

Report of the Head of Economic Regeneration & Planning

Development Management and Control Committee

3 July 2014

SWANSEA BAY TIDAL LAGOON LOCAL IMPACT REPORT AND WRITTEN REPRESENTATION

Purpose:	To appraise the impact of the tidal lagoon proposals on the City and County of Swansea and to recommend a Local Impact Report and Written Representations to the Planning Inspectorate Examining Authority on behalf of this Council along with other recommendations to deal with the procedural aspects of the examination process, including dealing with matters within a Statement of Common Ground and responses to Inspectors questions.
Policy Framework:	National Policy Statements, Planning Policy Wales and the adopted City & County of Swansea Unitary Development Plan.
Reason for Decision:	To provide a response to the Planning Inspectorate Examining Authority on the impacts of the proposed tidal lagoon on the City & County of Swansea and to allow full engagement within the examination process.
Consultation:	Legal Services, Finance, Equalities, Technical Services, Pollution Control, Sustainable Development, Culture, Tourism, Sport and Leisure, Economic Regeneration, Economic Development, Nature and Conservation, Marina Manager and Glamorgan Gwent Archaeological Trust.
Recommendation(s):	It is recommended: <ol style="list-style-type: none">1. That the Local Impact Report be accepted as the Local Impact Report for the City & County of Swansea and be submitted to the Examining Authority of the Planning Inspectorate in accordance with the timetable for the examination process.2. That delegated powers be granted to the Head of Economic Regeneration and Planning to make minor amendments to the Local Impact Report to rectify such matters as typing or grammatical errors.

3. That the findings of Kenneth Pye Associates and White Consultant's be accepted and presented to the Examining Authority of the Planning Inspectorate as representing the views of the City & County of Swansea and formally form part of the Council's Local Impact Report.
4. That the Written Representation be accepted as the Written Representation for the City & County of Swansea and be submitted to the Examining Authority of the Planning Inspectorate in accordance with the timetable for the examination process along with a summary version.
5. Delegated powers be given to the Head of Economic Regeneration and Planning to formally contribute to a Statement of Common Ground to be submitted to the Examining Authority of the Planning Inspectorate in accordance with the timetable for the examination process and within the terms of Council's Local Impact Report and Written Representations.
6. Delegated powers be given to the Head of Economic Regeneration and Planning to formally respond to the Examining Authority's Inspector questions in accordance with the timetable for the examination process during the course of the examination and also to make comment on the submissions of other parties, including the applicant.
7. Delegated powers be given to the Head of Economic Regeneration and Planning to formally represent the views of the City & County of Swansea in any topic specific hearing and subsequent requirements in accordance with the timetable for the examination process during the course of the examination, within the terms of the Council's Local Impact Report and Written Representation

Report Author:

Richard Jones

1.0 Introduction

- 1.1 Members will recall that a report was presented to this Committee on the 29th August 2013 to firstly inform Committee of the formal Section 42 pre-application consultation by Tidal Lagoon Swansea Bay Ltd in respect of their proposals to design, construct and operate a tidal lagoon for the purpose of generating renewable energy in Swansea Bay. The second main purpose of the report was to appraise the supporting Preliminary Environmental Information Report (PEIR), highlight any deficiencies, areas of concern, points of clarification and suggestions for improvements to the proposed scheme in order to inform a recommendation to members for a response to Tidal Lagoon Swansea Bay Ltd to their formal pre-application consultation. It was resolved that:
- Tidal Lagoon Swansea Bay Ltd be forwarded a copy of the report and take note of the concerns set out and request continued liaison with the City & County of Swansea on the design evolution of the scheme and associated Environmental Impact Assessment.
 - Tidal Lagoon Swansea Bay Ltd be provided with a copy of the “Review of Preliminary Environmental Report: Seascape, Landscape and Visual” prepared by White Consultants on behalf of the City & County of Swansea and that Tidal Lagoon Swansea Bay Ltd be requested to note and address the findings of the report.
 - Tidal Lagoon Swansea Bay Ltd be provided with copies of the unsolicited representation received.
 - Members delegate the response on technical matters relating to the forthcoming informal consultation on the draft Environmental Statement to Officers.
 - That the Planning Inspectorate be advised in due course that the City and County of Swansea considers that Tidal Lagoon Swansea Bay Ltd has adequately consulted with the Local Planning Authority and provided adequate supporting information to comply with its duties to consult under Section 42 of the Planning Act 2008.
- 1.2 The project is an offshore generating station, which would have a nominal rated capacity of 240 MW. Consequently, the project is a nationally significant infrastructure project (NSIP) as defined in the Planning Act 2008 with a generating capacity above a threshold of 100MW
- 1.3 Accordingly, an application for a development consent order (DCO) has been made to the Secretary of State for Energy and Climate Change (the Secretary of State), via the Planning Inspectorate, to authorise construction and operation of the generating station and its component parts. These include both offshore and onshore elements of the project and the electrical grid connection works and recreational amenities which form part of the seawalls and/or the onshore operation and maintenance facilities.

