



RTPI

mediation of space · making of place

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29 July 2016

Dear Mr Hendry,

RESPONSE TO REVIEW OF TIDAL LAGOONS

The RTPI welcomes the opportunity to provide evidence as part of this independent review into the feasibility and practicality of tidal lagoon energy in the UK. Our evidence relates to issues of planning for nationally significant energy infrastructure, including the different consenting regimes in Wales, and looks at social and environmental considerations. It does not seek to provide evidence on the cost-effectiveness of tidal lagoon power compared to other forms of renewable energy.

Please see our submission to the review below.

Yours faithfully,

James Harris

Policy and Networks Manager

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Broader context for national energy infrastructure planning

The RTPI recognises that urgent action is needed to tackle the threat of climate change, including through the decarbonisation of our energy supply. Tidal power represents a significant and predictable source of renewable energy generation, with studies estimating the UK's total theoretical tidal range resource at between 25 and 30GWs, or around 12% of current UK electricity demand¹. It therefore has the potential to make an important contribution to meeting the Government targets of reducing greenhouse gas emissions by 57% by 2032 and by 80% by 2050.

Wales plays an important part in this debate, with a pilot lagoon at Swansea and further proposals for Cardiff, Newport and Colwyn Bay. The Welsh Government and National Assembly support the development of marine renewable energy industry in Wales. However there is at present a lack of clarity on the relationship between renewable energy targets across the Nations of the UK, and no strategy from the UK government which ties these together. A clear renewable energy policy framework is needed to provide certainty in the decision-making process and increase confidence for investors and developers.

The evidence from this review should also seek to inform the work of the National Infrastructure Commission, whose upcoming National Infrastructure Assessment will consider "...the shift to low carbon solutions in the context of the UK's carbon targets". If the review is supportive of tidal lagoons as a cost-effective part of the UK's energy mix, then it should also contain a recommendation for either a new National Policy Statement (NPS) or an amendment to the existing NPS EN-3. This would again provide certainty and consistency during the application and decision-making processes for tidal energy infrastructure in England, and clarify the conditions under which projects of different sizes are consented in Wales (see below).

Differences in the infrastructure planning and consenting regimes in Wales

The devolution of powers to Wales will continue to differentiate the Welsh and English infrastructure planning systems. The Planning (Wales) Act 2015 introduced a new category for Developments of National Significance (DNS), with planning applications made directly to the Welsh Government. This covers energy projects with a generating capacity of between 10 and 50MW (other than offshore wind). The emerging Wales Bill 2016-17 also proposes to devolve responsibility to the Welsh Government for energy projects up to and including 350MW onshore and in Welsh territorial waters.

If the review is supportive of tidal lagoons as a cost-effective part of the UK's energy mix, then it provides a timely opportunity to clarify these differences and address potential impacts for the planning and delivery of tidal lagoon projects, namely:

- a) That under current legislation, Nationally Significant Infrastructure Projects (NSIPs) for energy in Wales (under 350 MW) must make separate applications for associated

¹ DECC, 2013. <https://www.gov.uk/guidance/wave-and-tidal-energy-part-of-the-uks-energy-mix>

development through the Town and Country Planning Act, rather than applying for an integrated consent through the Planning Act 2008.

- b) That a Development Consent Order (DCO) for a marine NSIP in Wales requires a separate Marine Licence (under the Marine and Coastal Act 2009) to be granted from Natural Resources Wales (NRW). While the information requirements, processes and considerations are broadly similar, there are no statutory timescales in the marine licensing regime.

The differences in consenting processes are noted to have led to delays in approving the Swansea Bay Tidal Lagoon, which fell within the 350 MW threshold. This review may therefore wish to consider, in partnership with the Welsh Government, whether additional measures are needed to reduce the time, cost and uncertainty of applications for similar projects in the future. This could examine whether provisions in the Wales Bill will be sufficient to align applications for associated development with the main energy project (following the recommendations of the Silk Commission), and whether integration between the DCO and Marine Licensing regimes (and others) could be improved.

The Planning (Wales) Act 2015 provides a statutory requirement to produce a National Development Framework (NDF), which will set out land use priorities and provide a national land use framework for Strategic and Local Development Plans. The NDF should ensure that sites identified for tidal power are considered alongside strategic plans for the necessary associated onshore grid infrastructure (which can require significant levels of public consultation), and should also address the impacts of the delivery of construction materials on the highways network, navigational channels and port capacity.

As this review covers the whole of the UK, it may also be prudent to examine whether similar issues exist for the devolved planning and consenting regimes for major energy infrastructure in Scotland and Northern Ireland.

Environmental and social impacts

The scale of our tidal resource provides the UK with an opportunity to develop a globally competitive industry, while delivering more localised economic and social benefits. However important questions remain regarding the environmental impacts of tidal energy technologies, which this review will need to address.

The environmental impact of tidal lagoons will depend largely on their location and design, including mitigation measures. However as there are no tidal lagoons in operation, significant knowledge gaps exist in terms of their real-world impact on the marine environment. If the review is supportive of tidal lagoons as a cost-effective part of the UK's energy mix, then it should recommend close post-construction monitoring of the ecological impacts of the Swansea Bay Tidal Lagoon to allow its impacts to be properly considered. Any issues which arise will need to be carefully considered in the Sustainability Appraisal, Strategic Environmental Assessment and Habitat Regulations Assessments which inform

the National Development Plan (NDP) for Wales, along with the specific Environmental Impact Assessments (EIAs) for any subsequent projects. There may be an important role for academic institutions to play, such as the Marine Department at Bangor University. The review should also consider the need for construction aggregate, and the environmental and social impacts of sourcing the materials required.

The 2014 RTPI Cymru Wales Planning Award commended Tidal Lagoon Power Ltd (TLP) for their pre-application public consultation and engagement for the Tidal Lagoon Swansea Bay project². This recognised a successful and innovative consultation processes, and noted that consultation responses had clearly influenced the final design of the scheme. Similarly effective stakeholder and community engagement would be critical to subsequent projects, and the review should seek to promote this existing best practice already.

Tidal lagoons are distinct from other electricity generating technologies in offering the potential for associated place-making and regeneration benefits. Local Planning Authorities (LPAs) will play an important role in raising local awareness, facilitating engagement, and proactively planning to realise these opportunities. This review should therefore engage with LPAs to consider where, and through which mechanisms, future tidal lagoons could bring benefits to local communities and the environment. This may require additional resourcing for LPAs to access specialist knowledge, and the review should consider whether support from Government is required to help LPAs fulfil this role.

² <http://www.rtpi.org.uk/the-rtpi-near-you/rtpi-cymru/wales-planning-award/wales-planning-award-2014/>