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To all interested parties, statutory
parties and affected persons

Your Ref:

Our Ref: EN010049

Date: 16 June 2014

Dear Sir/Madam

Planning Act 2008 (as amended) – Section 89 and the Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8

Application by Tidal Lagoon (Swansea Bay) plc for an Order Granting Development Consent for the Tidal Lagoon Swansea Bay

Examination timetable and procedure

I write to tell you about the procedural decisions made by the Panel as the Examining Authority for this application following the Preliminary Meeting held on Tuesday 10 June 2014 at The Dylan Thomas Centre, Somerset Place, Swansea, SA1 1RR. This letter provides you with the examination timetable, a link to the initial questions that the Panel is asking in the examination and information regarding other matters.

A note of the Preliminary Meeting is available both under the relevant project page on the National Infrastructure pages of the Planning Portal website and for inspection at the venues listed in **Annex A**. It can be accessed via clicking on or typing in this link: <http://infrastructure.planningportal.gov.uk/document/2547006>. An audio recording of the Preliminary Meeting has now been published on our website and can be accessed via clicking on or typing in this link: <http://infrastructure.planningportal.gov.uk/document/2537876>

Procedural decision and timetable

The Panel has now made its procedural decisions about the way in which the application is to be examined. The revised timetable is attached as **Annex B**, with a list of relevant abbreviations provided at **Annex E**. Alterations to the timetable made after the Preliminary Meeting are explained in **Annex C**.

If the Panel considers it necessary to vary the timetable further, full notification will be sent to all interested parties and affected persons and published on the National Infrastructure pages of the Planning Portal website. We will also do this if the date,

time and place of any hearing is changed, except in the event of an adjournment.

Panel's First Round of Written Questions

The Panel has decided to ask a number of initial questions. These questions are now published on the National Infrastructure pages of the Planning Portal website and can be accessed via clicking on or typing in this link: .

<http://infrastructure.planningportal.gov.uk/document/2546916>. Responses must be received on or before **Wednesday 9 July 2014**.

Written representations

The Panel also invites all interested parties to submit written representations, Statements of Common Ground (**see Annex D**) and evidence on any matters concerning the application, and on relevant representations already submitted. All written representations must also be received on or before **Wednesday 9 July 2014**. Please send your representations to the Planning Inspectorate using the email or postal address at the top of this letter, quoting reference EN010049 and your unique reference number, if one is quoted on this letter.

Representations can deal with any relevant matter. They are not restricted to the matters set out in the Panel's initial assessment of principal issues which was discussed at the Preliminary Meeting, nor restricted to the questions published by the Panel. Please note that under Rule 10(4) of the Examination Procedure Rules any person, other than the applicant, who submits a written representation, must identify in their written representation those parts of the application with which they agree and those parts with which they do not agree, and must state the reasons for such disagreement.

Guidance for the submission of written representations

There is no prescribed form for written representations. In accordance with DCLG 'Planning Act 2008: Guidance for the examination of applications for development consent for nationally significant infrastructure projects (April 2013)', participants should normally provide with their written statements, 'the data, methodology and assumptions used to support their submissions'.

Any written representation that exceeds 1500 words should also be accompanied by a summary. This summary should not exceed 10% of the original text. The summary should set out the key facts of the written representation and must be representative of the submission made.

Deadlines are 23.59pm on the date stated unless stated otherwise, To assist in the timely processing of written representations submitted by the deadline specified, we request that interested parties send, where practicable, electronic copies of their submissions as email attachments, to Swanseatidal@infrastructure.gsi.gov.uk on or before **Wednesday 9 July 2014**. Electronic attachments should be clearly labelled with subject title and not exceed 12MB for each email. Should electronic submissions include documents of 300 pages or more, interested parties are advised to send to the Planning Inspectorate, by post, three additional full paper copies of their submission. Timely submissions in advance of the deadlines set in the timetable are encouraged.

