



Tidal Lagoon Swansea Bay

Planning, Design & Access Statement: Installation of 275kv electricity cable

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1 INTRODUCTION

- 1.1.1 This planning, design and access statement has been prepared to support a planning application submitted by Tidal Lagoon Swansea Bay plc (TLSB) for the construction of an underground electricity cable to link the Swansea Bay Tidal Lagoon electricity generating station to the electricity substation at Baglan Bay.
- 1.1.2 TLSB has developed a way to generate cost effective, predictable and fully renewable power from the tidal range in Swansea Bay, enhancing energy security for Wales (and the UK) allowing important carbon reductions. The Lagoon would harness the 8.5m tidal range of Swansea Bay (average Spring tides) to generate renewable electricity for 14 hours per day, for 120 years, with a net annual output of 400GWh. The works to secure this renewable energy source comprise a Nationally Significant Infrastructure Project (NSIP), which together are referred to as the ' TLSB Project' in this Statement.
- 1.1.3 The Development Consent Order (DCO) application for the TLSB Project was submitted to the Secretary of State for Energy and Climate Change in February 2014 under the NSIP process. The examination in public was completed in December 2014 and a decision, granting consent, was issued on 9th June 2015.
- 1.1.4 The development subject of this application, was included in the DCO application submission and was considered as part of the TLSB Project as a whole. A detailed examination of the potential impacts of the construction and appropriate mitigation measures were assessed during the examination. However, the length of the route, from the point where the wall of the Tidal Lagoon meets the land (the Western Landfall) to the substation at Baglan Bay was excluded from the DCO as it was held to be outside the jurisdiction of the Planning Act 2008.
- 1.1.5 In order to construct the electricity cable (the 275kV Project), planning permission under the Town and Country Planning Act 1990 is therefore required. This Planning, Design and Access Statement (PDAS) has been prepared to support that application.
- 1.1.6 This statement should be read in conjunction with the Environmental Statement (ES) (Addendum) and Non-Technical Summary which have been submitted as part of this application.



- 1.1.7 The TLSB Project was the subject of extensive consultation prior to the submission of the DCO application and the final design was informed by comments from the relevant consultees and the public.
- 1.1.8 The Project is located across two Local Authority areas, the City and County of Swansea Council (CCSC) to the west and Neath Port Talbot County Borough Council (NPTCBC) to the east. The application is therefore being submitted to both authorities.

2 SITE DESCRIPTION

- 2.1.1 The cable route will extend from the western landfall of the proposed lagoon wall, to the substation in Baglan Bay, a total distance of 7.1 km. The physical characteristics of the area in which it is located varies widely, from the industrial area around Swansea Port, which lies to the north of the Project, eastwards past a former BP oil refinery, the land of which has been reclaimed and is currently being transformed through the construction of the Swansea University Bay Campus (SUBC).
- 2.1.2 To the south and east of the SUBC lies the Crymlyn Burrows SSSI, one of the last sections of the Bay which is largely unmodified by industrial or commercial development. The SSSI supports sand dunes, areas of saltmarsh and a diverse range of coastal species and is a popular area for dog walkers and recreational use.
- 2.1.3 The eastern boundary of the SSSI is formed by the River Neath and estuary, under which the cable will pass. On the eastern side of the river, there is the Baglan Bay Energy Park and an extensive industrial area within which the Baglan Bay substation is located.



Figure 1 – aerial view of site, courtesy of Google maps.

3 THE PROPOSAL

- 3.1.1 The electricity produced by the TLSB Project will be transferred to the national electricity transmission system (NETS) via three 275kV cables. The majority of the cable route will be buried in a single excavated trench, approximately 2.5m wide and typically 1m deep. Once the cables are pulled in, the cable surround can be installed with protection cover slabs prior to backfilling and final reinstatement of the ground.
- 3.1.2 Sections of the route through the SUBC, have the potential to use pre-installed cable ducts and where the cable crosses narrow roads with small verges the use of pre-installed ducts is preferred to avoid impact on traffic resulting from open-cut trenches. The installation of ducts and trench reinstatement would be completed in stages, given the need for excavations and a working area, thereby ensuring minimum disruption.
- 3.1.3 The cable route will follow an alignment adjacent to the ABP port coastal road, before being routed along and/or parallel to Fabian Way. It will then run behind the footpath in the southern verge to a point opposite the 'Amazon roundabout' at the junction with the B4290. From this point it will pass into the Crymlyn Burrows SSSI, crossing it either under or adjacent to an existing tarmac track.
- 3.1.4 The cable will pass under the River Neath and estuary via a duct formed by horizontal directional drilling, before following road infrastructure and brownfield routes to reach the Baglan Bay substation.
- 3.1.5 Underground cable joint bays, approximately 4.1m wide, will be required approximately every 1000m - 1500m and will be excavated (where required) ideally in verges.
- 3.1.6 For full details on the proposed construction methodology of the cable route, see the Construction Method Statement provided as part of this application. A Site Location Plan of the cable route corridor is provided as part of this application.

