



Burbo Bank Extension Offshore Wind Farm offshore electricity export cable and onshore electricity export cable river crossing. EIA Consent Decision.

1. Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended), Regulation 22 - EIA Consent Decision

Title: Burbo Bank Extension Offshore Wind Farm offshore electricity export cable and onshore electricity export cable river crossing.

Regulatory Approval: Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)

Applicant: DONG Energy Burbo Extension (UK) Limited

NRW Marine Licence Application No: 13/17/ML

Location: Cable route from the boundary between English and Welsh territorial waters off the mouth of the River Dee to MHWS at landfall between Rhyl and Prestatyn, and a section of the onshore cable route across a tidal section of the River Clwyd in Denbighshire.

2. Purpose

- 2.1 This document constitutes an EIA consent decision under Regulation 22 of the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) (MWR), in respect of a Marine Licence application (ref: 13/17/ML) submitted to Welsh Government MCU by DONG Energy Burbo Extension (UK) Limited on 25/3/2013.
- 2.2 In accordance with Regulation 22 of the MWR, the Welsh Ministers (WM) have considered the application, environmental statement (ES), representations of consultation bodies and have had regard to the relevant legislation. No further information was provided by the applicant pursuant to a notification under regulation 14; no public representations were made pursuant to regulation 16 (2) (g) of the MWR and no other EEA states were consulted.
- 2.3 In making the EIA consent decision, the Welsh Ministers have considered all relevant environmental information, in particular, the DCO application for the component of the project within English Waters, the marine licence application (13/17/ML), the ES and clarification notes regarding the project produced by the applicant during the Planning Inspectorate's DCO examination process; post ES submission proposals relating to intertidal access works; post ES submission proposals relating to a trenching methodology; NRW's appropriate assessment relating to European sites and protected species together with a report from NRW to Welsh Ministers.

3. Project description and consenting regimes

- 3.1 DONG Energy is proposing to develop an extension to the operational offshore wind farm at the existing Burbo Bank 'Round 1' site (the operational wind farm). The proposed Project is an extension that will occupy an area of up to approximately 40 km², with a capacity of up to 258 MW. The Project is located west of the operational wind farm, located approximately 7 km north of Hoylake and Meols in the Wirral, 8.5 km from Crosby beach and 12.2 km from the Point of Ayr in Wales. To the north east it is bordered by the Queens Channel navigation channel into the Port of Liverpool. The wind farm site is fully located within English territorial waters (within 12 nautical miles of the coast) and some components are located in Wales.
- 3.2 The Project in its entirety is split between three development consenting regimes:
1. A Development Consent Order (DCO) under the Planning Act 2008 as a Nationally Significant Infrastructure Project (NSIP). Development consent was granted following the Planning Inspectorate examining and then making a recommendation to the Secretary of State for the Department of Energy & Climate Change (DECC) regarding the application.
 2. A deemed marine licence under the Marine and Coastal Access Act 2009 as part of the above DCO for the works within English territorial waters.
 3. A marine licence under the Marine and Coastal Access Act 2009, from Natural Resources Wales for the export cable within Welsh territorial waters.
 4. Planning permission under the Town and Country Planning Act 1990 for the onshore elements of the Project. The Local Planning Authority (Denbighshire County Council) granted the development Planning Permission on 20th November 2014 (Application number: 31/2013/0400/PF).

4. Application

- 4.1 DONG Energy Burbo Extension (UK) Limited applied to the Welsh Government Marine Consents Unit for a Marine Licence to carry out the following works:
1. Installation of subsea export cables from the boundary between English and Welsh territorial waters off the mouth of the River Dee to MHWS at the landfall between Rhyl and Prestatyn consisting of up to two cables, including one or more cable crossings (associated works include installation of temporary moorings and navigation buoys);
 2. Installation of a section of the onshore export cable route that crosses a tidal section of the River Clwyd in Denbighshire.
- 4.2 Welsh Government MCU passed the application on to Natural Resources Wales on 1st April 2013 when the licensing authority functions of the Welsh Ministers were delegated to NRW pursuant to The Marine Licensing (Delegation of Functions)

(Wales) Order 2013 (The Delegation Order).

