



Cardiff Tidal Lagoon

Status: Final

Inception meeting – overview of the proposed development

Date: Monday 8 December 2014

Meeting with Tidal Lagoon Power

Temple Quay House

Author: Philippa Davey

Attendees:

<u>Tidal Lagoon Power (TLP)</u> Tessa Blazey (Development Director) Tim Carter (Head of Environment) Alex Herbert (Head of Planning) Harriet Thomas (Principal Environmental Manager) Michael Baker (Development Planner)	<u>Planning Inspectorate</u> Ken Taylor (Infrastructure Planning Lead) John Pingstone (Case Officer) Philippa Davey (Assistant Case Officer) Gail Boyle (Senior Environmental Advisor)
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Welcome and introductions (all)

Summary of key points discussed and advice given:

The Planning Inspectorate explained that a note of the meeting would be produced and published as advice under s51 of the Planning Act 2008 (PA 2008).

1. Project programme and information (presentation by Tessa Blazey)

The proposed project is an offshore energy generating tidal lagoon in the vicinity of Cardiff with an installed capacity over 100MW. An overview of the project was given. Submission of the project to the Inspectorate is likely to be in 2017.

2. Scoping Report

TLP gave an overview of their progress to date. It is intended that a scoping report will be submitted in Quarter 1 2015. The report will include consideration of the cumulative effect of TLP's other proposed tidal lagoon projects using high level modelling. TLP asked about the level of detail appropriate to include in the Scoping Report, and the Inspectorate advised that this was subject to TLP's judgment, but that the information should be detailed enough to allow the main environmental effects of the project to be identified.

3. Tidal Lagoon Cardiff and PINS process

The Inspectorate advised that TLP have regard to Advice Note 6, which covers the preparation and submission of application documents. In addition, TLP should

familiarise themselves with the new Advice Note 15 which covers detailed DCO drafting.

With regards to the recently published pre-application prospectus, the Inspectorate suggest that the contact plan laid out in that document could be a useful framework for future meetings. This document also sets out that the Inspectorate is able to engage in tripartite meetings with other stakeholders; this can be done to facilitate engagement between parties.

It was noted that other consents will be required but that the Consents Service Unit (CSU) within the Inspectorate and the Major Infrastructure Environment Unit (MIEU) do not have a remit within Wales.

Consultation programme

TLP asked whether there was a preferred structure for statutory consultation. The Inspectorate suggested that it is at the applicant's discretion but that an iterative approach using multiple rounds of consultation is often helpful when developing the project and ensuring that all stakeholders have been fully engaged. One round of statutory consultation will discharge the duty for consultation under s42, 47, 48 of the PA 2008, therefore whether additional rounds of consultation are statutory or non-statutory is dependent on the circumstances of the project.

The project will be in Welsh waters, but TLP will be carrying out consultation in both England and Wales.

Under Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, TLP must outline how they intend to publicise and consult on the Preliminary Environmental Information (PEI). There is no guidance on the PEI Report. It is up to the developer's judgment what to include, but the Inspectorate recommends that the developer sets out as complete information as possible.

4. Other projects and cumulative impacts

TLP are proposing 5 tidal lagoons further to Swansea Bay, broadly located in the Severn, North West, and North Wales.

Where lagoons are in close proximity, the Inspectorate advised that consultation could take place for projects simultaneously. This approach would allow stakeholders the opportunity to consider the cumulative impacts, and would avoid possible consultation fatigue. If this approach were taken, the applicant should be clear in their consultation materials that each tidal lagoon would be a separate NSIP application.

5. Habitats Regulations Assessment and the engagement of IROPI

At this stage the need for compensatory measures cannot be ruled out and it may be necessary for TLP to present a case of Imperative Reasons of Overriding Public Interest (IROPI). TLP has begun discussions with the relevant bodies in order to establish an Evidence Plan approach, which will inform any HRA Assessment submitted with an application. These initial discussions have also included consideration of any compensatory habitat which may be required, should the need to present a case of IROPI become apparent.

TLP queried the information requirements for the HRA to be submitted with the application. The Inspectorate advised that, should the project be accepted, the

Examination will need to establish if any proposed compensation would be effective and deliverable. Therefore as much work as possible to demonstrate this should be done.

6. Water Framework Directive (WFD) and Article 4.7 derogation, and marine licences.

TLP highlighted that the process for Article 4.7 and 4.8 derogation under the WFD has not yet been fully established. Consideration would be given to 'twin-tracking' the DCO application and a Marine Licence application to NRW. It was agreed that it could be appropriate to hold a tripartite meeting between TLP, the Inspectorate and NRW to discuss these two matters; this will be reviewed in due course.