

**Phil Jones**

---

**From:** Phil Jones [pmj@abertawe.co.uk]  
**Sent:** 04 November 2014 22:58  
**To:** Swansea Tidal PINS <SwanseaTidal@infrastructure.gsi.gov.uk>  
**Cc:** Andrew Kelton FL <Andrew.Kelton@fishlegal.net>; Ray Lockyer PASAS <ray.lockyer@pasas.org.uk>; Lennard Powell Afan Valley AC <lennard.powell@ntlworld.com>  
**Subject:** RE: EN0100049 Tidal Lagoon Swansea Bay - Extended Deadline 5 Submission by Pontardawe and Swansea Angling Society Ltd  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Blue



PASAS Extended  
Deadline 5 Subm...

Please find attached our (Extended) Deadline 5 Submission.

Our reference: 10026500

Phil Jones

=====  
Phil Jones, Director / Treasurer  
44 Bwllfa Rd, Ynystawe, Swansea, SA6 5AL  
Tel: 01792 843951 Mob: 07957 154992

Pontardawe and Swansea Angling Society Ltd  
www.pasas.org.uk  
Reg'd in Wales No 6736638  
Reg'd Office: 8 Bwllfa Rd, Ynystawe, Swansea, SA6 5AL  
=====

1. ADAPTIVE ENVIRONMENTAL MANAGEMENT PLAN – AEMP

- a. We set out in our Deadline 5 submission the problems with the Deadline 4 (7<sup>th</sup> October) version of the AEMP. The applicant submitted a further substantially revised version at Deadline 5, 28<sup>th</sup> October, on which we had not been consulted.
- b. The revised 28<sup>th</sup> October version:
  - i. goes into more detail about the use of rod catches to monitor effects;
  - ii. proposes greater use of juvenile salmonid monitoring;
  - iii. proposes smolt tagging studies.but it is still wholly inadequate as far as we are concerned. We asked the applicant on 24<sup>th</sup> October to involve us in discussions with NRW about further improvements but they tell us that they and NRW are busy working on submissions and are unable to meet.
- c. We'll respond to the latest version in more detail by Deadline 6, which is hardly satisfactory, but we include here some brief points:
  - i. We've explained the problems with the use of rod catch data. The power analyses now undertaken merely emphasize the need for more reliable monitoring.
  - ii. Historic Abercrave juvenile sample data are of doubtful value for this purpose for two reasons:
    - (a). An obstruction to migration at Abercrave has been addressed in recent years.
    - (b). Surplus juveniles from a nearby hatchery are believed to have been introduced in the area.
  - iii. Fish passage elsewhere in the system has also varied because of Panteg fish pass becoming less effective and other tributaries being opened up.
  - iv. As we've said before, non-migratory brown trout and migratory sea trout are inextricably linked – they are the same species – so juvenile trout data cannot be used as a measure of effects on sea trout. And effects on brown trout cannot be disregarded.
  - v. The AEMP accepts that the lagoon will kill salmon and sea trout but no mitigation / offset / compensatory measures are proposed. Indeed, measures included in the "DCO Heads of terms" document submitted as part of the application have been relegated and don't feature in current proposals. Salmon and sea trout are in such decline that anglers have been asked by NRW to practice catch and release and not to kill fish. Unmitigated killing of fish by the lagoon is therefore unacceptable.
  - vi. After rejecting the idea previously, the applicant now accepts that tagging studies are desirable. Although baseline tagging studies are now proposed for smolts, nothing is proposed for adult salmon and sea trout.
- d. We maintain that fish counters are essential for the proper monitoring of the effects on salmon and sea trout and made some suggestions in our Deadline 5 submission. We regard this as so important that it should be a requirement in the DCO rather than in the AEMP.
- e. The difficulties that the applicant now has are the result of submitting the application prematurely, without resolving all these points first, as the legislation envisages. We have been complaining about this from the outset. The applicant should not be allowed to benefit from inadequate scrutiny of rushed proposals. This is too little, too late.

2. WATER FRAMEWORK DIRECTIVE – APPLICANT'S ARTICLE 4.7 SUBMISSION

- a. We included in Annex 3 to our Deadline 5 submission a copy of our response to the Deadline 4 (7<sup>th</sup> October) version of the WFD Assessment, which we had supplied to the applicant and NRW on 21<sup>st</sup> October.

- b. The applicant's Article 4.7 submission, supplied to us on 29<sup>th</sup> October, still doesn't address the points we have made:
- i. The applicant still hasn't identified waterbodies correctly. As a result there's no proper assessment of the effect on the main river waterbody "Tawe - confluence with Twrch to tidal limit".
  - ii. The effects on migratory fish in the main river waterbody are only covered (incompletely) in the assessment of the transitional waterbody "Tawe Estuary". That assessment is based on ES conclusions which we dispute.
  - iii. The applicant acknowledges that the project will have physico-chemical effects (salinity, dissolved inorganic nitrogen, dissolved oxygen) above the barrage but there's no assessment of the effect on the status of the river waterbody, or on fish, of those physico-chemical effects.
  - iv. There's no mention of the wholly unnatural conditions in the barrage impoundment, which affect both emigrating smolts and returning adult salmon and sea trout.
  - v. The main river waterbody has just been downgraded for WFD Cycle 2 from Good ecological status to Moderate. We don't know if that has anything to do with the current decline in salmon and sea trout stocks but, if it does, the WFD assessment should take the change into account. (We've asked NRW the reason for the downgrading but not received a reply at the time of writing.)
  - vi. If the project has the potential to affect the WFD status of the main river waterbody, then the applicant needs to address Article 4.8, as well as the Article 4.7 derogation that is sought in respect of the coastal waterbody "Swansea Bay".
- c. As far as the case for an Article 4.7 derogation is concerned, we don't accept that:
- i. (c) the reasons for [the project] are of overriding public interest and/or the benefits to the environment and to society of achieving the [WFD] objectives [...] are outweighed by the benefits of the [project] to human health, to the maintenance of human safety or to sustainable development, and
  - ii. (d) the beneficial objectives served by [the project] cannot for reasons of technical feasibility or disproportionate cost be achieved by other means, which are a significantly better environmental option.
- d. NRW will be more able than us to address these points authoritatively but it strikes us that:
- i. Although there are National Policy Statements in favour of renewable energy, they don't cover tidal range schemes.
  - ii. Whilst construction costs might be funded privately, it would merely be with a view to recovering those costs from the public purse during the first 30 years or so of operation and then generating private profit.
  - iii. The examination has shown that the project could have huge negative impacts, yet it would only generate a trifling amount of electricity – not even enough for domestic consumption in Swansea, let alone commercial and industrial consumption in Swansea and beyond. The contribution to the UK's renewable energy needs – 46 MW on average, not the nominal 240 MW claimed – would be negligible.
  - iv. Alternative sites are available – the applicant claims to have five other sites in mind.
  - v. The only advantage that tidal range has over other renewable energy sources is the reliability of the tide but as the cost of, for example, solar power comes down and methods of storage are developed, that become less advantageous.
  - vi. There must be better ways than this of using a billion pounds of public money to reduce energy consumption and to replace fossil fuels with renewable energy.