Notification of a wish to attend a hearing

The Panel now requests notifications from –

- (a) any interested party who wishes to be heard at an open floor hearing and therefore wishes one to be held;
- (b) any affected person who wishes to make oral representations at a compulsory acquisition hearing and therefore wishes one to be held;
- (c) any interested party who wishes to make oral representations at an issue-specific hearing
- (d) any interested party or affected person who wishes to attend the Panel's inspection of sites to be held on **Wednesday 30 July 2014**, in the company of interested parties. As explained at the Preliminary Meeting there is a limitation as to how many interested parties will be able to take part in the offshore section of the site visit and should you wish to be on the offshore part of the site visit, you are requested to state your reasons for wishing to attend.

These notifications must be received on or before **Tuesday 24 June 2014**.

If an interested party wishes to attend an open floor or issue-specific hearing they should indicate which topics in their relevant or written representations they wish to address at the hearing. Similarly, any affected person wishing to attend a compulsory acquisition hearing should identify clearly the plots of land about which they wish to speak.

Os hoffech gwneud cyfraniadau drwy gyfrwng y Gymraeg yn ystod y Cyfarfodydd dylech nodi hyn ynghyd a'ch cadarnhad i fod yn bresennol neu i siarad yn y cyfarfod.

Procedure at hearings

The procedure to be followed at hearings is set out in Rule 14 of the Examination Procedure Rules. Your attention is drawn in particular to Rule 14(5), which specifies that –

The Examining authority shall be responsible for the oral questioning of a person giving evidence ("A") except where, in the view of the Examining authority, oral questioning of A by another person ("B") is necessary in order to ensure—

- (a) adequate testing of any representation; or
- (b) that B has a fair chance to put B's case.

Site inspection in the company of interested parties

The Panel intends to make a site inspection, in the company of interested parties. The current intention for the route is as follows –

Offshore: To take a boat out of the Tawe dredged channel, around the perimeter of the proposed development and up the dredged channel into the River Neath.

Onshore: To take a minibus to a number of key Landscape and Visual Assessment viewpoints as set out in the Environmental Statement (ES). To visit locations associated with onshore access to the scheme, and with grid connection to the Baglan Bay substation site.

The Panel will consider, as set out in the examination timetable, any requests to visit further sites. A final itinerary and route will be published no later than Monday 7 July 2014. The inspection in the company of interested parties will be made on **Wednesday 30 July 2014**. Transport will be provided.

Please note that the site inspection is not an opportunity to make any oral representations on the application. Participants may be invited by the Panel to indicate specific features or sites of interest.

Habitats Regulations

The applicant is now requested to update the screening and integrity matrices submitted with the application to set out the most up to date position on areas of agreement between parties in respect of potential impacts upon European Sites. The applicant should revise the matrices to include in the footnotes a summary of the evidence used to reach the conclusions along with references to any detailed supporting information within other application documents. The updated matrices must be received on or before **Wednesday 9 July 2014**.

Availability and inspection of representations and documents

Written representations and documents sent to the Planning Inspectorate will be made available to all interested parties and to anyone who requests an opportunity to inspect and take copies of them. This information will be made available on the relevant project page on the National Infrastructure pages of the Planning Portal website. <http://infrastructure.planningportal.gov.uk/projects/wales/tidal-lagoon-swansea-bay/?ipcsection=docs>. We will also provide an opportunity for viewing this webpage and copying of documents at a number of locations in the vicinity of the application site as indicated at Annex A.

Deadlines for receipt of documents and requests for hearings

It is important to note that if written representations, responses to relevant representations and to written questions, local impact reports, further information or requests for hearings are not received by the dates specified in the timetable, the Panel may disregard them.

If no written requests are received by the deadline of **Tuesday 24 June 2014** for open floor hearings or compulsory acquisition hearings, the Panel is not required to hold any such hearings.

The time, date and place of any confirmed hearing will be notified in writing to all registered interested parties, providing at least 21 days' notice. Further information in relation to topics for hearings to cover will also be provided in this notification.

