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Your Ref:

Our Ref: EN010049

Date: 4 September 2014

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Dear Sir/Madam,

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended) – Rule 17 and Rule 8(3)**

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

**Notification of procedural decision and change to the examination timetable**

Application documents were considered at the outset of the examination and written representations upon them were received and considered following Deadline II. Deadline III (5 August 2014) in the examination timetable provided an opportunity for all interested parties to provide comments on written representations, responses to the Panel's questions and on the Local Impact Reports previously submitted. However, upon Deadlines II and III the Panel received the following elements of new information some of which replaced and/or obviated aspects of the proposals in the applications documents:

- i. Updated Flood Consequence Assessment of June 2014;
- ii. New Plan of Proposed Piling Activity July 2014 (Applicant's Response to Written Questions Appendix 3.7.1);
- iii. Updated Habitats Regulation Assessment and Appendices, dated July 2014;
- iv. Replacement Appendix 9.5 to the Environmental Statement and associated new information on fish of July 2014 (Appendices to Applicant's Response to Written Questions));
- v. Habitats Regulations Report on Cetaceans/Pinnipeds of August 2014;
- vi. Water Framework Directive Assessment of August 2014;

## vii. Revised Operation, Construction, and Adaptive Environmental Management Plans of August 2014;

The Planning Act 2008 (PA2008) provides for a front loaded application process where application documents are consulted upon before the start of the examination. The Panel made clear at the Preliminary Meeting that the progress of the examination would depend upon timely receipt of documentation from all parties.

### **1. Public consultation**

In view of the importance of providing an opportunity to respond to the new information to those who may be affected or have an interest in it, the Panel requests the applicant to provide a signposting document to facilitate the navigation of the information. It may be helpful if this signposting document could, in addition to clearly showing the documents that are being consulted upon, through hyperlinks, provide further clarification on the linkages between submissions and the Environmental Statement, to assist with the examination. This is to be submitted to the Planning Inspectorate for publication prior to the commencement of consultation.

For the same reason, the Panel requests that the applicant publish on or before 15 September 2014, in a local newspaper circulating in the vicinity in which the development would be situated, a notice of the availability of the above documents (including the signposting document) and of any other information which updates the Environmental Statement for public inspection at the deposit locations and on the Planning Portal. The notice should state a deadline for any public responses to be made to the Planning Inspectorate of Tuesday 7 October 2014.

### **2. Responses from interested parties and variation of the timetable**

Similarly, the Panel has decided that interested parties should have adequate opportunity to respond to these documents. It has therefore varied the timetable to allow interested parties to submit any responses they may have to the Panel by 7 October 2014 (Deadline IV). We have also made consequential amendments to the timetable as set out in the attached version 2 of the examination timetable. These include the provision for further issue specific and compulsory acquisition hearings on Tuesday 21 October 2014, continuing on 22 and 23 October 2014 if required. Notification of these hearings (if required) will be issued by 29 September 2014.

If, following publication of responses to the new information, any interested party wishes to comment upon them, they are encouraged to take part in this hearing. If they so request but are unable for any reason to attend, written comments should be received by deadline V (Tuesday 28 October).

The timely submission of responses is vital to enable these to be taken into account in the preparation of the Report on Implications on European Sites (RIES) and the draft Development Consent Order (if appropriate) which are to be issued by the ExA on Tuesday 11 November 2014 as stipulated in the examination timetable.

### **3. Late Deadline III Documents submitted on 1 September 2014**

The applicant, on 1 September 2014 submitted a number Statements of Common Ground (SoCGs), a matrix detailing the SoCGs, a Development Consent Obligation

with the Local Authorities and a response to Natural Resources Wales' (NRW) advice on the updated Flood Consequence Assessment (FCA). Should any interested parties have comments on these documents, comments should be submitted for deadline IV on Tuesday 7 October 2014.

The ExA request that interested parties send, where practicable, electronic copies of their submissions as email attachments, to [Swanseatidal@infrastructure.gsi.gov.uk](mailto:Swanseatidal@infrastructure.gsi.gov.uk). 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, by post, an additional full paper copy of their submission. Any written correspondence should be addressed for the attention of Katherine Chapman, Case Manager, using the details at the top of this letter. Timely submissions in advance of the deadlines set in the timetable are encouraged and welcomed.

Yours faithfully

*Gideon Amos*

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

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.

Tidal Lagoon (Swansea Bay) Amendment to Examination timetable

<b>Item</b>	<b>Matters</b>	<b>Due Dates 2014</b>
9	<p><b>Issue-specific hearing including:</b></p> <ul style="list-style-type: none"> <li>• Habitats Regulations Assessment (including methodology and impacts marine mammals)</li> <li>• Impacts on other protected species and habitats</li> <li>• Impacts on fishing and navigation</li> <li>• Hydrology and physical processes</li> <li>• Waste water impacts</li> <li>• Construction impacts and socio-economic matters</li> <li>• Monitoring, management and mitigation plans and provisions</li> </ul>	<p><b>Tuesday 16 September</b></p> <p><b>Wednesday 17 September</b></p> <p><b>Thursday 18 September</b></p>
10	<p>Dates reserved for continuation of issue-specific hearing (if required)</p>	<p><b>Tuesday 23 September</b></p> <p><b>Wednesday 24 September</b></p> <p><b>Thursday 25 September</b></p>
11	<p>Date reserved for compulsory acquisition hearing and second open floor hearing (if required)</p>	<p><b>Tuesday 30 September</b></p> <p><b>Wednesday 1 October</b></p> <p><b>Thursday 2 October</b></p>
	<p><b>Deadline IV (Post Hearings)</b></p> <p>Deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Any outstanding comments from interested parties on documents submitted for Deadlines II and III</li> <li>• Comments on documents submitted on 1 September 2014 by the applicant</li> </ul>	<p><b>Tuesday 7 October</b></p>

Tidal Lagoon (Swansea Bay) Amendment to Examination timetable

	<ul style="list-style-type: none"> <li>• Comments received on public consultation</li> <li>• All post hearing documents (including any revised DCO from the applicant)</li> <li>• All written summaries of oral cases made at hearings</li> </ul>	
	<p><b>Issue-specific/Compulsory Acquisition hearing including:</b></p> <ul style="list-style-type: none"> <li>• Matters arising from comments received at deadline IV</li> <li>• Outstanding matters including DCO</li> </ul> <p>and;</p> <ul style="list-style-type: none"> <li>• Compulsory Acquisition</li> </ul>	<p><b>Tuesday 21, Wednesday 22, Thursday 23 October 2014</b></p>
	<p><b>Deadline V</b></p> <ul style="list-style-type: none"> <li>• All post hearing documents (including any revised DCO from the applicant)</li> <li>• All written summaries of oral cases made at DCO hearings</li> </ul>	<p><b>Tuesday 28 October</b></p>
13	<p><b>Issue by ExA of:</b></p> <ul style="list-style-type: none"> <li>- The Report on the Implications on European Sites (RIES)</li> <li>- Draft DCO including any changes proposed by the ExA</li> </ul>	<p><b>Tuesday 11 November</b></p>
14	<p><b>Deadline VI(Final)</b></p> <p>Final deadline for receipt by ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on the Report on the Implications on European Sites (RIES)</li> <li>• Comments on any changes to the DCO in the consultation draft only (including any revised DCO from the applicant).</li> </ul>	<p><b>Tuesday 25 November</b></p>
16	<p>The ExA 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.</p>	<p><b>Wednesday 10 December</b></p>