

Phil Jones

From: Phil Jones [pmj@abertawe.co.uk]
Sent: 04 December 2014 21:33
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 - Deadline 7 Submission by Pontardawe and Swansea Angling Society Ltd
Attachments: PASAS Deadline 7 Submission 2014-12-04.pdf



PASAS Deadline 7
Submission 20...

Please find attached our Deadline 7 Submission.

Our reference: 10026500

Phil Jones

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1. TLSB's RESPONSES TO DEADLINE 5 AND EXTENDED DEADLINE 5 SUBMISSIONS BY PASAS AND FISH LEGAL

- a. The applicant continues to evade points made by Fish Legal and ourselves, whilst making it look as though it is answering them.
- b. Ideally we'd tabulate these for you but time doesn't allow, so we must ask the ExA, when reading the applicant's "responses" not to rely upon the applicant's selected quotes but to refer back to our actual submissions.
- c. For the avoidance of doubt, none of our submissions have been superseded. Later submissions build upon earlier submissions, which still stand.
- d. Examples of incomplete / misleading replies at Deadline 6:
 - i. Their comments in 6.2 and 6.3 don't address the criticisms in para 1 of Fish Legal's Deadline 5 submission.
 - ii. Their comments in 6.11 and 6.12 don't address the criticisms in para 2 of Fish Legal's Deadline 5 submission.
 - iii. The 0.12% claim for adult salmon in para 6.11 is wrong – that's not what Table 9.22 says, which isn't accepted anyway, because the modelling is flawed, as we keep saying.
 - iv. The dramatic change in the output of the model when details of one smolt track were incorporated merely shows how unreliable the model is, so this serves to confirm our criticisms rather than support their model.
 - v. Their comments in 6.14 to 6.17 don't address points made by Fish Legal. They didn't suggest a Vaki counter (whatever that is) on the Tawe Barrage. They suggested a fish counter (no particular type) on the main stem of the Tawe.
 - vi. Their comment in 6.18 doesn't address the points made by Fish Legal in their Extended Deadline 5 submission.
 - vii. Their comments in 12.1 to 12.3 suggest that revised AEMPs submitted at deadlines 5 and 6 address the points made by us in our Deadline 5 submission but they don't. Eg, our paras 1.a to 1.e. still apply.
 - viii. Their para 12.6 doesn't address our point about possible counter locations above tidal waters.
 - ix. In para 12.12 they say "*TLSB has stated in previous submissions that the video files referenced in the ES and uploaded to the Tidal Lagoon Swansea Bay website were provided to show worst-case examples in the assessment. They are not the basis of every assessment. Rather, many more model runs informed the EIA process. Sensitivity testing was also undertaken to inform the assessment. These model runs include scenarios with approaches of fish from the East, West and under different tides as shown in the tables below. A copy of the information sent to PASAS is provided in Annex 4 of this submission.*" But we've been talking about approaches from the east since the outset (in our response to the PEIR and subsequently) and their failure to show us any videos for scrutiny just makes us suspicious. The minimal information supplied in table form doesn't show where the "starting gate" was, doesn't show dates or details of tides, etc, and gives us no assurance whatsoever.
 - x. Our fundamental challenge to the WFD assessment is avoided in their paras 12.10, 12.20 and 12.21. They deliberately avoid our point about their mis-identification of waterbodies and their failure to assess properly the effects on the main river waterbody "Tawe – confluence with Twrch to tidal limit". Their Article 4.7 derogation report still fails to get this right and it has possible Article 4.8 implications.
 - xi. Etc, etc.

2. DEADLINE 6 AEMP (REVISION 4, 25TH NOVEMBER).

- a. The tracked version shows very little change from the previous version. In particular the “power analysis” of rod catch data remains unchanged.
- b. Our suspicions about the correctness of this analysis, set out by Fish Legal in their Deadline 6 submission, have been confirmed by several experts. The ExA is asked to obtain a specific comment on this by NRW.

Pontardawe and Swansea Angling Society

4th December 2014