5. The Environmental Statement (ES) - MWR Regulation 12 (1)(d)

- 5.1 An ES covering the whole (English and Welsh components of the project) was submitted by the applicant alongside the Marine Licence application.
- 5.2 The Environmental Statement (ES) outlined the possible impacts of the proposed project organised under the following topic headings:

Offshore technical chapters:

- Geology, Bathymetry and Seabed Features
- Water and sediment Quality
- MetOcean and Coastal Processes
- Offshore Noise
- Subtidal and Intertidal Benthic Ecology
- Fish and Shellfish Ecology
- Marine Mammals
- Offshore Ornithology
- Nature Conservation
- Shipping and Navigation
- Commercial Fisheries
- Marine Archaeology and Cultural Heritage
- Seascape, Landscape and Visual Impact Assessment
- Aviation Defence Radar and Telecommunications
- Helicopter Access to Oil and Gas Platforms
- Other Infrastructure and Licensed Activities

Onshore Technical Chapters

- Onshore Geology Hydrogeology and Ground Conditions
- Onshore Hydrology and Flood Risk
- Onshore Biological Environment
- Onshore Land Use and Agriculture
- Onshore Landscape Visual Impact Assessment
- Onshore Archaeology and Cultural Heritage
- Onshore Traffic and Transport
- Onshore Air Quality
- Onshore Noise and Vibration
- Socio-Economic Impact Assessment

- 5.3 The ES is considered by Welsh Ministers to satisfy the requirements of Regulation 12 (1)(d) and Schedule 3 of the MWR.

6. Provision of further information – MWR Regulations 14 (1)

- 6.1 No further information was requested from the applicant pursuant to a notification under Regulation 14 (1). The ES is considered by Welsh Ministers to satisfy the requirements of Regulation 12 (1)(d) and Schedule 3 of the MWR.

7. Public notices – MWR Regulations 16(2)(g)

- 7.1 Public notices advertising the project were placed in Lloyd's List on the 23rd and 31st May 2013, and in the Daily Post Wales on the 20th and 27th May 2013 to notify interested parties of the proposed works and to give any interested parties an opportunity to make representation on the application as necessary.
- 7.2 The application documents were made available to the public at Rhuddlan Library, Vicarage Lane, Rhuddlan, LL18 2UE for 42 days following the publication of the last public notice (the library address was included in the public notices).
- 7.3 No public representations were received.

8. Consultation – MWR Regulations 17(1)(a)(iv)

- 8.1 Consultation was carried out on the application on 2nd May 2013, 10th May 2013 and 21st June 2013. The following bodies were consulted:
- 8.2 The Natural Resources Wales – ‘advisory functions’ (NRW) , The Centre for Environment, Fisheries and Aquaculture Science (Cefas), Ministry of Defence (MoD), Maritime and Coastguard Agency (MCA), The Crown Estate (TCE), Local Planning Authorities (LPA) for Denbighshire and neighbouring Conwy and Flintshire, Local Harbour Authority (LHA) - Conwy Harbour Master, Local Biodiversity Officers (LBO) for Denbighshire and neighbouring Conwy and Flintshire, Royal Yachting Association (RYA), Royal Society for the Protection of Birds (RSPB), Trinity House (TH), Welsh Government Energy Water and Flood Division, Cadw, Welsh Government Fisheries Branch Marine Enforcement Officers (MEO), Marine Management Organisation (MMO), Natural England (NE) and the Port of Mostyn (POM).
- 8.3 Replies were received from the following:
- 8.4 NRW, Cefas, MCA, TCE, LPA (Denbighshire), LHA (Conwy), LBO (Denbighshire), LBO (Conwy), RYA, TH, WG Energy Water and Flood Division, Cadw, MEO, MMO, NE and POM.
- 8.5 Details of the issues raised by the respondents and how they have been addressed is set out in section 14.
- 8.6 Consultees who did not provide a response were assumed to have no comment.