Award of costs

Your attention is also drawn to the possibility of the award of costs against interested parties who behave unreasonably.

You should be aware of the guidance issued by the Department of Communities and Local Government (July 2013) entitled 'Award of costs: examinations of applications

for development consent orders' that applies to National Infrastructure Projects. The guidance is available at the following link:

<https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

Future notifications

If you are an interested party you will continue to receive notifications from the Planning Inspectorate about the examination throughout the process.

If you have received this letter because you were invited to attend the Preliminary Meeting but you are not an interested party you will **not** receive any further communication from us relating to this application. You can, however, visit the relevant project page on the National Infrastructure pages of the Planning Portal website to stay informed of the progress of the examination of the application.

If you are a statutory consultee, or a Local Authority without direct responsibility in the proposed development area, and have not made a relevant representation but wish to become an interested party, you should inform us by **Tuesday 24 June 2014**.

Statutory consultees who have not made a relevant representation and do not notify us of their wish to become an interested party will not receive any further correspondence.

Yours faithfully

Gideon Amos

**Gideon Amos
Lead Member of the Panel of Examining Inspectors**

Annexes:

- A. Availability of representations and application documents
- B. Timetable for examination of the application
- C. Procedural decisions made after the preliminary meeting
- D. Statements of Common Ground
- E. Abbreviations used in the examination

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

Availability of relevant representations and application documents

On the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/projects/Wales/Tidal-Lagoon-Swansea-Bay/>

For inspection and printing/copying:

Swansea Central Library

Civic Centre
Oystermouth Road
Swansea
SA1 3SN

Opening times:

Monday: Closed
Tuesday-Friday:
8.30am-8pm
Saturday and Sunday:
10am-4pm

Copying charges:

A4 and A3 same prices:
B&W15p Colour 60p

St Thomas Library

80 Grenfall Park Road
Swansea
SA1 8EZ

Opening times:

Monday: 9am -5.30pm
Tuesday: 9am -1pm
Wednesday: Closed
Thursday: 9am -5.30pm
Friday: 9am -1pm
Saturday: 10am -1pm
Sunday: Closed

Copying charges:

A4 B&W 12p
A4 Colour 60p

Neath Library

Victoria Gardens
Neath
SA11 3BA

Opening times:

Monday – Wednesday:
9am – 6pm
Thursday: 9pm - 5pm
Friday: 9pm – 7pm
Saturday: 9.30pm -1pm

Copying charges:

A4 B&W 10p
A4 Colour 60p
A3 B&W 20p
A3 Colour £1

Oystermouth Library

Dunns Lane
Mumbles
Swansea
SA3 4AA

Opening times:

Monday –Thursday:
9am - 6pm
Friday: 9am -7pm
Saturday: 9am - 5pm
Sunday: 12noon - 4pm

Copying charges:

A4 B&W 12p
A4 Colour 60p

Port Talbot Library

1st Floor Aberfan
Shopping Centre
Port Talbot
Neath Port Talbot
SA13 1PB

Opening times:

Monday – Friday 9am –
5.30pm
Saturday 9.30 am -
5pm

Copying charges:

A4 B&W 10p
A4 Colour 60p

Timetable for examination of the application

Item	Matters	Due Dates 2014
1	Preliminary Meeting	Tuesday 10 June
2	Issue by Panel of: <ul style="list-style-type: none"> ▪ Examination timetable ▪ Panel's first round of written questions 	By Tuesday 17 June
3	<p>Interested Parties Deadline I (Notifications)</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Notification of wish by an interested party to be heard at an open floor hearing • Notification by an affected person of wish for compulsory acquisition hearing to be held • Notification of wish to make oral representations at the issue-specific hearing • Submission of suggested location/sites for the Panel to include as part of the accompanied site visit (ASV) • Notification from statutory parties that they wish to be considered an interested party • Notification of by interested party of their intention to attend the Panel's inspection of sites in the company of interested parties 	Tuesday 24 June
4	<p>Interested Parties Deadline II (Representations)</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> • Summaries of all Relevant Representations (RRs) exceeding 1500 words • Written representations (WRs) by all interested parties 	Wednesday 9 July

