



# OVERVIEW OF MARINE RENEWABLE ENERGY CONSENTING IN WELSH WATERS

## Primary consents for an energy project between 1MW - 350MW in Welsh waters (inshore or offshore)

Consent	Jurisdiction	Licensing / Consenting Authority	Discharging Authority Marine Works (post decision)	Enforcement Authority (Wales only)
Marine Licence (Pt4 of Marine and Coastal Access Act 2009) (as amended by the Wales Act 2017)	Welsh Waters	Natural Resources Wales	Natural Resources Wales	Welsh Ministers
Section 36 Energy Consent under the Electricity Act	Welsh Waters	Welsh Ministers, following recommendation by Planning Inspector	Welsh Ministers	The Crown (summary conviction)

## Primary consents for an energy project above 350MW wholly within Welsh inshore or offshore waters

Consent	Jurisdiction	Licensing / Consenting Authority	Discharging Authority Marine Works (post decision)	Enforcement Authority (Wales only)
Development Consent Order (Planning Act 2008) (as amended by Wales Act 2017)	Welsh Waters	Secretary of State, following a recommendation from the National Infrastructure Planning Inspector	Natural Resources Wales (Welsh waters), Secretary of State, Local Planning Authority (whoever is specified to discharge the specific provisions in the Order)	The Crown (summary conviction or on conviction on indictment), or whoever is specified in the provisions of the Order
Marine Licence (Pt 4 of Marine and Coastal Access Act 2009) (as amended by the Wales Act 2017)	Welsh Offshore	Secretary of State, following a recommendation from the National Infrastructure Planning Inspector may 'deem' a marine licence if the project infrastructure is wholly within offshore waters, or Natural Resources Wales, if developers choose not to include a 'deemed' marine licence as part of the DCO process	Natural Resources Wales (Welsh waters)	Welsh Ministers (Welsh waters)
	Welsh Inshore	Natural Resources Wales		

## Primary consents for an energy project above 350MW straddling Welsh/English waters

Consent	Jurisdiction	Licensing / Consenting Authority	Discharging Authority Marine Works (post decision)	Enforcement Authority (Wales only)
Development Consent Order (Planning Act 2008) (as amended by Wales Act 2017)	Welsh and English waters	Secretary of State, following a recommendation from the National Infrastructure Planning Inspector	Natural Resources Wales (Welsh waters only), Marine Management Organisation (English waters only), Secretary of State, Local Planning Authority (whoever is specified to discharge the specific provisions in the Order)	The Crown (summary conviction or on conviction on indictment) or, whoever is specified in the provisions of the Order
Marine Licence (Pt 4 of Marine and Coastal Access Act 2009) (as amended by the Wales Act 2017)	Welsh Waters	Natural Resources Wales (marine licence cannot be 'deemed')	Natural Resources Wales	Welsh Ministers
	English Waters	Marine Management Organisation or the Secretary of State, following a recommendation from the National Infrastructure Planning Inspector (if marine licence is 'deemed')	Marine Management Organisation	Marine Management Organisation