9. Consultation of EEA States – MWR Regulations 20

- 9.1 Welsh Ministers do not consider that any EEA States are likely to be affected by the proposal in the application. Consequently, no material was provided to other EEA States in relation to the application.

10. Clarification Notes

- 10.1 The applicant produced a number of clarification notes regarding the project during the Planning Inspectorate's DCO examination process.
- 10.2 Many of these clarification notes are also relevant to the Welsh marine licence application and were provided to consultees in response to issues raised following consideration of the ES.
- 10.3 These clarification notes are listed in Appendix I.

11. Post ES submission proposals - Intertidal Access Works

- 11.1 On 6th June 2014 the applicant submitted a methodology detailing works regarding the temporary removal of a section of intertidal wooden groyne at the landfall site (to allow vehicle / plant access to the site).
- 11.2 Based upon advice from NRW on the potential environmental impact of this activity, Welsh Ministers are satisfied that the proposed methodology does not constitute a material change to the conclusions of the ES and that determination can proceed.

12. Post ES submission proposals - Trenching Methodology

- 12.1 On 18th September 2014 the applicant submitted a proposed trenching methodology (document BBW02: Export cable installation trenching method) which was not referenced in the Environmental Statement (ES).
- 12.2 Based upon advice from NRW on the potential environmental impact of this activity, Welsh Ministers are satisfied that the proposed methodology does not constitute a material change to the conclusions of the ES and that determination can proceed.

13. European sites and protected species

- 13.1 In taking an EIA consent decision, Welsh Ministers have considered the potential impact of the proposals on European sites and protected species.
- 13.2 Welsh Ministers have considered the requirement of the Conservation of Habitats and Species Regulations (as amended) Habitats Directive (the Habitats Regulations) which transpose Council Directive 92/43/EC into UK law, Council Directive 2009/147/EC on the conservation of wild birds (the Birds Directive) and the Convention on Wetlands of International Importance, 1972, the Ramsar convention (UK policy is to afford RAMSAR sites in the UK the same level of protection as European sites).

13.3 NRW Marine Licensing Team (MLT), as the Regulator and therefore the Competent Authority under the Habitats Regulations undertook a Habitats Regulation Assessment (HRA).

13.4 Through the HRA process, NRW concluded that there was a potential impact pathway and that significant effects from the development could not be ruled out in relation to:

Site	Features	Nature of potential impact
Liverpool Bay SPA	Common Scoter	Disturbance from vessel movements during cabling works
Liverpool Bay SPA	Assemblage of over 20,000 waterbirds (which include Common Scoter)	Disturbance (to Common Scoter) from vessel movements during cabling works
Dee Estuary SAC	Sea Lamprey	Behaviour impacts upon migrating lamprey caused by electromagnetic fields from operating cables
Dee Estuary SAC	River lamprey	Behaviour impacts upon migrating lamprey caused by electromagnetic fields from operating cables
River Dee and Bala Lake SAC	Sea lamprey	Behaviour impacts upon migrating lamprey caused by electromagnetic fields from operating cables
River Dee and Bala Lake SAC	River Lamprey	Behaviour impacts upon migrating lamprey caused by electromagnetic fields from operating cables

13.5 An Appropriate Assessment was therefore carried out including an assessment of the effects of the project alone and in combination with other plans and projects (including the component of the project in English Waters as authorised by the DCO). The assessment took into account additional mitigating conditions or restrictions identified through the EIA and marine licence determination process.