	<ul style="list-style-type: none"> • Summaries of all WRs exceeding 1500 words • Local Impact Reports from any local authorities • Statements of Common Ground requested by ExA • Responses to Panel's first round of written questions • Any updated documents from the applicant including updated HRA matrices • Comments on any submissions received prior to the Preliminary Meeting 	
5	Open floor hearing including - Project introduction and explanation by the applicant - Representations by other interested parties	Tuesday 29 July
6	Panel's inspection of site(s) in the company of interested parties	Wednesday 30 July
7	Issue-specific hearing including - The draft DCO: introductory issues	Thursday 31 July
8	<p>Interested Parties Deadline III (Comments)</p> <p>Deadline for receipt by the Panel of:</p> <ul style="list-style-type: none"> • Comments on RRs and on WRs (including any revised DCO from the applicant) • Comments on Local Impact Reports • Comments on responses to Panel's written questions • Written summaries of oral cases made at Hearings held in the week commencing 28 July 2014 and any requested related information. 	Tuesday 5 August
9	Issue-specific hearing including: <ul style="list-style-type: none"> • Habitats Regulations Assessment (including methodology and impacts marine mammals) • Impacts on other protected species and habitats • Impacts on fishing and navigation • Hydrology and physical processes • Waste water impacts • Construction impacts and socio-economic matters • Monitoring, management and mitigation plans and provisions 	Tuesday 16 September Wednesday 17 September Thursday 18 September

10	Dates reserved for continuation of issue-specific hearing (if required)	Tuesday 23 September Wednesday 24 September Thursday 25 September
11	Date reserved for compulsory acquisition hearing and second open floor hearing (if required)	Tuesday 30 September Wednesday 1 October Thursday 2 October
12	Interested Parties Deadline IV (Post hearings) Deadline for receipt by Panel of: <ul style="list-style-type: none"> • All post hearing documents (including any revised DCO from the applicant) • All written summaries of oral cases made at all hearings and any requested related information. 	Tuesday 7 October
	[Date reserved for issue of second round of Panel's questions if required]	Tuesday 14 October
	[Deadline for the responses to second round of Panel's questions]	Thursday 6 November
13	Issue by Panel of: - The Report on the Implications on European Sites (RIES) - Draft DCO including any changes proposed by the Panel	Tuesday 14 October
14	Deadline V (Final) Final deadline for receipt by Panel of: <ul style="list-style-type: none"> • Comments on the Report on the Implications on European Sites (RIES) • Comments on Panel's Consultation DCO (including any revised DCO from the applicant) • [And comments on the response to ExA's second round of questions] 	Tuesday 28 October

15	Earliest date upon which the Panel could close the examination	Friday 31 October
16	The Panel is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.	Wednesday 10 December

Procedural decisions made after the Preliminary Meeting

Following the Preliminary Meeting, the Panel has made the following procedural decisions, which are reflected in the revised timetable.

1. The second deadline has been extended by one day to Wednesday 9 July 2014.

This therefore, requires an amendment to procedural decisions taken in the Rule 6 letter of 15 May 2014, as set out below:

1a. The Panel sets the deadline of **24 June 2014** as the date by which any interested party and by which any affected person must notify the Panel of their wish to be heard respectively at an open floor or at a compulsory acquisition hearing¹;

1b. The Panel sets the deadline of **9 July 2014** as the date by which the applicant and other interested parties must agree and submit Statements of Common Ground to the Panel²;

1c. The Panel sets the deadline of **9 July 2014** as the date by which the applicant must submit its updated Habitats Regulation Assessment Report/matrices; and

1d. The Panel sets the deadline of **9 July 2014** as the date by which any Local Impact Reports from local authorities defined in s56A of the PA 2008 must be received by the Panel³.

