

Meeting Note

File reference	Swansea Bay Tidal Lagoon
Status	FINAL
Author	Jeffrey Penfold

Meeting with	Inazin (Formerly Low Carbon Developers)
Meeting date	15 March 2012
Attendees (IPC)	Tom Carpen (Principal Case Manager) Jessica Potter (Principal Case Manager) Tim Hallam (Lawyer) Andrew Luke (Senior EIA Adviser) Jeffrey Penfold (Case Officer)
Attendees (non IPC)	Alex Herbert (Head of Planning) Eva Bishop (Tidal Development Director) Ashley Mather (Legal Adviser)
Location	IPC Offices

Meeting purpose	Inazin to brief the IPC on details of the proposed Swansea Bay Tidal Lagoon (SBTL) with discussion of the application process for Nationally Significant Infrastructure Projects (NSIPs).
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Summary of key points discussed and advice given	<p>Discussed the IPC's openness policy and the commitment to publishing any advice under Section 51 of the Planning Act 2008 (the Act) on the IPC's website. Confirmed that the IPC are unable to give legal advice on which developers or others could rely – developers should seek their own legal advice on which they can rely.</p> <p>Transitional arrangements for the IPC's abolition and creation of a National Infrastructure Directorate within The Planning Inspectorate were discussed. A seamless transfer of operations is expected.</p> <p>The developer gave a presentation on the following items:</p> <p>Introduction to tidal lagoons:</p> <ul style="list-style-type: none"> • How lagoons work • How lagoons are built • UK tidal resource <p>Swansea Bay Tidal Lagoon</p> <ul style="list-style-type: none"> • Proposed location • Design alternatives • Vital statistics • Our vision / who is involved
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- Progress to date
- Consenting routes
- EIA overview and content
- Programme

Background and scheme details:

The developer, Inazin, formerly known as Low Carbon Developers, explained the SBTL proposal. Consisting of a Tidal Lagoon Generating Station with generating capacity of between 140-200MW, the proposal will be capable of powering more than 70,000 homes. The proposed site is located near Swansea Docks with a site area of 9.2 Km². The expected life of the project would exceed 120 years of electricity generation.

There are currently two options available for the Swansea Bay Tidal Lagoon: a land-attached or free-standing option albeit that the latter would include a causeway to the land. Construction of the Swansea Bay Tidal Lagoon, if consented, is expected to last for two years.

The developer confirmed that off-shore element of the project is wholly within Welsh territorial waters.

Environmental Impact Assessment (EIA):

The developer has informally consulted a number of bodies to identify the need for, and scope of, environmental studies. Some baseline work has been initiated and this will inform the EIA scoping process.

Notification under Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (EIA Regulations), and a request under Regulation 8 of the EIA Regulations for a scoping opinion are currently anticipated in Spring 2012.

The IPC requested that the developer provides a minimum of ten working days' notice in advance of submitting a formal scoping request, and that a GIS shapefile identifying the land subject to the scoping request should be provided at this time.

The developer indicated that a scoping opinion is likely to be sought for both the land-attached and free-standing lagoon options. The scoping report should clearly identify how the scope of, and approach to, assessment differs for the two options. Furthermore, in both cases the scope and approach to assessment should ensure that the worst case is assessed.

The scoping report and Regulation 6 notification should clearly describe and identify on a plan the location of the proposed NSIP. Any, related development which will need to be assessed as part of the EIA, potentially as cumulative impacts, should be identified in the scoping report.

It would also be helpful to clearly distinguish in the text of the Scoping Report between development proposed to be included within the proposed DCO application and any related development that might have to be consented under a separate planning regime.

The IPC advised that where the developer proposes to scope issues out of the EIA, the scoping report should include an adequate level of supporting evidence. The developer may wish to include any correspondence that has been received from consultees in relation to the scope of baseline studies and assessment methodologies.

The developer indicated that potential cumulative impacts of the Swansea Bay Tidal Lagoon will be assessed, and identified a number of foreseeable developments that are likely to require consideration as part of the assessment. The IPC advised that major development for consideration as part of the cumulative assessment should be identified through consultation with the local planning authorities and other relevant authorities.

The developer said that feasibility and water sensitivity surveys are due soon and would be fed into the EIA process.

Habitats Regulations Matters

The developer said that the proposed site is not located within any site of European Conservation importance. The IPC highlighted that, where relevant, a report is required to be submitted with the application under Regulation 5(2)(g) of the The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) and would need to include information identifying European sites to which the Habitats Regulations apply or any Ramsar site or potential SPA which may be affected by a proposal. The IPC advised that, at the pre-application stage, developers should carry out an HRA screening assessment. The assessment would need to consider the potential for both direct and indirect effects on European and/or Ramsar sites e.g. connected through environmental pathways. If, as a result of the HRA screening, the developer concludes there is no likely significant effect on a European and/or Ramsar site, sufficient information must be provided with the DCO application to allow the competent authority to review and assess the information and make its own determination that there are no likely significant effects. The IPC advised that any submitted HRA report, whether under Regulation 5(2)(g) or a 'no significant effects' report, should include key correspondence with the statutory nature conservation bodies, specifically any correspondence indicating agreement or otherwise on the scope of and approach to assessment and conclusions.

The IPC highlighted its Advice Note 10: Habitats Regulation

Assessment and Advice Note 7: Environmental Impact Assessment, screening and scoping.

