



## Initial Project Meeting Note

### File reference

**Status****Final****Author**

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**Date**

22 September 2014

**Meeting with**

Long Bay Sea Power Ltd

**Venue**Planning Inspectorate, Temple Quay House,  
Bristol**Attendees**Long Bay Sea Power Ltd (the Applicant)Paul Ramsey- Read (Company Secretary)  
Marcus Kravis (Communications Director)The Planning InspectorateAndrew Luke (Infrastructure Planning Lead)  
Katherine Chapman (Case manager)  
Philippa Davies (Assistant Case Officer)  
David Price (EIA and Land Rights Manager)  
Robert Hanson (Legal Advisor)**Meeting objectives**Introduction to the LongBay Seapower Project  
and to provide an overview of the 2008 Planning  
Act process**Circulation**

all attendees

**Summary of key points discussed and advice given:****Brief introduction:**

Long Bay Sea Power Ltd (LBSP) were made aware of the Planning Inspectorate's (the Inspectorate) openness policy (that any advice given will be recorded and placed on the Planning Inspectorate's website under s51 of the Planning Act 2008, as amended by the Localism Act 2011 (PA 2008)). Any advice given does not constitute legal advice upon which applicant (or others) can rely.

LBSP were also made aware of the Inspectorate's Pre-application Prospectus for applicants ([http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/05/NSIP-prospectus\\_May2014.pdf](http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/05/NSIP-prospectus_May2014.pdf)) which establishes the approach to engagement between the Inspectorate and applicants at the pre-application stage of a project. This includes provision in certain circumstances for delaying publication of early advice or project discussions.

## **Overview of the Project**

The applicant provided an introduction to LBSP Ltd which was founded by local businessmen, and went on to provide an overview of the proposed scheme. The scheme is at an early stage of development, and the current proposal (subject to change) would comprise a continuous breakwater wall spanning from Minehead to Lilstock, forming a lagoon covering an area of approximately 70 sq.Km, and encompassing approximately 54 turbines and 49 sluice gates. The applicant is exploring options to include a marina with 200+ berths, a roll on roll off ferry terminal, two sea locks, and berthing facilities for cruise ships as well as encompassing a leisure park. The scheme could assist in managing coastal erosion and flood risk, and the aim would be to facilitate regeneration in the area.

## **Outline of work done to date:**

LBSP explained that the project is at an early stage of examining the feasibility and viability of lagoon options. Work is ongoing to look at potential construction costs and energy yield. Following this LBSP are intending to carry out full optioneering studies to consider planning and environmental issues.

The Inspectorate noted that any components of the current scheme are subject to change however suggested that LBSP would, as a matter of priority, need to consider their consenting approach. This includes whether all elements would be included in the Development Consent Order (DCO) application under PA 2008 or whether any other consents may be required including those under the Town and Country Planning Act 1990. It was also suggested that LBSP should seek advice about which category the development may fall under within the PA 2008, and whether it may be categorised as offshore or onshore development as the thresholds are different (50MW and above for onshore, 100MW and above for offshore).

The Inspectorate advised LBSP to ensure that they understand the environmental viability of the project and recognise what information needs to be provided. The Inspectorate advised that a scheme of this nature would require extensive work to understand the environmental effects of any options and of the preferred scheme, as well as to identify necessary mitigation. The applicant was advised to seek professional advice on these matters in order to inform their programme for developing an application for development consent.

In relation to any consultation to be undertaken, the Inspectorate advised that wider consultation may be required when projects are located within rural communities. LBSP stated that they have been in talks with West Somerset Council which prompted the council to hold a tidal lagoon forum. The applicant has also met with National Grid, Crown Estate, the local district council and the local Member of Parliament. The applicant stated that so far the public response has been good.

The Inspectorate identified that were LBSP to proceed in applying for consent under the PA2008, then there are specific mandatory requirements in relation to consultation at the pre-application stage, including the need to consult with the public and a wide range of bodies prescribed in the relevant legislation.

### **Next steps for project**

LBSP will be in a better position to set out a programme to submission in November 2014. The inspectorate noted that the pre- application stage for NSIP projects can be extended up to a number of years, especially where there are complex environment issues that require extensive surveys and assessment to be undertaken.

With regards to compulsory acquisition (CA), LBSP explained that they have been carrying out diligent inquiries to obtain information about land interests. The Inspectorate advised that one consideration when analysing the financial projections for the project would be any potential compensation costs required for CA. The Inspectorate advised that should CA be required, the applicant would need to demonstrate how the case for CA addresses the relevant requirements for CA including demonstrating the need to acquire land and the position in relation to funding.

### **The role of the Planning Inspectorate at pre-application**

The Inspectorate explained key features of the PA 2008 – emphasising the need to front load the process and that there is little scope for changing the application after it is submitted. The PA 2008 process is guided by National Policy Statements (NPS), which set out the policy framework, however it should be noted they do not specifically address tidal lagoons. The Planning Act sets out the framework for making a decision. The DCO can include a number of consents. As this development includes construction in the marine environment it is likely that a marine licence will be deemed within the DCO.

To assist with this, the Inspectorate will provide LBSP with a Consents Service Unit (CSU) contact. CSU is based within the Planning Inspectorate but separate to the National Infrastructure Directorate and can assist with advising on obtaining various non-planning consents, as set out in their prospectus available on the Planning Portal website.

The Inspectorate advised the following to be considered in developing a timetable for preparing an application:

It is best practice to request a screening or scoping opinion once the project is developed in its main components. Further information on this and its relationship to consultation can be found in Advice note [Three](#). The Inspectorate also advised on the main components of the pre-application process, consultation requirements and statutory timescales, however this was generic information at this stage, LBSP were advised to consider all the advice notes that the Inspectorate had produced to date to assist in planning the pre-application stage of the project.

The Inspectorate advised that it is important to seek professional planning, environmental and legal advice to assist LBSP in setting out any timetable as the PA 2008 is prescriptive in setting out an order in which activities need to take place. The pre-application period can be as long as is required to ensure that the application is

fully developed, fit to be examined and as many issues as possible have been resolved and agreed with prescribed bodies before submission.

The Inspectorate proposed that a further meeting be scheduled once the timetable for the pre-application stage had been drafted by LBSP.