13.6 The Assessment concluded that the proposal, when considered alone and in combination, will not adversely affect the integrity of the European site(s) concerned provided the identified mitigating measures are implemented. Broadly, the mitigating measures are:

Site	Features	Nature of potential impact	Agreed mitigating measure
Liverpool Bay SPA	Common Scoter	Disturbance	<p>Cabling works to be prohibited between latitude 53 degrees 23 minutes North and Mean Low Water during the period between 16th December and 31st March (inclusive). This would avoid impacts to wintering scoters during that period.</p> <p>Applicant to submit a vessel routing and traffic management plan to Natural Resources Wales acting on behalf of the Licensing Authority for written approval at least 4 months before any licensed works detailed in the plan start. The plan will include details of measures to avoid impacts</p>

			to wintering impacts to wintering common scoter between 1 October and 15 December, and to avoid impact to moulting common scoter from July until September.
Liverpool Bay SPA	Assemblage of over 20,000 waterbirds (which include Common Scoter)	Disturbance	As above
Dee Estuary SAC	Sea Lamprey	Behaviour impacts	The applicant must produce a cable specification and installation plan (to be agreed by NRW). The plan will include: <ul style="list-style-type: none"> • Technical specification of the offshore cables including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice • A detailed cable laying plan, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques.
Dee Estuary SAC	River lamprey	Behaviour impacts	As above
River Dee and Bala Lake SAC	Sea lamprey	Behaviour impacts	As above
River Dee and Bala Lake SAC	River Lamprey	Behaviour impacts	As above

13.7 Welsh Ministers are satisfied that, provided the above mitigation measures are in place the proposed development will not adversely affect the integrity of the European site(s) concerned.

14. Issues arising from consideration of the Environmental Statement, Welsh Marine Licence application and representations received

14.1 In taking a Regulation 22 EIA consent decision, Welsh Ministers have considered the issues that have been identified following consideration of the ES, representations from consultee bodies and the supplementary information in the form of clarification notes provided in response by the applicant.

14.2 The material issues that were highlighted by the ES and consultation process and the extent to which they have been addressed are detailed in this section.

14.3 Water and Sediment Quality

- 14.3.1 NRW raised concerns that, though the impact on water quality from sediment loading is considered to be low, there are bathing water beaches and shellfish waters along the north Wales Coast which are sensitive to such impacts. They requested requirements in any marine licence issued to address this concern.
- 14.3.2 WM consider a measure would be appropriate to include a condition in any marine licence issued requiring the applicant to produce of a bathing/shellfish waters risk assessment, and the use of best practice to minimise sediment disturbance during the works. WM consider that with these measures in place, the development is unlikely to have significant impacts on bathing and shellfish waters.
- 14.3.3 NRW, NE and MEO requested that pollution risks from vessels posed by the project be addressed by requirements in any marine licence issued.
- 14.3.4 WM consider a measure would be appropriate to include a condition in any marine licence issued requiring the applicant to produce a project environment management plan including a pollution prevention plan. WM consider this sufficient to resolve this issue.
- 14.3.5 NE raised concerns regarding the lack of evidence provided for the justification of leaving cables in situ following decommissioning. Following discussions between NRW MLT and the applicant NE agreed that this issue was resolved.
- 14.3.6 WM consider this issue resolved.

14.4 MetOcean and Coastal Processes

- 14.4.1 NRW, NE and Cefas raised concerns regarding potential impacts to sediment transport arising from rock armour scour protection along the cable route. The applicant produced clarification notes regarding cable burial assessment and export cable, scour, SSC and sediment accumulation as part of the DCO application process. These notes were also relevant to the Welsh Marine Licence application. The notes confirmed that scour protection would not be required for the cable route (with the exception of crossing points with other cables). NRW, NE and Cefas were satisfied that the issue was resolved.
- 14.4.4 WM consider it appropriate to allow the use of rock armour within any marine licence issued at cable crossing points only. Given this restriction it is considered that the development is unlikely to have significant impacts on sediment transport.
- 14.4.5 NRW, NE and Cefas also raised concerns regarding the information provided on burial depth for the export cables(s) and whether the proposed depth was adequate to ensure the cable remains buried through its lifetime. NRW also

requested clarification on specific figures given describing export cable trench volume. The applicant produced a clarification note on metocean and coastal processes as part of the DCO application process. This note was also relevant to the Welsh Marine Licence application. All 3 consultees were satisfied that the issue was resolved.