- 1.4 The application has been formally accepted for examination and an 'Examining Authority' has been appointed by the Secretary of State for Communities and Local Government to examine the application. The Examining Authority is from the Planning Inspectorate, and comprises, in this instance, a panel of five Inspectors.
- 1.5 The Examining Authority (ExA) subsequently held a Preliminary Meeting (PM) on the 10th June 2014, the purpose of which was to set out the procedure for examining the application, including, setting the timetable for making more detailed written representations.
- 1.6 Following on from the PM, the formal examination stage of the application commenced on the 11th June 2014. The ExA has six months to carry out the examination and a further 3 months to prepare a report on the application to the Secretary of State, including a recommendation. The Secretary of State then has a further 3 months to make the decision on whether to grant or refuse development consent. Once a decision has been issued by the Secretary of State, there is a six week period in which the decision may be challenged in the High Court. This process of legal challenge is known as Judicial Review.
- 1.7 As the project lies within Welsh waters, an application for a Marine Licence has also been made to the Marine Licensing Team within Natural Resources Wales.
- 1.8 In order to construct and operate the project the applicant will undertake two licensable activities: construction of marine energy works; and dredging and disposal of dredged material. The requirement for a Marine Licence is broadly defined by works taking place in the offshore environment that affect the seabed or the movement of materials related to it. In determining an application for a Marine Licence the licensing authority must have regard to: (a) the need to protect the environment; (b) the need to protect human health, (c) the need to prevent interference with legitimate uses of the sea.

2.0 The Site and its Surroundings

- 2.1 The red line boundary of the project, encompassing all the elements proposed and the maximum extent of land over which powers are sought, is shown below.



- 2.2 The main focus of the application site essentially comprises the southern edge of Swansea Docks and formerly associated industrial land from the eastern side of the River Tawe to the eastern edge of the new Swansea University Bay Campus and the foreshore and seabed of part of Swansea Bay between the dredged channels of the Rivers Tawe and Neath.
- 2.3 The site is primarily focused within the administrative area of the City & County of Swansea and Welsh Territorial Waters other than the eastern landfall of the lagoon and grid connections, which fall within Neath Port Talbot County Borough Council (NPT).
- 2.4 The applicant does not currently own any part of the application site, but is negotiating for its acquisition and is also applying for powers of compulsory acquisition.

3.0 Summary of the Proposed Scheme

- 3.1 Tidal Lagoon Swansea Bay Ltd proposes to design, construct and operate a tidal lagoon for the purpose of generating renewable energy. This will be achieved by harnessing the power of the high tidal range in Swansea Bay.
- 3.2 As illustrated below, the lagoon created as part of the project would enclose an area of approximately 11.5km² of seabed and foreshore of Swansea Bay to create the lagoon. The associated seawalls would be approximately 9.5km in length and extend in a distorted U-shape from the eastern side of the River Tawe to the eastern edge of the new Swansea University Bay Campus, in Neath Port Talbot County Borough Council (NPT).