2. The applicant, in its submission to the Preliminary Meeting, dated 3 June 2014 provided documents in response to s51 advice issued by the Planning Inspectorate shortly after the acceptance of the application. The Panel has taken the decision to accept these documents in to the examination but has inserted further questions seeking clarification into the first round of written questions. These should be answered by the applicant and any interested party who wishes to respond. A deadline for interested parties to comment on these documents has been added to the timetable in deadline II, **9 July 2014**.

¹ EPR Rule 8(1)(f) and (g) require these deadlines to be specified in the examination timetable.

² EPR Rule 8(1)(e) requires that the period for this be specified in the examination timetable.

³ EPR Rule 8(1)(j) requires that this deadline be specified in the examination timetable

Statements of Common Ground (SoCGs)

The Panel will be assisted by the preparation of Statements of Common Ground (SoCG) between the applicant, interested parties, statutory parties and other persons. The timetable for the examination identifies opportunities for the preparation and submission of these.

The aim of a SoCG is to agree factual information. It informs the Panel and parties by identifying where there is agreement and where differences lie; highlighting key outstanding issues and concerns at an early stage in the examination. It provides focus and saves time by identifying matters which need not be in dispute or the subject of further evidence. A statement can also state where and why there may be disagreement.

Parties are most commonly joined to the preparation of a statement where there is an area of substantial disagreement. They can also be joined where they have a clear interest but no strong view, to ensure that they are consulted on emerging common ground between parties whose disagreement might affect their interest.

For example, the parties may agree that a particular measurement is relevant and is a key part of the case but disagree about what it is or should be. They may agree what the difference in their respective measurements is (x for the applicant and y for the interested party). The existence of and reasons for the difference and the interpretation and implications of it can then be addressed in evidence and an interested regulator can confirm that they are (or are not) satisfied by any position reached.

Unless otherwise stated or agreed, a SoCG should be agreed between the applicant and other relevant parties, and submitted by the applicant. Parties are encouraged to consider the potential clarity that may be provided by a single, multi-party statement in relation to each topic. However, it is recognised that bi-party statements may also be of value. Whilst this list is not exhaustive it has been identified that there is scope for the applicant and relevant parties to work together on the following SoCGs statements to clarify areas of agreement and disagreement:

A. Law and Policy including: the importation of legislative provisions, the need (if any) for separate provisions relating to Tidal Works, the appropriate legislation for modification of any development order granted.

Parties: Applicant, Welsh Government (WG), relevant Local Authorities

B. Renewable Energy including: the extent to which the project would generate renewable energy and meet/contribute to the meeting of the UK and /or Wales climate change mitigation targets.

Parties: Applicant, WG, Natural Resources Wales (NRW), relevant Local Authorities

C. Climate Change including: the extent to which the project would adapt to climate change impacts including more frequent severe storms and flooding, sea-level changes etc.

Parties: Applicant, WG, NRW, relevant Local Authorities

D. Flooding including: the extent to which the Project would create an increased flood risk to nearby on-shore receptors and under what conditions.

Parties: Applicant and NRW

E. Impacts of Construction and Operation (including dredging and physical processes) on protected sites including: the potential impacts of increased nitrogen deposition on Crymlyn Bog SAC arising from increased levels of vehicle movements; risks to grey seals from Pembrokeshire Marine (PM) SAC, Cardigan Bay (CB) SAC and Pen Llyn ar Sarnau SAC; and impacts upon Kenfig SAC from changes in sediment deposition.

Parties: Applicant and NRW

F. Shipping, Recreation and Navigational Safety including: impacts on shipping/marine traffic, docks, berths and navigational channels.

Parties: Applicant and ABP Port of Swansea

G. Shipping, Recreation and Navigational Safety including: impacts on shipping/marine traffic, docks, berths and navigational channels.

Parties: Applicant and Port of Neath Authority

H. Shipping, Recreation and Navigational Safety including: impacts on shipping/marine traffic, docks, berths and navigational channels.

