landfall site, onshore cable route and onshore substation for energy infrastructure.
- 5.5.3.3 The LDP is supported by Supplementary Planning Guidance (SPG), namely for biodiversity, landscape character assessment, and the historic environment. Applicable requirements of these SPGs will be included in the relevant topic chapters assessing impacts to the onshore environment (Chapter 20: Terrestrial and Coastal Ecology and Onshore Ornithology, Chapter 21: Landscape and Visual Impacts and Chapter 23: Onshore Archaeology and Cultural Heritage).

- 5.5.3.4 PCC are currently in the process of reviewing the LDP with the LDP due to be adopted in Summer 2022. In spring 2021, a report listing all of the comments made on the Deposit Plan, together with a recommended officer response will be presented to Full Council. A list of recommended changes known as Focussed Changes will be included in the report.

Pembrokeshire Coast National Park Local Development Plan

- 5.5.3.5 The Pembrokeshire Coast National Park LDP 2 was adopted in September 2020. It provides a legal framework for the development and use of land within the National Park to 2031. Applicable policies to the Project are provided in Table 5.7.
- 5.5.3.6 The LDP is supported by SPG namely for archaeology, biodiversity, seascape, sustainable development and design and renewable energy. These are still undergoing consultation. Applicable requirements of these SPGs will be included in the relevant topic chapters assessing impacts to the onshore environment (Chapter 13: Seascape and Visual Impacts, Chapter 24: Onshore Archaeology and Cultural Heritage, Chapter 20: Terrestrial and Coastal Ecology and Onshore Ornithology, Chapter 4: Project Description and Chapter 28: Climate Change, Major Accidents and Disasters).

Table 5.7 - Relevant Policies of Local Development Plans

Policy	Policy Description	Signposting to relevant ES sections for policy consideration
National Park LDP2 Policy 1	Development within the National Park must be compatible with the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the Park and the public understanding and enjoyment of those qualities	Chapter 3: Site Selection and Alternatives Chapter 13: Seascape and Visual Impacts Chapter 20: Terrestrial and Coastal Ecology and Onshore Ornithology Chapter 24: Onshore Archaeology and Cultural Heritage
National Park LDP2 Policy 8	The special qualities of the Pembrokeshire Coast National Park will be conserved and enhanced.	Chapter 13: Seascape and Visual Impacts Chapter 21: Landscape and Visual Impacts
National Park LDP2 Policy 14	Conservation and enhancement of the Pembrokeshire Coast National Park. Development will not be permitted where this would have an unacceptable adverse effect on the qualities and special landscape and seascape character of the Pembrokeshire Coast National Park	Chapter 13: Seascape and Visual Impacts Chapter 21: Landscape and Visual Impacts

Policy	Policy Description	Signposting to relevant ES sections for policy consideration
National Park LDP2 Policy 33	Proposals for renewable and low carbon energy development including those relating to wind, solar and hydro power, anaerobic digestion and biomass will be permitted subject to the following criteria: c) Onshore connections to off- shore renewable energy generators would not have an unacceptable adverse effect on the visual amenities, landscape character or nature conservation of the developed and undeveloped coast. Where an undeveloped coastal location is required proposals need to demonstrate why the location is necessary with the least obtrusive approach to design being taken.	Chapter 3: Site Selection and Alternatives Chapter 13: Seascape and Visual Impacts Chapter 21: Landscape and Visual Impacts
National Park LDP2 Policy 62	Cables or pipelines and associated development will be permitted where the least obtrusive and damaging location, route or means of provision is chosen.	Chapter 3: Site Selection and Alternatives Chapter 13: Seascape and Visual Impacts Chapter 21: Landscape and Visual Impacts

5.6 EIA Legislative Framework

5.6.1 The EIA Directive

5.6.1.1 EIA was introduced under the EU EIA Directive 85/337/EEC in 1985 (as amended by Directives 97/11/EC, 2003/35/EC and 2009/31/EC). In 2011, the original EIA Directive and amendments were codified by EIA Directive 2011/92/EU (as amended by Directive 2014/52/EU) (the EIA Directive). The EIA Directive ensures that projects likely to have significant effects on the environment are subject to an EIA prior to their approval or authorisation. The requirement to comply with the Directive is transposed into UK law by regulations such as The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) which were amended in 2017.