- 3.3 The seawall would be a maximum of 107m wide at the base of the deepest section, adjacent to the turbine and sluice gate housing and would narrow as it extends towards the landfalls to a minimum width of 40m. The visible height of the seawalls above the water level measured at the highest point would be approximately 4m at high tide and 12.5m at low tide.
- 3.4 The seawall would have a sediment core held in place by a casing of sediment-filled geotextile tubes, known as Geotubes® or dredged or imported gravels. The outside of the structure would be covered in rock armour of various sizes, depending on its level of exposure. The sand used to form the walls would be taken from within the lagoon footprint whilst the rock armour would be brought in by sea to provide the outer protection. The crest of the seawall would include provision of an access road which will be used for the operation and maintenance of the Lagoon as well as for visitors.
- 3.5 The hydro turbines located within the turbine and sluice gate housing would be bi-directional, meaning they are able to generate power with flows of water in both directions. There would be up to 16 turbines, each one around 7m in diameter, and all located permanently underwater. There would also be up to ten sluice gates; these are large gates which will be underwater and able to let seawater in and out of the Lagoon, and so controlling the water passing through the turbines, as required.
- 3.6 To generate electricity, as the sea starts to rise (flood tide) from low tide level, water is prevented from entering the Lagoon for an average of 2.5 hours, which creates a difference in water levels known as 'head'. Once sufficient head has been reached, the water is allowed to flow into the Lagoon through the turbines, turning the runner and generating electricity. This process is repeated on the ebb tide, where the water is prevented from leaving the Lagoon until there is sufficient head to start the process again. The project would generate electricity four times per day (on each of two ebb and flood tides) totalling, on average, 14 hours of generation every day.
- 3.7 Towards the end of the ebb or flood tide the sluice gates would be opened. This is to empty or fill the Lagoon as quickly as possible before low or high tide level. By doing this, it ensures that the Lagoon water level is as close to the outside sea level as possible, before the tide starts to rise or fall again. This is to maximise electricity generation and to keep the intertidal area as close as possible to that occurring naturally outside the Lagoon. An option to pump the seawater at the end of the tide is also being investigated to further equalise seawater levels.
- 3.8 The electricity generated would be fed into the National Electricity Transmission System (NETS) via National Grid's substation in Baglan by way of an underground cable connection from the generating station. The Lagoon would have a nominal rated capacity of 240 Megawatts (MW), generating 400GWh net of electricity on an annual basis, which is enough to power around 121,000 homes.
- 3.9 In addition to generating electricity, the project aims to provide visitor facilities and other amenities including art, education, mariculture and sporting/recreational facilities. The seawall is expected to be open to the public during daylight hours for walking, running, cycling, fishing etc, though access would be controlled in extreme weather.

- 3.10 The needs of the project have been encompassed in an overarching Masterplan designed around three core areas, namely: the Offshore Building; the western landfall; and the eastern landfall. The Masterplan aims to link these three areas and the seawalls of the Lagoon to the land. It is stated that the public realm of the project has been designed as a 'marine park' with four offshore and onshore character areas reflecting their context and use. These are: the Broad Seaward Park, Narrow Seaward Park, Landward Urban Park and Landward Ecological Park. A circular route around the four parks would be provided for visitors to the lagoon as well as O&M access.
- 3.11 It is proposed to construct an offshore building as part of the turbine housing structure to accommodate the main operational and maintenance (O&M) with integral visitor centre, leisure facilities and public realm. The building would be a maximum of three storeys high.
- 3.12 The western landfall will also include a three storey building providing functional space for the O&M requirements of the project. The building will also allow controlled access to the western seawall and water sports facilities and a visitor orientation and public information space. Externally there would be 300 car parking spaces, coach parking, a slip way access to the lagoon, boat storage, a play area, soft and hard landscaping including a beach.
- 3.13 The main vehicular access routes would be from Fabian Way via a new project access road with combined footpath and cycleway constructed from Langdon Road. A shuttle bus is proposed linking the existing Park & Ride facility on Fabian Way, the western landfall, and the Offshore Building, subject to investigation of its viability. Facilities are also proposed on the western seawall to support a potential water shuttle service linking the existing pontoon on the west bank of the Tawe to the Lagoon facilities.
- 3.14 At the end of the operational lifetime of the Project (anticipated to be some 120 years), two potential options for decommissioning are being put forward:
1. Replace, upgrade and extend the life of the power generating station; or
 2. Remove the turbines and sluice gates leaving the seawalls and housing structure in place and allowing continued leisure use of the impounded area.
- 3.15 A detailed description of the proposal is provided as Appendix 1.