Parties: Applicant, Royal Yachting Association and Monkstone Sailing Club (MSC)

I. Mariculture including: details of any joint working that has taken place, or is planned to take place regarding the development of mariculture opportunities which could be delivered as enhancements to the Project.

Parties: Applicant and Swansea University Bay Campus

J. Natural and Built Heritage including: the impacts of the development on the heritage assets and the settings of heritage assets.

Parties: Applicant, relevant Local Authorities, NRW

K. Onshore Traffic, Noise, Dust, Vibration including: impacts on communities and other receptors including residential and other premises and on other developments constructed or permitted

Parties: Applicant, relevant Local Authorities and NRW

L. Seascape, Landscape and Visual Impact including: the assessment of the quality of the seascape, landscape and visual impacts in the Environmental Statement (ES) and the accessibility of seascape, landscape and visual impacts not described as beneficial in the ES.

Parties: Applicant, Design Council for Wales, relevant Local Authorities

M. Statutory Undertakings including: particular statutory undertakings (rights/apparatus) operated in the public interest which would be interfered and whether the tests in PA 2008 would be met.

Parties: Applicant and Affected Statutory Undertakers

Abbreviations used in the examination

AA	Appropriate Assessment
AC	Alternating Current
AIL	Abnormal Indivisible Loads
AM	Ancient Monument
AMP	Access Management Plan
AOD	Above Ordnance Datum
AP	Affected Person
BAP	Biodiversity Action Plan
BDMPS	Biologically Defined Minimum Population Scales
CA	Compulsory Acquisition
CCSC	City and County of Swansea Council
CCW	Countryside Council for Wales (now part of NRW)
CIA	Cumulative Impact Assessment
CoCP	Code of Construction Practice
dB(A)	Decibel Auditory Threshold
DC	Direct Current
DCLG	Department for Communities and Local Government
DCO	Development Consent Order
DECC	Department of Energy and Climate Change
DML	Deemed Marine Licence
DWR	Deep Water Route
EAQ's	Examining Authority Questions
EAW	Environment Agency Wales (now part of NRW)
EIA	Environmental Impact Assessment
EMF	Electromagnetic Fields
EMP	Ecological Management Plan
EPR	Examination Procedure Rules
ERCOP	Emergency Response Co-ordination Plan
ES	Environmental Statement
ExA	Examining Authority
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicle
HPA	Health Protection Agency
HRA	Habitat Regulation Assessment
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
ISH	Issue Specific Hearing
IP	Interested Party
LA	Local Authority
LAeq	Equivalent Continuous Sound Level (A-weighting setting)
LB	Listed Building
LDF	Local Development Framework
LIR	Local Impact Report
LPA	Local Planning Authority
MCZ	Marine Conservation Zone
MHWS	Mean High Water Springs

MMMP	Marine Mammal Mitigation Protocol
MPS	Minerals Planning Statement
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPTBC	Neath Port Talbot Borough Council
NRA	Navigation Risk Assessment
NRIL	Network Rail Infrastructure Ltd
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
NT	National Trust
OFH	Open Floor Hearing
OFTO	Offshore Transmission Owner
OP	Other Person
PA 2008	Planning Act 2008
PAM	Passive Acoustic Monitoring
PCoD	Population Consequences of (Noise) Disturbance
PINS	Planning Inspectorate
PPW	Planning Policy Wales
pSPA	Proposed Special Protection Area
RA	Ramblers Association
RIES	Report of Implications on European Sites
RR	Relevant Representation
RSPB	Royal Society for the Protection of Birds
RYA	Royal Yachting Association
SAC	Special Area of Conservation
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SEA	Strategic Environmental Assessment
SEI	Supplementary Environment Information
SofS	Secretary of State
SP	Statutory Party
SPA	Special Protection Area
SPL	Sound Pressure Level
SSSI	Sites of Special Scientific Interest
TCE	The Crown Estate
TSS	Transport Separation Scheme
UNEP	United National Environment Programme
WG	Welsh Government