



OVERVIEW OF MARINE RENEWABLE ENERGY CONSENTING IN WELSH WATERS

Primary consents for an energy project **under 50MW** in Welsh inshore waters (within 12nm)

Consent	Licensing / Consenting Authority	Discharging Authority Marine Works (post decision)	Enforcement Authority (Wales only)
Marine Licence under Part 4 of the Marine and Coastal Access Act 2009.	Natural Resources Wales on behalf of The Welsh Ministers (delegated function).	Natural Resources Wales.	Welsh Ministers.
Section 36 Energy Consent under the Electricity Act 1989, unless project is directed under the Infrastructure (Wales) Act 2024.	Welsh Ministers, following recommendation by Planning Inspector.	Welsh Ministers.	The Crown (summary conviction).
Section 3 of the Transport and Works Act 1992 (potentially including a deemed marine licence).	Welsh Ministers, following recommendation by an Examining Authority.	Welsh Ministers and Natural Resources Wales for the deemed marine licence.	Order enforcing body. Welsh Ministers for deemed marine licence.
Infrastructure Consent Order under the Infrastructure (Wales) Act 2024 (potentially including a deemed marine licence) through a direction under the Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025 for either: - Wind above 35MW - Other above 1MW. For both the overall capacity can be no more than 350MW.	Welsh Ministers following recommendation by Examining Authority (or Examining Authority if a direction made under section 55(4) of the Infrastructure (Wales) Act 2024).	Welsh Ministers or other designated body and Natural Resources Wales if there is a deemed marine licence.	The Crown (summary conviction or on conviction on indictment), or whoever is specified in the provisions of the Order. Welsh Ministers if there is a deemed marine licence.

Primary consents for an energy project between **50MW – 350MW** in Welsh inshore waters – Significant Infrastructure Projects¹ (within 12 nm)

Consent	Licensing / Consenting Authority	Discharging Authority Marine Works (post decision)	Enforcement Authority (Wales only)
Infrastructure Consent Order under the Infrastructure (Wales) Act 2024 potentially including a deemed Marine Licence under section 83 of that Act.	Welsh Ministers, following recommendation by an Examining Authority (or Examining Authority if a direction made under section 55(4) of the Infrastructure (Wales) Act 2024).	Welsh Ministers or other designated body for Infrastructure Consent Order and Natural Resources Wales for the deemed marine licence.	The Crown (summary conviction or on conviction on indictment), or whoever is specified in the provisions of the Order.
Section 36 Energy Consent under the Electricity Act 1989 if a direction is made under Section 24 of the Infrastructure (Wales) Act 2024 for a cross boundary (Wales-England) project.	Welsh Ministers, following recommendation by Planning Inspector.	Welsh Ministers.	The Crown (summary conviction).
If not deemed under the Infrastructure (Wales) Act 2024 a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009.	Natural Resources Wales on behalf of The Welsh Ministers (delegated function).	Natural Resources Wales.	Welsh Ministers.

Primary consents for an energy project **above 350MW** in Welsh inshore waters (within 12 nm)

Consent	Licensing / Consenting Authority	Discharging Authority Marine Works (post decision)	Enforcement Authority (Wales only)
Development Consent Order (Planning Act 2008). A Development Consent Order cannot deem a marine licence in the inshore area.	Secretary of State, following a recommendation from the National Infrastructure Planning Inspector.	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 (Part 4 of The Marine and Coastal Access Act 2009).	Natural Resources Wales on behalf of the Welsh Ministers (delegated function).	Natural Resources Wales.	Welsh Ministers.

Primary consents for an energy project **above 350MW** in Welsh offshore waters (beyond 12nm)

Consent	Licensing / Consenting Authority	Discharging Authority Marine Works (post decision)	Enforcement Authority (Wales only)
Development Consent Order (Planning Act 2008). Development Consent Order may deem a marine licence if the project infrastructure is wholly within the Welsh offshore area.	Secretary of State, following a recommendation from the National Infrastructure Planning Inspector.	Natural Resources Wales (Welsh waters) if there is a deemed marine licence and 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. Welsh Ministers if there is a deemed marine licence.
Marine Licence (Part 4 of The Marine and Coastal Access Act 2009) (unless deemed by a Development Consent Order).	Natural Resources Wales on behalf of The Welsh Ministers (delegated function).	Natural Resources Wales.	Welsh Ministers.

¹ Significant Infrastructure Projects can also be designated for energy projects below 50MW by Welsh Ministers under section 22 of the Infrastructure (Wales) Act 2024. The same primary consent would apply in this instance.