4.0 Planning Policy

4.1 National Policy Statements

- 4.1.1 On 18th July 2011 the House of Commons debated and approved the six National Policy Statements for Energy (NPS). On 19th July 2011, the Secretary of State for Energy and Climate Change designated the NPSs under the Planning Act 2008.

4.1.2 The energy NPSs set out national policy against which proposals for major energy projects will be assessed and decided on by the Planning Inspectorate. The Planning Inspectorate will use NPSs in its examination of applications for development consent, and Ministers will use them when making decisions. (Under the Planning Act 2008 the Secretary of State must also have regard to any local impact report submitted by a relevant local authority.)

4.1.3 The NPSs of relevance to this application are:

- Overarching Energy National Policy Statement (EN-1);
- Renewable Energy Infrastructure National Policy Statement (EN-3); and
- Electricity Networks Infrastructure National Policy Statement (EN-5).

4.1.4 NPS EN-1 sets out:

- The high level objectives, policy and regulatory framework for new nationally significant infrastructure projects;
- The need and urgency for new energy infrastructure to be consented and built with the objective of contributing to a secure, diverse and affordable energy supply and supporting Government's policies on sustainable development, in particular by mitigating and adapting to climate change;
- Key principles to be followed in the examination and determination of applications;
- Policy on the assessment of impacts which are common across a range of the technologies (generic impacts).

4.1.5 Given the urgency of need for renewable energy infrastructure, it is stated that the Secretary of State should start with a presumption in favour of granting consent to applications for energy NSIPs.

4.1.6 It is stated that this presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused or if the proposal will result in adverse impacts from the development outweighing the benefits. In considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:

- Its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and
- Its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.

4.1.7 In this context, NPS EN-1 states that the Secretary of State should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels. These may be identified in this NPS, the relevant technology-specific NPS, in the application or elsewhere (including in local impact reports).

4.1.8 NPS EN-3 contains policy specifically relating to renewable energy infrastructure and is designed to be read in conjunction with EN-1. The infrastructure covered by this NPS comprises energy from biomass and/or waste, offshore wind and onshore wind. The NPS does not cover other types of renewable energy generation that at the time of publication were not technically viable, such as schemes that generate electricity from tidal stream or wave power. It was expected that tidal range schemes may be the subject of applications within the near future and government is, therefore considering the need for either a revision to this NPS or a separate NPS to provide the primary basis for decision-making under the Planning Act on such schemes.

4.1.9 Although Tidal Lagoon Swansea Bay Ltd now submit that tidal power is now economically and technically viable, Government has not yet indicated when it intends to address the situation on directly applicable NPSs.

4.1.10 NPS EN-3 clarifies that the Secretary of State should have regard to Planning Policy Wales and advice issued by Welsh Government relevant to renewables and expect applicants to have taken them into account when working up their proposals.

4.1.11 NPS EN-5 is concerned with impacts and other matters which are specific to electricity networks infrastructure or where, although the impact or issue is generic and covered in EN-1, there are further specific considerations arising from this technology. The policies set out in this NPS are additional to those on generic impacts set out in EN-1.

4.2 *Planning Policy Wales*

4.2.1 Planning Policy Wales (Edition 6) (PPW) states that in determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- The wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- The impact on the natural heritage, the Coast and the Historic Environment;
- The need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- Ways to avoid, mitigate or compensate identified adverse impacts;
- The impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- Grid connection issues where renewable (electricity) energy developments are proposed; and
- The capacity of and effects on the transportation network relating to the construction and operation of the proposal.