14.4.6 WM consider that the issue is resolved.

14.4.7 NRW raised concerns regarding the information provided regarding potential climate change related changes on the coast impacting on the cable. The applicant provided a clarification note on metocean and coastal processes as part of the DCO application process. This note was also relevant to the Welsh Marine Licence application. WM are satisfied that the issue was resolved.

14.4.8 WM consider that the issue is resolved.

14.4.9 Cefas raised concerns regarding the assessment of changes to wave climate during the operation of the wind farm, and potential of such changes to impact the North Wales coastline (while noting that any such impacts would arise from the windfarm in English Waters consented by the DCO and deemed marine licence). The applicant provided a clarification note on matters relating to the evidence base relating to MetOcean and Coastal Processes as part of the DCO application process. This note was also relevant to the Welsh Marine Licence application. Cefas were satisfied that the clarification note resolved the issue.

14.5 Subtidal and Intertidal Benthic Ecology

14.5.1 NRW raised concerns regarding the information provided on geophysical and benthic ecology surveys of the cable route (and the apparent lack of linkage between). Of particular concern was a small cobble bed shown on the geophysical survey that was not shown on the benthic ecology maps, and that this might be a sensitive (Habitats Directive) Annex I Reef habitat. The applicant provided a clarification note on cobble habitats and benthic characterisation. NRW were satisfied that no more information was required and requested a requirement in the marine licence for production of a pre-construction habitat survey to allay their concerns.

14.5.2 WM consider a measure would be appropriate to include such a condition within any Marine Licence issued.

14.5.3 Cefas raised concerns regarding inconsistency between information provided in the Annex 12 Subtidal & Intertidal Benthic Ecology technical report and chapter 12 of the Environmental Statement (on the need for further benthic sediment quality monitoring following contaminant levels between Interim Sediment Quality Guideline levels and Probable Effect Level being found in

sediment samples from the project site). The applicant provided a clarification note on sediment quality. Cefas were satisfied that the clarification note resolved the issue.

14.5.4 WM consider that the issue is resolved.

14.5.5 Cefas queried information provided in the Environmental Statement on the MusB.Sem benthic biotope. The applicant provided a clarification note on biotope MusB.Sem. Cefas were satisfied that the clarification note resolved the issue.

14.5.6 WM consider that the issue is resolved.

14.5.7 NRW and NE requested that risks posed by the introduction / spread of invasive non-native species by the project proposal be addressed by requirements in any marine licence issued.

14.5.8 WM consider a measure would be appropriate to include a condition in any marine licence issued requiring the applicant to produce a bio-security risk assessment. NRW MLT consider this sufficient to resolve the issue.

14.6 Fish and Shellfish Ecology

14.6.1 The purpose of this chapter of the ES is to identify and assess the likely significant effects of the Project on Fish & Shellfish Ecology.

14.6.2 NRW and NE raised concerns that cable operation could impact the behaviour of migratory fish species (salmon, lamprey and eels) through electromagnetic field (EMF) interactions. The applicant provided a clarification note on matters relating to EMF effects on fish species arising from subsea. The note referred to a potential condition in the DCO permitting the cable in English waters requiring an assessment of EMF attenuation in line with industry good practice. NRW requested a similar requirement be used in any Welsh marine licence issued to avoid such impacts and resolve the issue. The SNCBs were satisfied that the issue was resolved.

14.6.3 WM consider a measure would be appropriate to include such a condition within any Marine Licence issued and that with this measure in place, the development is unlikely to have significant impacts on salmon, lamprey and eels through EMF interactions. More information is available in the Habitats Regulations Assessment.

14.6.4 Cefas raised concerns regarding the information provided in the ES regarding sandeel spawning periods. The applicant provided a clarification note on sandeel spawning. Cefas are satisfied that the clarification note resolved the issue.

- 14.6.5 WM consider that the issue is resolved.
- 14.6.6 Cefas raised concerns regarding the assessment of the impacts from piling the foundations of the wind turbines on adult Atlantic salmon, while noting that all the piling will be within English Waters.
- 14.6.7 WM consider that piling in English Waters is a matter for the Secretary of State who has considered this issue in his decision to agree development consent for the The Burbo Bank Extension Offshore Wind Farm Order 2014.

