



LATE SCOPING CONSULTATION RESPONSES

Consultation bodies have 28 days to respond with any comments, stating either the information that they consider should be included in the ES or that they do not have any comments.

Any responses received after the deadline are not considered within the scoping opinion but are forwarded to the applicant for consideration in accordance with the policy set out in Advice Note 7: Environmental Impact Assessment, Screening and Scoping.

The following EIA scoping consultation responses were received after the consultation deadline specified under legislation and therefore did not form part of the Secretary of State's scoping opinion.

Date: 14/04/2015

APPLICATION DETAILS

No: N/A **Ward:** N/A

Type: EIA SCOPING - NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT

Applicant: TIDAL LAGOON CARDIFF LTD (TLC)

Site: SEVERN ESTUARY

Proposal: OFFSHORE GENERATING STATION WITH CAPACITY OVER 100MW

1. INTRODUCTION

1.1 The proposed Tidal Lagoon is an offshore generating station of more than 100MW, and as a result it is considered to be a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008. An application will therefore have to be made to the Planning Inspectorate (PINS) for the grant of development consent under a Development Consent Order (DCO) by the Secretary of State for Energy and Climate Change.

1.2 As part of this process an application for a DCO, an Environmental Impact Assessment will be required. The Planning Inspectorate have therefore consulted the Council in relation to the scope of the EIA that will be undertaken to evaluate the potential effects of the project on the surrounding area. The Planning Inspectorate have consulted separately with other external bodies including Natural Resources Wales (NRW), so the following are the comments of this Authority only. It should be noted that the purpose is therefore solely to examine the scope of the EIA, the issues that need to be considered and the type of information to properly assess these issues. It is not an assessment of the merits of the scheme.

2. RELEVANT SITE HISTORY

No relevant planning history

3. POLICY CONTEXT

3.1 N/A

4. CONSULTATIONS

4.1 N/A

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No response received.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): The Council's Ecologist is generally satisfied that the ecological aspect of the scoping report have been addressed. However, there are a certain aspects that the Council's Ecologist advise are given further consideration that will be discussed in the main body of the report.

5.3 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE OFFICER): I fully support the principle of the tidal lagoon as a sustainable means of energy production.

- 5.3.1 I would like to formally request a study being undertaken for an option to build the entire lagoon off-shore, with only a bridge connection.
- 5.3.2 The advantages of retaining the current coastline could potentially be vast in terms of ecology, landscape, drainage benefits and a whole host of other factors; even bearing in mind additional costs and that there would still be a certain degree of silting, scouring and other repercussions due to the diversion of the natural water flow.
- 5.3.3 This would no doubt trigger many pros and cons for numerous professionals within a variety of disciplines and for many other interested parties, but I feel that this option should be seriously debated; together with any others put forward.
- 5.3.4 The option of separating the lagoon from the Gwent Levels SSSI could take many forms in terms of the combination of optimum shape and precise location, but it would be down to the various engineering experts to come up with the 'ideal' configuration which would best protect the existing coastline and wildlife habitats.
- 5.4 HEAD OF LEGAL AND REGULATION (ENVIRONMENTAL PROTECTION): I have reviewed the information provided in the Scoping Report and I confirm that the proposals are acceptable.
- 5.5 HEAD OF STREET SCENE AND CITY SERVICES (LEISURE SERVICES MANAGER): No response.
- 5.6 HEAD OF REGENERATION, INVESTMENT AND HOUSING (PLANNING POLICY): Generally the document does not make much reference to the impact on the River Ebbw. Although this is not a tidal river, the mouth of it will be located within the lagoon and this will have an impact on the river.
- Table 3.1 outlines the Potential Projects for Cumulative Assessment. Are there any marine aggregate permissions that need to be considered here?
 - Section 4 – Are the environmental impacts from the sourced materials considered separately?
 - Paragraph 5.3.0.11 – The location of Newport Docks may make it an option for transportation.
 - Paragraph 9.3.0.11 – How does the management of the Reens impacting on the modelling?
 - Paragraph 9.4.0.8- For information, the tidal limit of the Usk lies beyond the Newport administrative boundary at Newbridge on Usk.
 - Paragraph 10.1.15 – This paragraph notes the main infrastructure in the area it does not include reference to Newport Docks, Uskmouth Power Station and the National Nature Reserve at Newport Wetlands.
 - Section 11- It should be borne in mind that there is a significant residential area directly adjacent to the sea wall at St Brides, namely Lighthouse Park, which should be seen as a sensitive development to coastal change.
 - Paragraph 15.1.1.2 – For information, the NNR at Newport Wetlands are the compensation habitat from the Cardiff barrage/bay scheme, therefore its status is different to this effect due to the issue of compensating for compensatory habitat.
 - Paragraph 15.2.2.5 – It is not clear whether the assessment will take into account the loss of habitat due to controlled levels of water, i.e. the water level reduction in the reens.
 - Paragraph 17.1.0.2 – This paragraph only notes the impact of the designation of the Special Landscape Area in Cardiff. Newport has an adopted LDP which also allocates the levels as a Special Landscape Area. The relevant policy in the LDP is SP8 and the background paper to this designation can be viewed at: http://www.newport.gov.uk/stellent/groups/public/documents/plans_and_strategies/ont712240.pdf
 - Section 18 – There are a few Listed buildings of importance along the edge of the levels including St Peters, Peterstone, Former West Usk Lighthouse.
 - Section 18 – There is an additional available data source Historic Environment Record (HER).