4.2.2 Planning Policy Wales Technical Advice Note 8: Planning for Renewable Energy sets out the land use planning considerations of renewable energy and advises that in order to meet WG renewable energy targets that 800MW of additional installed capacity is required from onshore wind sources and a further 200MW of installed capacity is required from offshore wind and other renewable technologies.

4.2.3 It is advised that although generally supported, there could be occasions where some hydro schemes are unacceptable because of potential ecological damage. It states that all of the parties involved should work constructively to find acceptable solutions.

4.3 *City & County of Swansea Unitary Development Plan*

4.3.1 The preamble to City & County of Swansea Unitary Development Plan (UDP), Policy R11 sets out the Council's support for Welsh Government's policy for strengthening renewable energy production, and recognises the long-term benefits to be derived from the development of renewable energy sources. It is recognised that renewable energy technologies can have a positive impact on local communities and the local economy in terms of monetary savings and in generating and underpinning economic development within the County. There are however concerns about the impacts that some renewable energy technologies can have on the landscape, local communities, natural heritage and historic environment, nearby land uses and activities. The Council therefore seeks to achieve a balance between supporting renewable energy proposals whilst avoiding significant damage to the environment and its key assets. It is explained that favourable consideration will be given to developments that produce or use renewable energy where such proposals conform with UDP policies and are in scale and character with their surroundings.

4.3.2 To this end Policy R11 states that proposals for the provision of renewable energy resources, including ancillary infrastructure and buildings, will be permitted provided:

- i. The social, economic or environmental benefits of the scheme in meeting local, and national energy targets outweigh any adverse impacts,
- ii. The scale, form, design, appearance and cumulative impacts of proposals can be satisfactorily incorporated into the landscape, seascape or built environment and would not significantly adversely affect the visual amenity, local environment or recreational/tourist use of these areas,
- iii. There would be no significant adverse effect on local amenity, highways, aircraft operations or telecommunications,
- iv. There would be no significant adverse effect on natural heritage and the historic environment,
- v. The development would preserve or enhance any conservation areas and not adversely affect listed buildings or their settings,
- vi. The development is accompanied by adequate information to indicate the extent of possible environmental effects and how they can be satisfactorily contained and/or mitigated,
- vii. The development includes measures to secure the satisfactory removal of structures/related infrastructure and an acceptable after use which brings about a net gain where practically feasible for biodiversity following cessation of operation of the installation.

4.3.3 The above sets out the main national and local planning policy principles that apply to this proposal. A significant amount of other relevant planning policy is considered as part of the Local Impact Report.

5.0 The process and involvement of the City & County of Swansea

5.1 Under the provisions of the Planning Act 2008, the City & County of Swansea has the status of 'relevant local authority' for the purpose of this application, on the basis that part of the application proposals are located within the administrative boundary of the County, and, adjacent to it.

5.2 As a relevant local authority, the City & County of Swansea has been invited to submit a local impact report (LIR) to the ExA, giving details of the likely impact of the proposed development on this Authority's area.

5.3 In coming to a decision, the ExA and Secretary of State must have regard to any LIRs that are submitted by the deadline. The Planning Inspectorate strongly encourage local authorities to produce LIRs when invited to do so.

5.4 The sole definition of an LIR is given in s60(3) of the Act as '*a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)*'. The Planning Inspectorate's Advice Note 1: Local Impact Reports (April 2012) advises that the LIR should be used by local authorities as the means by which their existing body of local knowledge and evidence on local issues can be fully and robustly reported to the ExA.

5.5 The report should consist of a statement of positive, neutral and negative local impacts, and their relative importance together with an assessment of the development's compliance with planning policy and the Authority's view on the DCO.

5.6 The LIR does not need to contain a balancing exercise between positives and negatives as this will be carried out by the ExA, nor should the LIR state opinions on the development itself. Moreover, there is no need for the LIR to replicate the EIA. Nor is it necessary to replicate any assessment already produced in respect of the site such as those included in National Policy Statements. Rather, the advice is that LIR's should draw on existing local knowledge and experience and therefore cover any topics considered relevant to the impact of the proposed development on their area.

5.7 As an LIR does not include the Local Planning Authority's position on the proposed development, it open to relevant authorities to submit a separate Written Representation (WR) if it wishes to express a particular view on any aspect of the development or whether the application should be granted.