14.7 Marine Mammals

- 14.7.1 NRW raised concerns that disturbance to grey seals from the project should be minimised given the proximity of the proposal to grey seal haul outs at West Hoyle sandbank near Hilbre Island. They requested that work should be carried out as quickly as possible, and where possible ducted propeller use should be avoided to reduce the risk of corkscrew injuries. NRW noted that as the haul out is a non-designated seal site, SNCB guidance recommending that ducted propellers are not used in the proximity of designated seal SAC colonies does not apply.
- 14.7.2 Having considered advice on this matter from the SNCB, WM consider that as the seal haul out is non-designated, placing conditions prohibiting the use of ducted propellers is not appropriate. These concerns should be included as informatives with any licence issued.
- 14.7.3 WM consider this issue to be resolved.

14.8 Offshore Ornithology

- 14.8.1 The statutory nature conservation bodies (SNCBs) NRW and NE raised concerns with respect to potential disturbance impacts to wintering / moulting Common Scoter arising from vessel traffic involved in the proposed cable installation works. Requirements restricting the extent of works (geographically and temporally) and requiring the applicant to produce vessel routing plans for NRW MLT's approval were suggested by NRW to mitigate these potential impacts in any marine licence issued.
- 14.8.2 WM consider a measure would be appropriate to include such conditions within any Marine Licence issued and that all relevant parties should be consulted on any plans required by such conditions as part of the approval process.
- 14.8.3 WM consider that with such measures in place, the development is unlikely to have significant impacts on Common Scoter. More information is available

in the Habitats Regulations Assessment undertaken by NRW as set out in section 13.

14.9 Shipping and Navigation

- 14.9.1 RYA, MCA, and TH raised concerns regarding potential impacts on navigation arising from the cable laying and any associated rock armouring (particularly in terms of any reduction in depth) and requested the opportunity to comment on cable routing plans (including any necessary aids to navigation) when developed. MCA also referred to a maximum depth reduction of 5%, and they and TH also raised the need for the applicant to liaise closely with the Port of Mostyn (POM) and any River Dee traffic. POM provided their own consultation response outlining that providing the cable route does not deviate from that previously agreed between them and the applicant they had no further comment to make. WG MEO requested that a requirement for the applicant to issue notifications to mariners be included in any marine licence issued.
- 14.9.2 WM consider a measure would be appropriate to include a condition in any marine licence issued requiring the applicant to produce a cable routing plan for NRW MLT's approval. All relevant parties should be consulted on any such plans as part of the approval process. WM also consider a measure would be appropriate to include conditions in any marine licence issued requiring the issue of notices to mariners to inform local mariners and fishermen of the presence of the works and to prohibit any reduction in depth that compromises safe navigation (and any reduction of over 5% at any point).
- 14.9.3 WM consider that with these measures in place, the development is unlikely to have significant impacts on shipping and navigation.

14.10 Marine Archaeology and Cultural Heritage

- 14.10.1 Cadw noted that provided the cable runs are not substantively different from those proposed within the (draft) written scheme of investigation (WSI) they were content that archaeological concerns have been suitably addressed and the mitigation proposed is reasonable.
- 14.10.2 Cadw also requested the applicant be reminded of the legal status of the designated wreck of the Resurgam and that though well outside the proposed cable route any primary or secondary effects as a result of the proposed works must be avoided. The wreck is designated under the Protection of Wrecks Act 1973.
- 14.10.3 WG consider a measure would be appropriate to include a condition in any marine licence issued requiring the applicant to produce a WSI for NRW's

approval. All relevant parties will be consulted on any such plans as part of the approval process. WM also suggest that Cadw's comments regarding the Resurgam are passed to the applicant as an informative in the cover letter accompanying any licence issued.

14.10.4 WM consider that with these measures in place, the development is unlikely to have significant impacts on marine archaeology and cultural heritage.

14.11 Seascape, Landscape and Visual Impact Assessment

14.11.1 WG Energy Water and Flood Division requested that NRW "ensure cumulative seascape issues are fully considered by the Planning Inspectorate" (with regard to the adequacy of the ES in terms of Welsh issues).