5.6.1.2 The 2017 amendments to the Marine Works EIA Regulations and The Electricity Works EIA Regulations include the following notable changes:

- A requirement to provide a description of the likely significant effects of the development on the environment resulting from impacts on climate change, risks to human health and use of natural resources;
- Ensuring EIA quality by requiring that those who undertake the work are competent experts;
- More detailed demonstration of the consideration of reasonable alternatives to the proposed Project; and

- Further consideration of how to avoid, prevent, reduce and / or off-set significant adverse effects where possible and develop monitoring strategies.

5.6.1.3 Following the UK's exit from the EU and end of transition period on 31 December 2020, various pieces of legislation have been passed to remove the domestic constitutional basis for EU law in the UK and ensure continuity. This includes EIA, for which the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 were introduced. The regulations ensure that environmental considerations continue to be taken into account at the development consent stage.

5.6.2 The Marine Works (Environmental Impact Assessment) Regulations 2007

5.6.2.1 In respect of works where a marine licence is required, the EIA Directive has been implemented in national legislation by The Marine Works (Environmental Impact Assessment) Regulations 2007 as amended by the Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017. These Regulations implement the EIA Directive, referring to Annex I projects that require mandatory EIA in Schedule A1, and Annex II projects which may be subject to an EIA, depending on their nature, scale and location in Schedule A2. The Project will require an EIA under Schedule A2 of The Marine Works (EIA) Regulations 2007 (as amended) under:

- **21.** Installations for the harnessing of wind power for energy production (wind farms).

5.6.2.2 Schedule 3 of the Marine Works (EIA) Regulations 2007 sets out information that must be included in the ES, including:

- A description of the project;
- A description of the reasonable alternatives studied by the applicant;
- A description of the baseline environment and an outline of the likely evolution thereof without implementation of the project;
- A description of the factors likely to be significantly affected by the project;
- A description of the likely significant effects of the project on the environment, including direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects;
- A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment including details of difficulties (for example, technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved;
- A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example, the preparation of a post-project analysis);
- A description of the expected significant adverse effects of the Project on the environment deriving from the vulnerability of the project and the regulated activity to risks of major accidents or disasters which are relevant to the Project and the regulated activity concerned;
- A non-technical summary of the information provided; and
- A reference list detailing the sources used for the descriptions and assessments included in the report.

5.6.3 *The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017*

- 5.6.3.1 The purpose of The Electricity Works (EIA) Regulations 2017 is to ensure comprehensive EIA is undertaken in respect of applications for consent for generating stations under Section 36 of the Electricity Act 1989 following the 2014 amendments made to the EIA Directive.
- 5.6.3.2 These Regulations implement the EIA Directive, referring to Annex I projects that require mandatory EIA in Schedule 1 and Annex II projects which may be subject to an EIA, depending on their nature, scale and location in Schedule 2. The Project will require an EIA under Schedule 2 of The Electricity Works (EIA) Regulations 2017 under:
- 1. Development to provide a generating station (other than a generating station of a description set out in paragraph 1 of Schedule 1) under Schedule 2 of The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017.*
- 5.6.3.3 Regulation 39 of The Electricity Works (EIA) Regulations 2017 permits deferral of EIA considerations by one decision making authority to another where another consent, such as a marine licence, for which an EIA is also required is also applied for, in respect of applications under Section 36 of the Electricity Act 1989. In the case of the Project, deferral of EIA consideration is from Welsh Ministers (administered by PEDW) to NRW for the marine licence application.
- 5.6.3.4 A written request was made on 02 August 2019 to PINS (now PEDW) to invoke Regulation 39 of The Electricity Works (EIA) Regulations 2017 with respect to the Project. A Deferral Decision letter was published by PINS (now PEDW) on 12 September 2019 confirming Regulation 39 would be invoked. The Deferral Decision confirmed that Welsh Ministers were satisfied that the conditions required to invoke Regulation 39 had been met, namely that NRW will undertake an assessment of significant effects on the environment under the Marine Works (Environmental Impact Assessment) Regulations 2010 (as amended) and make the information available to Welsh Ministers for the purpose of determining the Section 36 consent application.

