

**PLANNING ACT 2008 ("PA 2008")  
THE PROPOSED TIDAL LAGOON SWANSEA BAY (GENERATING STATION)  
ORDER (THE "ORDER")  
PLANNING INSPECTORATE REFERENCE NUMBER: EN010049**

**Applicant's response to submissions made by interested parties at Deadline VII (4<sup>th</sup> December 2014)**

Where no specific response is provided in this document to an interested party's submission, TLSB considers that the issues raised by that interested party have been responded to during the course of the examination, either through written representations and/or during oral hearings.

Where no comment is made, TLSB should not be assumed to accept the position stated and its position is reserved accordingly.

7.

**Pontardawe and Swansea Angling Society**

*General Position: TLSB and PASAS disagree as to the effect of the project on riverine fisheries, TLSB considers that there is sufficient information before the examining authority, which is derived from scientific study on behalf of TLSB, to prefer its evidence. In this regard, TLSB has provided the only model of fish behaviour to the examination and supported it with independent expert witness evidence. No alternative evidence of that nature is before the Panel.*

*TLSB has also made precautionary provision (it does not consider it necessary to do so since it predicts no effect) for the compensation of those injuriously affected as a result of the Project.*

- 7.1. TLSB has never intentionally evaded points made by Fish Legal or PASAS. Where responses have not been given this was felt to have been addressed in previous submissions throughout examination or in comments on that representation.
- 7.2. As stated in the letter sent to PASAS on 27 November 2014 from Mark Shorrocks Chief Executive "As the examination period for the Tidal Lagoon Swansea Bay project draws to a close, I remain keen that we make every effort to reach agreement and provide suitable protection for the fisheries and riparian owners. I believe that it is in the interests of both of us to work together to ensure that disputes are avoided later...."
- 7.3. The letter goes on to say "In an attempt to address the concerns the Society has raised during the examination of our application, we are formally seeking that we meet with you to identify and resolve matters between ourselves and, if you feel it would assist, to submit to mediation with a view to resolving matters outstanding between us."
- 7.4. PASAS have commented that "The 0.12% claim for adult salmon in para 6.11 is wrong – that's not what Table 9.22 says". However, this is not wrong. Table 9.22 of the ES reports 0.12% combined mortality for Atlantic Salmon.
- 7.5. As has been previously stated in response to comments on the smolt track run in the IBM model, the dramatic change in the model shows how conservative it was (75% reduction) and that in fact the resultant impacts will be less. Not, as PASAS suggest, that the model is unreliable. The effect of the smolt track analysis had such a result because it confirmed the analysis undertaken.
- 7.6. TLSB has provided a response in relation to fish counters at deadline VI.
- 7.7. PASAS comment "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." It should be noted that an ES, as stated in guidance, should be a summary of the assessment undertaken as part of the EIA. It was appropriate to provide the worst case examples and TLSB have provided the details.

7.8. Where TLSB have not responded specifically to comments in this submission by PASAS, TLSB consider them to have been responded to elsewhere throughout submission. As identified above, TLSB would be pleased to continue discussion with PASAS to identify and resolve matters. However, there is already sufficient data before the examination to conclude that TLSB has undertaken a suitable and sufficient assessment of the Project on fish and fisheries.

## **8. Swansea University**

8.1. The University raises concerns about the enforceability of obligations contained in the s106 agreement in its favour. That the s106 is enforceable by the Councils who are party to it ensures that the obligations will be delivered.

8.2. The University highlights that there is no provision within the s106 to provide the University with assurances of free access to the Lagoon enclosure for watersport activities. While TLSB does not oppose such an agreement, as stated in the University's submission it is not necessary to agree this at this time. It is a private matter between the University and TLSB, not a matter for the s106 Agreement.

8.3. Regarding the University's concern about permitting motorised vessels in the Lagoon for occasional events subject to the consent of the Councils, it is highlighted that the portion of the 11.5km square enclosure where this might conceivably take place is on the opposite side of the Lagoon (see figure 4.2 of Chapter 4 of the ES). In any case, the University is adjacent to areas of the Lagoon which are quieter in nature, and where it is expected that the Major Event Plans required for the use of the Project for any event would contain measures to prevent disturbance having regard to the proximity to Crymlyn Burrows SSSI.

8.4. As stated by the University, TLSB expects to reach agreement on the lease in the near future. That said, it would not be appropriate to remove the powers of Compulsory Acquisition at this present time given the unmade nature of any agreement and the need to secure the delivery of the Project in the public interest.

## **9. Welsh Government**

9.1. Please refer to Annex 1 for TLSB's consideration of the Welsh Government's comments on the DCO.