- Section 25 – This section notes the areas identified for an assessment of the impact on tourism which does not show Newport. Newport is an area that offers wider tourist facilities that would be available for the visitor of the lagoon e.g. Tredegar House, Newport Wetlands and Transporter Bridge.

Questions:

- Paragraph 6.1.11 – In order to comment on the impact of the proposed scheme the extent of the land creation works would be required. For example where the car park would be situated.
- Paragraph 6.2.0.24 – Notes that some of the structure can be prefabrication but how far away can this be done? If not far the impact on the immediate rural area could be significant.
- Section 12 – This section notes the impact from the scheme of increased access to sensitive areas. This was a consideration of the HRA of the LDP, and the document can be viewed at <http://www.newport.gov.uk/documents/Planning-Documents/LDP-2011-2026/Habitats-Regulation-Assessment-final.pdf> . The SA, incorporating SEA, is also available on our website at <http://www.newport.gov.uk/en/Planning-Housing/Planning/Local-Development-Plan/Sustainability-appraisal.aspx>
- Section 13- what type of mitigation is possible once the scheme has been implemented e.g. higher than expected turbine fish injury.
- Paragraph 15.2.4.1 - The wording of this paragraph notes that only the turbine houses would be impacted upon, does that mean the barrage remains and if so where is the assessment of the longer term impacts?

5.8 HEAD OF REGENERATION, INVESTMENT AND HOUSING (TOURISM OFFICER): I see that the report does not make mention of the Newport Destination Management Plan. It only refers to the Economic Development Strategy. I attach the Newport DMP, which will need updating shortly. Please see item 3.2 Developing the Coastal Destination.

5.8.1 The Coastal area is a critical area for us and actually is now the subject of a Heritage Lottery Bid with Monmouthshire County Council, RSPB , NRW and others called the Living Landscapes. We will be submitting for approximately £2.9m of grant for this project to 2020. I attach a brief outline of the project. This area is now also part of a Rural Development Programme area.

5.8.2 The area is critical for image, the visitor economy, for activity on the environment, for local sense of place, culture and heritage as well as conservation aspects- with the population of the Gwent Levels set to double through the Llanwern developments it is now important to manage this area.

5.8.3 The Living Levels is a partnership grouping ,and not a lobbying group .The other partners will be independently responding to you separately eg NRW, RSPB.

5.8.4 The visual impact of the Lagoon could be significant in this project. There is potential of this being a form of visitor attraction, if this is 'designed' in , and would have impact on the story line of this landscape which is effectively the result of the tides and man going back over 2000 years.

5.8.5 The other aspect is that if the Tidal Lagoon goes ahead as proposed, it could change some of the 'developmental' constraints currently on the Gwent level area from the West of the mouth of the River Usk across to Cardiff.