5.6.4 *Screening and Scoping*

- 5.6.4.1 Prior to submitting a marine licence application in Welsh waters, potential applicants can request a "Screening Opinion" from NRW Marine Licensing Team, through a voluntary process, to determine whether an EIA is required for the proposed Project. A separate formal Screening Opinion was not sought, as it was considered by the Applicant and its professional advisors an EIA would be required. This was confirmed following discussions with the PINS (now PEDW), Welsh Government and NRW in July 2019 where it was confirmed that an EIA would be required to support any consent applications for the Project. As such, a joint Screening and Scoping Opinion Request was submitted to NRW in October 2019 (MarineSpace, 2019). Detailed information regarding the Project Screening and Scoping are provided in Chapter 2: Overview of EIA Methodology. The Scoping Opinion Request (the Scoping Report) (MarineSpace, 2019) and NRW's Scoping Opinion (NRW, 2020) are provided in Volume 3, Technical Appendices 2.1 and 2.2 respectively.

5.6.5 Project Design Envelope

- 5.6.5.1 Defining the project description is a key element of all EIA projects against which impacts can be assessed. Due to the fast pace of technological innovation in the offshore wind sector, for example, turbine size and foundation options, some of the Project elements cannot be fixed at the time of application. Therefore, a Project Design Envelope (PDE) is developed which defines the range of realistic minimum and maximum values for the Project (an envelope). This enables a “worst-case scenario” to be assessed for all EIA topics and allows a degree of flexibility in determining the final specific project details, while still meeting the requirements of the EIA process.
- 5.6.5.2 Post consent, a detailed design of the scheme can vary within that envelope and the parameters assessed, without rendering the EIA inadequate. By adopting this approach, the ES can conclude that the environmental impact of the Project will be no greater than that set out in the ES (and in fact, may be less).
- 5.6.5.3 This approach is often termed a “Rochdale Envelope” in the context of applications for Development Consent Orders, with associated case law established in *R v Rochdale Metropolitan Borough Council, ex parte Tew* [2000] Env. L.R. 1. This approach is endorsed in the revised draft Overarching National Policy Statement (NPS) for Energy (EN-1), the revised draft NPS for Renewable Energy Infrastructure (EN-3), and the Planning Inspectorate Advice Note Nine: Rochdale Envelope (PINS, 2018).
- 5.6.5.4 Chapter 4: Project Description, sets out the key parameters for the Project. Where site specific details have not yet been finalised, then a minimum and maximum number has been presented. Where that specific parameter is relevant to the assessment, the worst case for that element has been identified by the relevant specialist and used as the basis for that assessment. Each technical chapter (Chapters 6 to 31) provides an outline of the relevant worst case for that receptor.
- 5.6.5.5 The final Project detailed design will be refined in response to technology availability, consultation, environmental sensitivities, choice of contractors and economic considerations, as well as planning/licence conditions associated with consents and permissions granted.

5.7 Other Relevant Legislation to Consenting

5.7.1 Habitats and Birds Directives

- 5.7.1.1 EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the Habitats Directive) is intended to protect biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species listed in the Annexes to the Directive at a favourable conservation status. It provides robust protection for those habitats and species of European importance.
- 5.7.1.2 EC Directive 2009/147/EC on the Conservation of Wild Birds (known as the Birds Directive) provides a framework for the conservation and management of, and human interactions with, wild birds in Europe. It sets broad objectives for a wide range of activities.
- 5.7.1.3 The Habitats Directive and Birds Directive are collectively referred to as the Nature Directives. The primary aims of the Nature Directives are to maintain or restore European protected habitats and species; contribute to a coherent European ecological network of protected sites; and ensure appropriate assessment of plans and projects likely to have a significant effect on the integrity of those protected sites.
- 5.7.1.4 The Nature Directives are transposed into UK legislation and implemented under the following Regulations, which are collectively referred to as the Habitats Regulations:

- The Conservation of Habitats and Species Regulations 2017 (applies to terrestrial and territorial waters out to 12 nm); and
- The Conservation of Offshore Marine Habitats and Species Regulations 2017 (apply to UK's offshore water area (i.e. from 12 nm from the coast out to 200 nm or to the limit of the UK Continental Shelf Designated Area).