Pre-application consultation and application status:

Informal discussions are underway with local authorities: Swansea Council and Neath Port Talbot Council. Discussions are also underway with the Crown Estate's Marine Energy Team with whom the developer is currently seeking an agreement for lease processes. The developer had also been in initial discussions with the Environment Agency and the Countryside Council for Wales.

The IPC advised that any informal consultations between the developer and bodies consulted can be documented in the Consultation Report. This, however, must be clearly distinguished from any formal consultation exercises required for example under by s.42 of the Act that the developer undertakes.

The IPC queried whether discussions had taken place with National Grid in determining a viable grid connection. This is in relation to the required Grid Connection Statement which must accompany an application for a Development Consent Order (DCO) for generating stations as prescribed by Regulation 6 (1)(a)(i) of the APFP Regulations.

The developer confirmed that they did not have a formal connection agreement with National Grid, however, there is potential for a 132MW connection to the National Grid. The developer said that they had held informal discussions with Western Power Distribution regarding the grid connection. A feasibility study on the grid connection is expected for completion soon.

The developer said that they anticipate a first round of s.42 consultation, probably between April-July 2012, based on two alternative schemes, and a second round of consultation, probably between July-October 2012, based on a single defined scheme. A submission date of **February 2013 is anticipated.**

Next steps of the pre-application process consist of:

- Notification under Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (EIA Regulations) – **spring 2012**
- A request under Regulation 8 of the EIA Regulations – **spring 2012**
- Consultation as prescribed by Section 42 of the Planning Act 2008 to be done in parallel with Regulation 6 and 8 of the EIA Regulations – **spring 2012**
- IPC Scoping Response (42 days) – **spring/summer 2012**
- An updated scoping report and draft Preliminary Environmental Information (PEI) – **summer 2012**
- Design freeze and submission of the PEI – **summer 2012**

- Commencement of consultation under Section 47 of the Act – **summer 2012**
- Full EIA – **summer/autumn 2012**
- Environmental Statement due for completion in **winter 2013**.
- Feasibility and water sensitivity surveys due soon and to be fed into the EIA process.

Notification of the proposed application as required by s.48 of the Act is anticipated to be submitted to the IPC soon.

The developer confirmed that dialogue is underway with the relevant Local Harbour Authorities.

A draft Statement of Community Consultation (SoCC) is currently being finalised ready for consultation with Local Authorities as required by s.47 (2) of the Act. The developer anticipates carrying out s.47 consultation between June/July and October 2012.

The IPC emphasised that the SoCC should be clear and unambiguous when describing the proposed project, and it should make clear that the proposal is considered to be a Nationally Significant Infrastructure Project for which an application for development consent will be made under s.37 of the Act.

Associated Development & Compulsory Acquisition:

The IPC confirmed that associated development does not include development in Wales; except for surface works, boreholes or pipes associated with underground gas storage by a gas transporter in natural porous strata.

The developer highlighted development which may or may not form part of the submitted SBTL application such as: export cables running to the shore; a visitors' centre; car parking facilities; and leisure uses of the site.

In response, the IPC advised the developer to seek their own legal advice regarding whether any such development could properly be considered as being 'integral' to the proposed NSIP or would otherwise fall to be consented by the relevant local planning authority. The IPC said that the developer may wish to make legal representations in relation to this matter, for example when providing draft application documents for comment.

Powers of compulsory acquisition were discussed with particular reference to the proposed onshore substation, although the developer said it was likely that they would not be seeking such powers.

With regards overhead power lines, the developer confirmed that

it does not anticipate this infrastructure will be required since necessary onshore cables are likely to be under-grounded.

Other proposed works/development:

The developer indicated that the draft DCO is likely to include onshore works in relation to the Swansea docks. Existing access points at the docks are available for use but some changes are envisaged.

A 'duty to consult' is required by s.47 of the Act. The IPC emphasised that to comply, the SoCC must be clear and unambiguous when confirming the proposal is a Nationally Significant Infrastructure Project and that an application will be made to the IPC (or after 1 April 2012, the Planning Inspectorate), as per s.55 of the Act.

An application should be submitted to the Marine Consents Unit (MCU) of the Welsh Government if the project will generate over 100MW of electricity.

The developer said that they would be seeking a marine licence from the Marine Consents Unit (MCU) of the Welsh Government.

Next steps and AOB:

The IPC will assemble a Casework Team, dedicated to the project. The IPC would be interested in progress updates relating to any dialogue that has been undertaken with key statutory consultees about the project.

An inception meeting will be held between the IPC, key Local Authorities and the developer. A presentation on the process under the 2008 Act and methods of involvement can be given. The IPC requested commencing arrangements for a site visit when convenient for all parties. The IPC will liaise with the local authorities to determine whether it is necessary to hold IPC outreach events within the vicinity of the proposed site. This would be aimed at aiding public understanding of how the local community could become involved in the 2008 Act process.

The IPC invited the submission of draft application documents, in particular a draft Development Consent Order and Explanatory Memorandum with accompanying plans for the IPC to comment upon at the pre-application stage well in advance of formal application submission.

The IPC would encourage the preparation of any s.106 and if possible agreement of draft s.106 obligations with relevant Local Authorities prior to submission of the application in order to avoid delays during the examination stage in the event of the application being accepted.

The developer said that their Swansea Lagoon consultation

	website will be updated throughout the pre-application process.
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Specific decisions/ follow up required?	IPC liaise with the local authorities about a potential inception meeting and site visit.
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Circulation List	Meeting attendees.