



Meeting note

Project name	Morlais Tidal Array Energy Project
File reference	EN010095
Status	Final
Author	The Planning Inspectorate
Date	15 March 2018
Meeting with	Menter Môn Cyf and Welsh Government
Venue	Temple Quay House
Attendees	The Planning Inspectorate Chris White - Infrastructure Planning Lead Hefin Jones - Case Manager Karl Jonas-Johansson - Case Officer David Price - EIA and Land Rights Manager Welsh Government Lewis Thomas - Head of National Consenting (Dialling in) Teresa Davies - Head of Decisions Branch (Dialling in) The Applicant Fiona Moffatt - Project Manager (Royal HaskoningDHV) Frank Fortune - Technical Director (Royal HaskoningDHV) James Orme - Technical Project Lead (Juno Energy) Graham Morley - Project Manager (Menter Môn) Gerallt Jones - Senior Responsible Officer (Menter Môn) (Dialling in)
Meeting objectives	Inception meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely. The Inspectorate explained that the publication of the meeting note could be delayed up to six months, or until a formal scoping request had been submitted.

Introduction

The project is located off the west coast of Holy Island in Anglesey, North Wales. The Applicant has secured a 45 year lease of the seabed needed for the tidal array zone. The zone will be sub-divided for use by multiple tenants and a variety of technology options. The project will be funded by various funding streams and the money will be released when project milestones are met. It was clarified that the timescale for the project is heavily influenced by available access to European Union funding. The tidal array will be able to generate up to 240 MW using the tidal stream technologies. The Applicant has already submitted a connection agreement application to National Grid for a 180MW connection. The Project is proposed to connect to the grid on Holy Island but this is to be

confirmed. The Applicant is expecting to freeze the design envelope for the project in April 2018.

Tidal Array

The turbine array will start 500m out to sea and end 3km from the shore. The technology for the array has yet to be determined but having regard to the options it is considered unlikely they will have a prominent visual impact. For navigational reasons, the array will be marked with buoys which may be lit.

Landfall

Due to the local geology the cables from the array to the shore might have to be laid using trenches rather than horizontal drilling. The Applicant is currently considering 2-3 options for the cable landfall point. The Applicant confirmed it had scoped the landfall site. The landfall site is close to South Stack Cliffs RSPB reserve. According to the Applicant the reserve will not be significantly impacted by the project.

Environmental Issues

The Applicant acknowledged that there are a variety of designations in locality to the Proposed Development including the coastal Special Protection Areas and an Area of Outstanding Beauty. The requirement to assess if the project has the potential to impact on birds and fish was briefly discussed including the available techniques to model collision risk. The Applicant clarified that the potential for noise impact on marine mammals would be assessed in the context of an already noisy underwater environment. The Applicant informed the Inspectorate of its intent to compile two years' worth of published marine mammal survey data as agreed with Natural Resources Wales (NRW). The Applicant has collected almost two years of bird survey data. At this point in time it was not clear if benthic surveys would be needed. Geophysical surveys are planned for later this year as are terrestrial walk-over surveys.

The Applicant informed the Inspectorate that it intended to submit the Marine Licence application to NRW at the same time as the Development Consent Order (DCO) application.

Engagement

The Applicant confirmed that it was discussing the project with NRW, the Marine Management Organisation, Isle of Anglesey County Council (IoACC), Welsh Government (WG), RSPB, local fishermen and the local communities. It was confirmed that the Applicant would enter into a Planning Performance Agreement with IoACC. The Inspectorate highlighted that the timing of the Wylfa Newydd and North Wales Connection projects could have an impact on how people engaged with the project.

Compulsory Acquisition and Crown land

The Inspectorate highlighted to the Applicant that it may require Compulsory Acquisition powers to lay cables along the road network. It was further clarified that any Compulsory Acquisition needed to be robustly justified in the application. The Applicant confirmed it would have appropriate legal support.

Consenting Options

The Applicant's preferred option is to seek consent under the PA2008 due to the certainty afforded through its statutory timeframes. WG highlighted that some decisions by the Secretary of State for Business, Economy and Industrial Strategy (BEIS) were extended beyond the statutory deadlines. The Inspectorate clarified that there were specific and sometimes complex reasons surrounding this. It was also explained that if the application is not accepted for Examination by 1 April 2019, it could not proceed under the PA2008 and would instead revert to the most appropriate consenting regime believed to be the Electricity Act 1989.

The Inspectorate pointed to relevant issues to be considered in preparing a DCO application to the timescales described. The Applicant explained that it was aware of the issues when trying to prepare the DCO application for submission within a year. WG highlighted that if the DCO application was not accepted before the 1 April 2019, any Screening or Scoping Opinion issued by the Secretary of State would not carry any legal weight and the process would need to be carried out (in whole or in part) afresh by WG on behalf of the Welsh Ministers.

The WG highlighted that it might be possible for the Applicant to seek consent using a Transport and Works Act Order. The Applicant intends to pursue their own advice on this matter.

Project timeline

The Applicant informed the Inspectorate that it would submit the Scoping Request on Monday 19 March 2018. *[Post Meeting note - the scoping request was not received by the Inspectorate on this date; please see attached notification of withdrawal letter]* The Applicant was advised to ensure that the request for a Scoping Opinion was accompanied by a clearly made notification in accordance with Regulation 8(1)(b) of the National Infrastructure (Environmental Impact Assessment) Regulations 2017. The Applicant was advised to avoid carrying out any of its own consultation during the scoping consultation period.

The Applicant confirmed that it had not submitted its Statement of Community Consultation to IoACC.

The Inspectorate advised that in view of the 28 day acceptance deadline, the application must be submitted by the start of March 2019 for it to follow the PA2008. In order to help inform the acceptance stage, the Inspectorate advised that it can carry out a review of draft documents prior to the formal submission of the application.

Any other business

The Applicant confirmed that it was aware of the General Data Protections Regulations that are coming into effect in May 2018.