- 5.7.1.5 Following the UK's exit from the EU and end of transition period on 31 December 2020, various pieces of legislation have been passed to secure the domestic constitutional basis for and scope of continuing effect of 'retained' EU law in the UK. This includes changes to the 2017 Habitats Regulations (above) through The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The amendments that have been applied provide legal certainty and minimise disruption immediately following EU exit. Overall, the legislative changes do not result in material changes in how HRAs are undertaken in the UK.
- 5.7.1.6 References to "European sites" and "Natura 2000 sites" throughout this ES, are to be read as references to either European sites and Natura 2000 sites within the European Union, or "European sites within the UK national site network"¹ designated before the UK left the EU; or designated after the UK left the EU under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Defra, 2020b), as defined by Regulation 3 of the Conservation of Habitats and Species Regulations 2017.
- 5.7.1.7 Under this legislative framework, a network of protected areas (the Natura 2000 network) has been established. These protected areas include Special Areas of Conservation (SAC) for habitats and species, and Special Protection Areas (SPA) for wild birds.
- 5.7.1.8 Ramsar Sites are designated under the Convention on Wetlands of International Importance, ratified by the UK in 1976. Ramsar sites are afforded protection as if they were part of the Natura 2000 network (i.e. SPAs and SACs as set out in the Habitats Regulations). The majority are also classified as SPAs and all terrestrial Ramsar sites in Wales are also notified as SSSIs (see Chapter 19, Onshore Ecology).
- 5.7.1.9 Under the Habitats Regulations the competent authority (consenting authority), before granting consent for a plan or project, must consider whether a plan or project has the potential to have a significant effect on a Natura 2000 site within the UK national site network, either alone, or in combination with other plans or projects, if it is not directly connected with, or necessary to, the management of that site. If there is potential for a plan or project to have a likely significant effect on a Natura 2000 site, there is a requirement for the competent authority (in this case NRW (marine licence) and Welsh Ministers (Section 36 consent)) to carry out an Appropriate Assessment.
- 5.7.1.10 This process is known as HRA. However, it is the developer's responsibility to provide sufficient information to the competent authority to enable them to assess whether there are likely to be significant effects and to enable them to carry out the Appropriate Assessment where required. Two Habitats Regulation Assessment (HRA) reports are submitted alongside this ES as part of the application (Volume 3, Technical Appendices 8.2: HRA Screening Report and 8.3: Report to inform Appropriate Assessment). These reports are considered to provide the necessary information for the competent authorities to carry out the Appropriate Assessments required before determining applications for the Section 36 consent and marine licence.

- 5.7.1.11 European Protected Species (EPS) are animals and plants listed in Annex IV of the Habitats Directive, for whom Great Britain is their natural range. They are listed in Schedules 2 and 5 of the Habitats Regulations. The Habitats Regulations make it an offence to kill, injure, capture or disturb marine EPS; and to pick, collect, cut, uproot or destroy a wild plant which is an EPS. In relation to the Project, Chapter 12: Marine Mammals will identify whether an EPS licence is expected to be required for disturbance of cetaceans in the study area and Chapter 20: Terrestrial and Coastal Ecology and Ornithology will discuss the potential requirement of an EPS licence for terrestrial species. The need for an EPS licence will be determined in consultation with NRW.