5.8 The Local Authority is also required to agree to a Statement of Common Ground (SoCG), which is a written statement prepared jointly by the applicant and other parties, setting out any matters on which they agree and identifying matters where agreement has not been reached. This will be an iterative document that will evolve during the course of the examination.

- 5.9 Also during the course of the examination, the Local Planning Authority will be required to respond to specific questions raised by the ExA. The first round of questions were posed by the ExA on the 16th June 2014. The Local Authority will also have opportunity to comment on representation and responses to questions made by other interested parties and the applicant during the course of the examination.
- 5.10 Following the PM, the ExA has now made its procedural decisions about the way in which the application is to be examined and the timetable for the submission of the aforementioned documents. The timetable is provided as Appendix 2.
- 5.11 The examination of the application will primarily be a consideration of written representations about the application, along with any oral representations made at the open floor and topic specific hearings. Issue specific hearings are held only if the ExA considers they are necessary to ensure adequate examination of an issue or that an interested party has a fair chance to put forward their case.
- 5.12 An open floor hearing can be requested by anyone who has registered and made a relevant representation or by other interested parties. The dates for the hearings are set out in the examination timetable provided at Appendix 2.
- 5.13 The first significant deadline for this Authority is Deadline II (8th July) by which time it must submit its LIR, WR, contribution to the SoCG and response to the Inspector's first round of questions.

(The Local Planning Authority has already confirmed, in accordance with Deadline I on the 24th June 2014 that it reserves the right to attend and participate in all of the hearings arranged as well as providing requests for specific locations to be included in the formal site visits by the ExA.)

- 5.14 Under the terms of the draft DCO, the role of CCS would fundamentally change should consent be granted for the tidal lagoon scheme. In this respect, CCS would become the single Local Planning Authority (and Pollution Control Authority) for matters such as discharge of conditions (known as requirements in this process), obligations and enforcement. For this, the DCO proposes that seaward of the high water springs and that part of the application site located within Neath Port Talbot County Borough Council (NPT) be effectively annexed to CCS.
- 5.15 In this respect it is normal practice for the Authority with the greatest share of the application site to be the determining Authority. The benefits to CCS is that it will have control over significant matters affecting the County but will have significant resource issues at a time when such resources are already stretched. In this respect the draft DCO also sets out the expected procedures for CCS in discharging the requirements of the scheme. It is considered that a number of these procedures are unreasonable, onerous and resource intensive. Accordingly, submissions to this effect are contained with the LIR along with a suggested requirement for the applicant to fund one full time senior planning officer and one full time supporting technical officer in order to meet any finally agreed procedures. This would be resolved by way of a Planning Performance Agreement.

6.0 Submissions

- 6.1 A LIR has been prepared on behalf of the City & County of Swansea in consultation with all relevant Service Areas of the Council and its archaeological advisors. A copy of the LIR, which has been produced in accordance with the Planning Inspectorate's Advice Note 1: Local Impact Reports (April 2012) and best practice examples, is provided as Appendix 3. Copies of the internal responses received, which have helped inform the LIR, are reproduced in full as Appendix 4. (No external consultation has taken place with statutory consultees such as Natural Resources Wales, who is a registered interested party in its own right and will make submissions directly to the ExA.)
- 6.2 The main material considerations with regard to the proposal are set out below and are considered within the appended LIR.
- Principle of development
 - Seascape, landscape and visual impact
 - Design and public realm
 - Cultural heritage and terrestrial and marine archaeology
 - Coastal processes, sediment transport and contamination
 - Intertidal and subtidal benthic ecology
 - Fish, including recreational and commercial fisheries
 - Marine mammals and turtles
 - Coastal birds
 - Terrestrial ecology
 - Marine water quality assessment
 - Land quality and hydrogeology
 - Onshore transport assessment/highways, traffic, car parking, access and pedestrian movements
 - Navigation and marine transport assessment
 - Air quality
 - Hydrology and flood risk
 - Residential amenity
 - Economy, Tourism and Recreation
 - Sustainability
- 6.3 Given the nature of the proposed development and that the specialism is not available within the Council, White Consultants have been commissioned by the City and County of Swansea to review the seascape and landscape visual impact assessment (SLVIA). A copy of the final report from White Consultants is provided is Appended to the LIR.
- 6.4 Again, for specialism reasons, the City & County of Swansea has also commissioned Kenneth Pye Associates Ltd Research, Consultancy and Investigations to consider the potential impacts of the lagoon on coastal processes, sediment transport and rates of sediment accretion and erosion along the CCS bay frontage. A copy of the report by Kenneth Pye Associates Ltd is also appended to the LIR.
- 6.5 As set out above, it is recommended that the findings of Kenneth Pye Associates and White Consultant's be accepted and presented to the ExA as representing the views of the City & County of Swansea and formally form part of the Council's Local Impact Report.