14.11.2 WM consider that the environmental impacts of the development on Seascape, Landscape and Visual Impact Assessment have been adequately identified, described and assessed in the ES and no impacts have been identified requiring consideration of alternatives or need for mitigation to be included.

15. Conditions – MWR 23 (2)(c)

15.1 MWR 23(2)(c) requires that if the EIA consent decision involves giving EIA consent, a description of the measures that must be taken in consequence of the EIA consent decision to avoid, reduce and, if possible, offset the principal adverse effects of the regulated activity.

15.2 The above section sets out where WM consider that measures are necessary in order to address potential impacts identified through the EIA process. Appendix 2 of this decision document sets out the measures which WM consider must be taken. These measures will be put in place through any marine licence issued by NRW.

16. Regulatory Evaluation and EIA consent decision

16.1 In reaching an EIA consent decision with respect to Burbo Bank offshore wind farm export cable, Welsh Ministers have considered:

the application;

the environmental statement;

any further information provided by the applicant pursuant to a notification under regulation 14(1);

the outcome of the process set out in Schedule 5 in relation to any representations received pursuant to the statement referred to in regulation 16(2)(g);

any representations in response to consultation made by the consultation bodies pursuant to the letter referred to in regulation 17(1)(a)(iv); and

the outcome of any consultations of the authorities of other EEA States carried out in accordance with regulation 20;

have regard to the relevant legislation; and

take into account the direct and indirect effects of the project on—

human beings, fauna and flora;

soil, water, air, climate and the landscape;

material assets and the cultural heritage; and

the interaction between any two or more of the things mentioned in the preceding sub-paragraphs.

16.2 Accordingly, Welsh Ministers conclude that the project will not have a significant adverse effect on the environment given the measures set out above under 'conditions'. As such, a favourable EIA consent decision can be issued to DONG Energy Burbo Extension (UK) Limited

17. EIA consent sign-off

17.1 Produced by: Dr John Hamer, Head of Marine Policy Branch, Welsh Government

Signed: John Hamer

Date: 19/12/14

Approved by: Graham Rees, Head of Marine and Fisheries Division, Welsh Government

Signed:



Date: 19/12/14



Appendix 1. Burbo Bank Extension Summary of Clarification Notes

The following clarifications were produced to inform the PINS examination process for the DCO application for the parts of the scheme within English territorial waters, and formally submitted to Natural Resources Wales to inform the Welsh Marine Licence determination process on 6th February 2014.

- Changes to the Applicant's draft HRA Matrices to inform the Report on Implications For European Sites
- Clarification Note to Natural England on Omitted Natura 2000 and SSSI Sites
- Clarification Note: Ornithology Paper 1: Manx Shearwater Displacement
- Clarification Note: Ornithology Paper 2: Definition of regional bird populations
- Clarification Note: Ornithology Paper 3: Historical Data Analysis
- Clarification Note: Ornithology Paper 4: Displacement of common scoter due to vessel movement
- Clarification Note: Ornithology Paper 5: Screening for breeding SPA seabirds in the non-breeding season
- Clarification Note: Ornithology Paper 6: Update to species group partitioning and collision risk modelling
- Clarification Note: Ornithology Paper 7: Red-throated Diver Displacement
- Clarification Note: Ornithology Paper 8: PBR analysis of common tern, lesser black-backed gull, and herring gull colonies
- Clarification Note: Ornithology Paper 9: Review of evidence used in Cumulative Impact Assessments
- Clarification Note: Ornithology Paper 10: Implications of the BAE Warton gull control measures
- Clarification Note: Ornithology Paper 11: Implications for Welsh SSSIs
- Clarification Note on matters relating to the Evidence Base relating to: Metocean and Coastal Processes following Section 56 Representations from Marine Management Organisation, Natural England, Natural Resources Wales and Environment Agency (England)
- Burbo Bank Extension: Water Framework Directive (WFD) Assessment requested by Environment Agency (England) following their s56 Representation
- Clarification Note on Seascape, Landscape and Visual Impact Assessment; Realistic Worst Case Scenario Paper Response to Natural England following their Section 56 Representation
- Clarification Note to Natural England on Cumulative Assessment for Seascape and Landscape Visual Impact Assessment following their Section 56 Representation