5.7.2 Water Framework Directive

- 5.7.2.1 The EU Water Framework Directive 2000/60/EC is transposed into law in England and Wales by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. The Regulations mean that the requirements of the Water Framework Directive (WFD) need to be considered at all stages of the planning and development process where there is potential for impacts to water bodies. The WFD requires that Environmental Objectives are set for all surface waters and ground waters in each EU Member State.
- 5.7.2.2 The WFD sets a target of aiming to achieve at least “good status” in all water bodies by 2015. However, provided that certain conditions are satisfied, in some cases the achievement of good status may be delayed until 2021 or 2027.
- 5.7.2.3 Specific mitigation measures are set for water bodies to achieve the Environmental Objectives of the WFD. These are listed within the Programme of Measures for each River Basin Management Plan (RBMP). RBMPs have been drawn up for each River Basin District across England and Wales and propose measures to protect and improve the water environment. These measures have been developed in consultation with organisations and individuals and are intended to mitigate impacts that have been, or are being, caused by human activity, such as flood and coastal defence works, with the aim of restoring and enhancing the quality of the existing environment. The Project is located within the Western Wales River Basin District.
- 5.7.2.4 A standalone WFD assessment is submitted alongside this ES as part of the application which contains the necessary information for NRW to undertake a WFD Compliance Assessment as required before determining the marine licence application. Technical Appendix 7.1: WFD Assessment (Volume 3), Chapter 7: Marine Seabed and Water Quality and Chapter 19: Onshore Geology, Hydrogeology and Hydrology, provide further information on the WFD as well as providing an assessment of the project in relation to the WFD objectives.

5.7.3 Marine Strategy Framework Directive

- 5.7.3.1 The Marine Strategy Framework Directive 2008/56/EC (MSFD) establishes a common approach and objectives for the prevention, protection and conservation of the marine environment. The MSFD outlines a transparent legislative framework for an ecosystem-based approach to the management of human activities, which supports the sustainable use of marine goods and services. It requires countries to develop strategies and set targets to achieve “good environmental status” by 2020, which include measures that protect the marine ecosystem and ensure economic activities linked to the marine environment are sustainable. The MSFD is transposed into UK legislation through The Marine Strategy Regulations 2010.

5.7.3.2 The Convention for the Protection of the Marine Environment of the North-East Atlantic (the OSPAR Convention) plays a key role as one of the co-ordinating mechanisms to help Member States meet the obligations of the MSFD. The OSPAR Convention has been signed and ratified by 16 Contracting Parties, including the United Kingdom, and contains a series of Annexes covering prevention and elimination of pollution, assessment of the quality of the marine environment and protection and conservation of the ecosystems and biological diversity of the maritime area. Chapter 7: Marine Seabed and Water Quality provides further information on the MSFD.

5.7.4 *Wildlife and Countryside Act 1981*

5.7.4.1 The Wildlife and Countryside Act 1981 is the principal legislative mechanism for the protection of wildlife in Great Britain. For territorial waters in England and Wales, where the Project is partly located, the Habitats Directive and the Birds Directive are implemented under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The provisions of the Birds Directive are implemented through the Wildlife and Countryside Act 1981 and the Habitats Regulations, as well as other legislation related to the uses of land and sea.

5.7.4.2 The Wildlife and Countryside Act 1981 is set out in four parts, those relevant to the Project are:

- Part I: Wildlife – relevant projected habitats and species; and
- Part II: Nature Conservation, Countryside and National Parks – protection of designated sites including SSSIs.

5.7.4.3 The Wildlife and Countryside Act 1981 provides for the notification and confirmation of SSSIs through the local planning authority. SSSIs are sites identified for their flora, fauna, geological or physiographical features by Natural England in England and NRW in Wales. The Act also contains measures for the protection and management of SSSIs.

5.7.4.4 For works which include operations with the potential to damage the special interest of SSSIs, there is a requirement under Sections 28E and 28H of the Wildlife and Countryside Act 1981, in the case of owner/occupiers and ‘Section 28G authorities’ respectively, to notify NRW in respect of sites in Wales prior to undertaking such operations. Following receipt of notification, NRW will either consent (in the case of S.28E notifications) or assent (in the case of S.28H notifications) to the activity (inclusive of mitigating conditions where required) or refuse consent/assent.