- 6.6 In accordance with the issues raised in the LIR, Written Representation has been prepared which sets out the recommended position for the City & County of Swansea. This is provided as Appendix 5.
- 6.7 As set out above, CCS is required to formally agree to a SoCG. This work is currently ongoing and will be an iterative process. It is recommended therefore that delegated powers be given to the Head of Economic Regeneration and Planning to formally contribute to a SoCG in accordance with the timetable for the examination process and within the terms of Council's Local Impact Report and Written Representations.
- 6.8 The Council is also now in receipt of the Inspectors first round of questions. These are set out in Appendix 6. The appended LIR addresses many of these questions whilst responses to the residual matters are currently being prepared.
- 6.9 There will be further rounds of questions through the duration of the examination and the advice given by the Planning Inspectorate is that local authorities should ensure any necessary internal authorisation processes are in place to meet the timetable. It is stressed that such are the timescales for responses to Inspector's questions etc that it will not be possible to seek authorisation from Committee.
- 6.10 It is recommended therefore that delegated powers be granted to the Head of Economic Regeneration and Planning to formally respond to the Examining Authority's Inspector questions in accordance with the timetable for the examination process during the course of the examination and also to make comment on the submissions of other parties, including the applicant.
- 6.11 Similarly, additional delegated powers are sought to be granted to the Head of Economic Regeneration and Planning to formally represent the views of the Council in any topic specific hearing and subsequent requirements in accordance with the timetable for the examination process during the course of the examination, within the terms of the Council's Local Impact Report and Written Representation.

7.0 Financial Implications

- 7.1 CCS does not receive a fee for the application which has been made to the Planning Inspectorate. The cost of Officer time therefore falls to the Council. The applicant has however advised that it is willing to pay the costs for the Council's external consultants.
- 7.2 Should the DCO be granted for the proposed development, CCS will be required to discharge and enforce the requirements of the Order for geographical areas in addition to its own administrative area. The appended LIR addresses the resource implications of this work and suggests that dedicated officer posts are funded by the applicant and that fees are paid to the Local Planning Authority to discharge the requirements of the Order that are proportional to the submission.

8.0 Legal Implications

- 8.1 The submission is subject to a detailed legal regime under the Planning Act 2008 and the associated Regulations.
- 8.2 The application includes a draft DCO and Heads of Terms for a Section 106 Obligation. Comments on the same are provided within appended LIR.

9.0 Equalities and Engagement Implications

- 9.1 A high profile initiative such as this will require a full Equalities and Engagement Implications report. Although the planned work is not thought to affect all protected groups, factors such as access and social inclusion (already covered in some detail in the LIR) will need to be considered as work progresses.

Background Papers:

The Planning Act 2008 (as amended), National Policy Statements, Planning Policy Wales, adopted City & County of Swansea Unitary Development Plan and the Tidal Lagoon Swansea Bay Ltd application documents including Environmental Impact Assessment.

Appendices:

- Appendix 1 – Detailed project description
- Appendix 2 – Examination timetable
- Appendix 3 – City & County of Swansea Local Impact Report
- Appendix 4 - Internal consultation responses
- Appendix 5 - City & County of Swansea Written Representations
- Appendix 6– Inspectors first round of questions