- Clarification Note to Natural Resources Wales Queries on Cobble Habitats and Benthic Characterisation following their Section 56 Representation
- Clarification Note to Natural England on hearing capabilities in Lamprey following their Section 56 Representation
- Clarification Note to Natural England and Natural Resources Wales on matters relating to EMF effects on fish species arising from subsea cabling following their Section 56 Representation
- Clarification Note to Marine Management Organisation on Sandeel Spawning following their Section 56 Representation
- Summary of Geotechnical Investigations for the Burbo Bank Extension Project and Comparison of These to Preliminary Geophysical Survey and Interpretation
- Burbo Bank Extension - Clarification note to Marine Management Organisation, Natural England, Natural Resources Wales and Environment Agency on disposal of dredged material
- Clarification note to Natural England on Metocean and Coastal Processes; Cabling and Rock Protection, Scour Protection and Designated Sites
- Clarification Note to the Environment Agency (EA) on Metocean and Coastal Processes Currents and Stratification
- Clarification Note to Marine Management Organisation (MMO) on Metocean and Coastal Processes; methodology and general comments following their Section 56 Representation
- Clarification Note to Natural Resources Wales (NRW) on Metocean and Coastal Processes Export cable, scour, SSC and sediment accumulation
- Clarification Note to Natural England on Water and Sediment Quality following their s56 Representation
- Clarification Note to Marine Management Organisation (MMO) on Sediment Quality following their Section 56 Representation
- Clarification Note to Marine Management Organisation, Natural England, Natural Resources Wales and Environment Agency on Metocean and Coastal Processes Cable Burial Assessment
- Clarification Note to Marine Management Organisation Queries on reference to biotope MusB.Sem following their Section 56 Representation
- Burbo Bank Extension Site, cable route and Irish Sea metmast north, Offshore geophysical surveys 2012, Volume 3 – Export cable route results report, ref: C12023

Appendix 2. Measures to be implemented in any Marine Licence issued

- Inclusion of condition in any marine licence issued requiring the applicant to produce a bathing/shellfish waters risk assessment to avoid impacts on water quality by minimising sediment loading.
- Inclusion of condition in any marine licence issued requiring the applicant to produce a Project Environment Management Plan including a pollution prevention plan to avoid impacts on Water and Sediment Quality
- Inclusion of condition in any marine licence issued requiring a pre-construction habitat survey to avoid impacts on any sensitive reef habitat by informing any necessary avoidance measures (such as micro-routing around such habitat).
- Inclusion of a condition in any marine licence issued requiring the applicant to produce a bio-security risk assessment in relation to non-native species to minimise impacts on the environment.
- Inclusion of a condition in any marine licence issued requiring an assessment of EMF attenuation in line with industry good practice to avoid impacts on migratory fish by ensuring EMF affects are adequately attenuated.
- Inclusion of a condition in any marine licence issued restricting works (geographically and temporally) to avoid impacts on wintering/moulting Common Scoter.
- Inclusion of a condition in any marine licence issued requiring the applicant to produce vessel routing plans to avoid impacts on wintering/moulting Common Scoter.
- Inclusion of a condition in any marine licence issued requiring the applicant to produce a cable routing plan to avoid impacts on Shipping and Navigation.
- Inclusion of a condition in any marine licence issued requiring the applicant to notify mariners of the works to avoid impacts on Shipping and Navigation.

- Inclusion of a condition in any marine licence issued prohibiting any reduction in water depth that compromises safe navigation to avoid impacts on Shipping and Navigation.
- Inclusion of a condition in any marine licence issued requiring the applicant to produce a Written Scheme of Investigation specifying how they will avoid impacts on Marine Archaeology and Cultural Heritage.