5.9 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): No response

6. REPRESENTATIONS

6.1 N/A

7. ASSESSMENT

Site Description and Proposal

- 7.1 The site comprises an area spanning the southern edge of the Wentlooge Levels that includes agricultural land and an area of tidal marsh. The eastern landfall point is 2km to the south west of the River Usk, and this falls within the administrative boundary of Newport City Council. The proposed western landfall is approximately 2km from the entrance to Cardiff Bay.
- 7.2 It is proposed to design, construct and operate a tidal lagoon for the purpose of generating renewable energy, which will be achieved by harnessing the power of the high tidal range in the Severn Estuary. The lagoon would be designed to have a capacity of 1800-2800MW.
- 7.3 The proposed tidal lagoon would comprise an impounding breakwall of 25km. The breakwater walls encompass an area of approximately 70km² of the seabed and foreshore. The lagoon will have around 60-90 turbines and 20-30 sluice gates which will be situated in 2-3 turbine and sluice gate housing structures.
- 7.4 On the ebb tide, the proposal will generate electricity by holding back water within the tidal lagoon to create sufficient head, in relation to the ebbing tide outside the lagoon. This water will then be released through the turbines such that this store of energy can be turned into electric power. The electricity will be generated as water flows through bi-directional turbines, located in the turbine and sluice gate housing structures. This process will be repeated on the flood tide with water being prevented from entering the lagoon until sufficient head is created.
- 7.5 The electricity generated will be fed into the National Electricity Transmission System (NETS). Options for grid connections will be developed in conjunction with National Grid.
- 7.6 The Project requires the following elements to generate electricity, which include:
- i. breakwater;
 - ii. concrete turbine and/or sluice gate housings;
 - iii. turbines and sluice gates located within the housings;
 - iv. operations and maintenance access upon the structures;
 - v. cable works within the breakwater and connection to an appropriate substation; and
 - vi. structures located upon the turbine/sluice gate housing.
- 7.7 There are a number of potential locations from the B4239 whereby possible access to the Newport side of the site could be obtained. Two of these locations are to the northeast of Beach Road. A further access could be obtained from Beach Road itself. The options for access to the site area will be confirmed once feasibility analysis has been undertaken. All of these routes would require off-carriageway access road improvements.
- 7.8 The proposed lifetime of the lagoon is 120 years when the project would be decommissioned.
- ### Ecology
- 7.9 The Council's Ecologist has reviewed the Scoping Report and advises that the project has the potential to have a broad range of impacts on various different species and habitats and it is imperative that it is fully understood how each species/habitat could be effected by the proposal. In addition, any assessments must also consider the 'in combination effects' with other projects as well as other mitigation measures that are currently in place. It is important to understand how this application impacts on current mitigation and monitoring of other projects. The ES should also consider potential 'in combination' effects of habitat fragmentation with other planned projects, including the M4 relief road.

7.10 In relation to terrestrial ecology the Scoping Report includes a number of the issues that need to be addressed, but the Authority believe that the following need to be addressed within the ES:

- Impact on reed system of the SSSI-in particular how the applicant intends to run cables from the site onto land;
- Impacts on trees, including any bats issues;
- Disturbance to badgers;
- Loss of invertebrate habitat;
- Habitat loss of saltmarsh, mudflats, coastal grazing etc.-also how this will impact upon feeding birds;
- Disturbance-both during and post construction otters/water voles/GCN/birds;

7.11 In relation to aquatic issues the following needs to be addressed:

- Migratory species e.g. fish, mammals, birds;
- Movement of sediment-how this will effect erosion and deposition around Newport as well as other locations in the Severn Estuary. Also, how this may affect the movement of aquatic organisms (that migratory species may also rely upon for food);
- Impacts on species identified in the 10 year intertidal surveys of Wales-such as European Sting Winkle, Common piddock, and Blue mussel bed.

7.12 It is recommended that the impacts are considered both during and post construction as well as decommissioning, and that the surveys are undertaken over several seasons. This is necessary to obtain a true understanding of the current situation. Finally, it is recommended that the applicant engages with local experts and statutory bodies at an early stage.

Visual

7.13 The scoping report identifies that the landscape and visual considerations in respect of the Project have so far been discussed with Natural Resources Wales (NRW) (on 5th December 2015). The scoping report identifies ten proposed viewpoints for the Visual Assessment, which does not include any elevated viewing points from within the administrative boundary of Newport City Council. The Authority would welcome further discussion in identifying additional key viewpoints from within its administrative boundary.

Highways

7.14 In relation to the onshore Transport Assessment, the Scoping Report identifies that the ES will rely on existing baseline data from the Highway Departments of Newport City Council and Cardiff City Council, and this is supported.

7.15 A construction method statement together with the routes for construction traffic should also be considered, along with a parking strategy and public transport provision and links during the operational phase of the development.

7.16 With regards construction/waste management full details of pollution prevention controls to be implemented at all stage of development and details of waste materials to be used on site and imported should be provided and assessed.

Noise

7.17 The Council's Environmental Health Officer advises that the proposed content of the noise impact assessment appears to be acceptable.

Tourism and Recreation

7.18 The Council's Planning Policy Section identify that in relation to tourism, the potential impact on tourists attractions within Newport should be considered including Tredegar House, Transporter Bridge and Newport Wetlands. Furthermore, the Council's Tourism Officer identifies that the coastal area is a critical area and is the subject of a Heritage Lottery Bid (Living Landscapes) with Monmouthshire County Council, RSPB and NRW.

Reference should also be made to the Newport Destination Management Plan, and a copy of this can be made available for the applicant.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

8.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

9. CONCLUSION

9.1 The Authority considers that the overall content of the scoping report to be acceptable, but there are a number of areas that require further investigation and clarification, which should be addressed in the Environmental Statement.