5.7.4.5 Potential impacts on terrestrial flora and fauna are discussed further in Chapter 20: Terrestrial and Coastal Ecology and Onshore Ornithology and those on marine flora and fauna in Chapter 9, Benthic and Intertidal Ecology; Chapter 10, Fish and Shellfish; Chapter 11: Offshore Ornithology, Chapter 12: Marine Mammals.

5.7.5 *Countryside and Rights of Way Act 2000*

5.7.5.1 The Countryside and Rights of Way Act 2000 (CRoW) provides for public access to certain types of land, increased measures for the management and protection of SSSIs, increased wildlife enforcement legislation, and management of Areas of Outstanding Natural Beauty (AONB).

5.7.5.2 The CRoW Act requires AONB management plans to be produced by local authorities and for the creation of Conservation Boards to assume responsibility for AONBs, particularly where a designation crosses several local authority jurisdictions. The CRoW also requires all relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in performing their functions. The potential impacts arising from the Project on AONBs are discussed further in Chapter 13 Seascape and Visual Impacts and Chapter 21: Landscape and Visual Impacts.

5.7.6 *Natural Environment and Rural Communities Act 2006*

5.7.6.1 The UK Biodiversity Action Plan (UK BAP) was published in 1994 as the UK Government's response to signing the Convention on Biological Diversity at the 1992 Rio Earth Summit. The UK post-2010 Biodiversity Framework replaced the UK BAP and preparations are underway for the post-2020 global Biodiversity Framework which will act as a stepping-stone towards the 2050 Vision of "Living in harmony with nature".

5.7.6.2 The Natural Environment and Rural Communities (NERC) Act came into force in 2006. Section 42 of the NERC Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in Wales.

5.7.6.3 The Section 42 list, now the Section 7 list of the Environment (Wales) Act 2016 (see section 5.7.7 below), included 55 habitats and 557 species of principal importance in Wales, as required by the UK BAP. The list continues to be regarded as indicating conservation priorities in the subsequent UK Post-2010 Biodiversity Framework and includes terrestrial, freshwater and marine habitats and species.

5.7.6.4 The potential impact on habitats and species of principal importance as a result of the Project are discussed further in Chapter 20: Terrestrial and Coastal Ecology and Onshore Ornithology, and in Chapter 9: Marine and Coastal Ecology, Chapter: 10 Fish and Shellfish Ecology, Chapter 12 Marine Mammals.

5.7.7 *The Environment (Wales) Act 2016*

5.7.7.1 The Environment (Wales) Act 2016 replaces the Section 40 and Section 42 duties of the NERC Act 2006 and puts in place a new statutory process to plan and manage natural resources in Wales. The Environment (Wales) Act 2016 sets out a sustainable way in which Welsh resources are managed in a proactive and joined up way. The 2016 Act also enables Welsh Ministers to put in place statutory carbon emissions reduction targets, which were amended to a 95% reduction by 2050 (Welsh Government, 2019b).

5.7.7.2 The Environment (Wales) Act 2016 also places a duty on Welsh Ministers to prepare and implement a statutory National Natural Resources Policy (NNRP) which sets out natural resources management priorities over a 5-year cycle. The first NNRP was published in 2017 setting out the following priorities:

- Delivering nature-based solutions;
- Increasing renewable energy and resource efficiency; and
- Taking a place-based approach.

5.7.7.3 The NNRP uses the evidence base collated by NRW in the 2016 State of Natural Resources Report (SoNaRR). An updated version of SoNaRR was published by NRW in 2020. Both the NNRP and SoNaRR have been used to establish the seven Area Statements in Wales that outline the key challenges and opportunities within that region, which will enable the delivery of the NNRP priorities.

5.7.7.4 Section 6 under Part 1 of the Environment (Wales) Act 2016 introduces a duty on Welsh local authorities to seek to enhance biodiversity and resilience of ecosystems when carrying out their functions. Section 7 of the Environment (Wales) Act 2016 replaces the Section 42 duty of the NERC Act 2006. Section 7 requires Welsh Ministers to publish and review lists of species and habitats in Wales that are of “principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales”. The interim Section 7 list is exactly the same as the Section 42 list of the NERC Act 2006, the final list will be agreed in consultation with NRW. All public authorities, in complying with the Section 6 duty, must have regard to the Section 7 list of habitats and species.

5.7.8 *Milford Haven Conservancy Act 1983*

5.7.8.1 Works which are to be carried out within the boundary of Milford Haven Port Authority (MHPA) Limits may require a Marine Works Licence via Section 18 (Licence of Works) of the Milford Haven Conservancy Act 1983. Where applicable, the purpose of a Marine Works Licence is to ensure that all relevant environmental sensitivities have been addressed and that there are no adverse effects on the safety of navigation within the MHPA area.

5.7.8.2 A MHPA Marine Works Licence is required if the works fall within the definition of constructing, altering or extending works within the Port Limits. The full project ES and associated HRA will be submitted to MHPA alongside the Marine Works Licence application.

5.8 Conclusion

5.8.1.1 A summary of the key consents being sought for the Project, the related Project components and the relevant consenting authority are set out in Table 5.8

Table 5.8 - Summary of Key Consents for the Proposed Project

Project Component	Consent Required	Consenting Authority
Floating Offshore Wind Generators Offshore electrical infrastructure Offshore inter-array cables Landfall and onshore cable route Onshore substation Grid Connection	Section 36 with Deemed Planning Permission Consent under Electricity Act 1989 to construct and operate a generating station to include consent for generation electricity.	PEDW, administering on behalf of the Welsh Ministers. NRW to undertake HRA below mean high water springs (MHWS) and Welsh Ministers above MHWS. NRW to lead on EIA.
Floating Offshore Wind Generators Offshore electrical infrastructure Offshore inter-array cables Offshore export cable Offshore ancillary infrastructure Landfall and onshore cable route up to MHWS level	Marine Licence under the Marine and Coastal Access Act (2009) , to include: Designation of the licence area for the <i>in-situ</i> deposition and disposal of foundation cuttings materials; and Consent for navigation markers.	NRW Marine Licensing Team (MLT) to administer. NRW MLT to undertake HRA. NRW MLT to lead on EIA.
Floating Offshore Wind Generators Offshore inter-array cables Offshore export cable	European Protected Species Derogation Licence issued for the prevention of serious damage to species afforded protection under the Conservation of Habitats and Species Regulations 2017.	NRW Species Licensing Team

Project Component	Consent Required	Consenting Authority
Landfall and onshore cable route	SSSI Assent/Consent for works which may affect a SSSI NRW must be notified and consent/assent under section 28H/28I of the Wildlife and Countryside Act 1981 requested.	NRW Natural Resource Management Team
Offshore ancillary infrastructure	Marine Works Licence (installation works within MHPA jurisdiction).	MHPA
Floating Offshore Wind Generators	Declaration under Section 36A of the Electricity Act to extinguish public rights of navigation where the FLOW structures are located.	PEDW, administering on behalf of the Welsh Ministers.
Floating Offshore Wind Generators	Electricity Generation Licence	Ofgem
Grid Connection	Grid connection agreement	Obtained from National Grid Electricity Transmission.
Floating Offshore Wind Generators	Operational agreements	MoD
Floating Offshore Wind Generators	Offshore safety zones around installation vessels and during major O&M activities	Welsh Ministers
Offshore array cables	Consent for grab and geotechnical samples of the seabed (during EIA and Engineering surveys) – sea bed survey licence and marine licence	TCE NRW MLT
Offshore export cable		

Project Component	Consent Required	Consenting Authority
Landfall and onshore cable route Onshore substation		
Landfall and onshore cable route Onshore substation	Notification procedure under the New Roads and Street Works Act 1991.	Local Planning Authority
Landfall and onshore cable route Onshore substation	Flood Action Plan Site discharges and temporary water abstraction	NRW

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