4 275kV PROJECT NEED

- 4.1.1 This application seeks permission for the construction of an underground electricity cable associated with the Swansea Bay Tidal Lagoon electricity generating station; a Nationally Significant Infrastructure Project. The development proposed as part of this application is therefore integral to ensuring the delivery of the overall TLSB Project and its importance is therefore nationally significant.
- 4.1.2 The making of the DCO for the TLSB Project demonstrates its importance in the national interest, and thus this planning application must be afforded the same status and weight in decision making.
- 4.1.3 The UK government has made clear the urgent need for new energy generating capacity in the Overarching National Policy Statement for Energy (EN-1) and in the National Policy Statement for Renewable Energy (EN-3).
- 4.1.4 EN-1 states that there is an “urgent need” for new and low carbon energy infrastructure to be brought forward as soon as possible (para. 3.3.15). Such infrastructure is particularly required in the next 10-15 years in order to secure energy supplies that enable the UK to meet its 2050 emissions targets. The role of electricity in decarbonizing the UK energy sector is crucial.
- 4.1.5 EN-3 reiterates the urgent need for renewable energy projects to form part of a diverse energy mix. It considers that the need for any renewable energy NSIP is already established for the purpose of decision making.
- 4.1.6 In determining this application, significant weight should therefore be given to the urgent need for low-carbon energy generating capacity.
- 4.1.7 In addition to the policy need set out in the NPSs, the current energy need context in the UK is that it faces an unprecedented challenge in its ability to deliver secure, affordable electricity in the coming decades. Security of supply is under threat as around 20GW of electricity generation is lost by the close of older polluting plants.

If capacity is not replaced, blackouts may be a real possibility in the UK in the next 10 years¹.

- 4.1.8 In addition to need to address energy security, the need to decarbonize electricity generation is of equal importance. The UK is subject to binding EU and UK targets to generate 15 percent of energy from renewable sources by 2020 and reduce carbon emissions to 80 percent below 1990 levels by 2050. This is set against a backdrop of increasing demand for electricity over the next 50 years through the electrification of other key infrastructure, such as heating and transport, are electrified.
- 4.1.9 A network tidal lagoon generating stations offers an opportunity to provide predictable, reliable, base-load of renewable energy which can be used to balance the energy produced by more intermittent renewable energy technologies. Tidal lagoons allow the UK to make use of its natural assets and prevalent renewable energy resources; a tidal range that in one of the highest in the world.

INTERNATIONAL OBLIGATIONS

- 4.1.10 The United Nations Joint Declaration “The Way Forward on Renewable Energy” was signed by the European Union in 2002.
- 4.1.11 As part of the First declaration member states, including the EU, are committed to “the increase of the share of renewable energy sources in the global total primary energy supply”. The UK Marine Energy Statement recognizes that tidal power has the potential to provide a significant contribution to the share of energy supply from renewable sources in Wales and the UK.
- 4.1.12 The Second declaration recognizes that “the burning of fossil fuels is the biggest source of greenhouse gas emissions and these emissions need to be reduced to mitigate the adverse effects of climate change”. The energy produced by tidal lagoon generating stations will provide a reliable source of base load electricity to the National Grid, reducing the need for greenhouse gas producing fossil fuel generating stations to provide this resource.

¹ DECC, Planning our electric future: a white paper for secure, affordable and low-carbon electricity, 2011

- 4.1.13 Member states are also committed to the “further development and promotion of renewable energy technologies”. Tidal lagoon generating station represent a clear opportunity to use existing technology in an innovative way to deliver a unique method of generating reliable renewable energy while reducing environmental impacts.

UK AND EU OBLIGATIONS

- 4.1.14 The EU has adopted targets for the production of renewable energy, in response to which the UK has committed to producing 15 percent of its electricity from renewable resources by 2020 under the 2009 Renewable Energy Directive. In UK law, a reduction in the production of greenhouse gases by 80 percent below 1990 levels by 2050 is a key provision of the Climate Change Act 2008.
- 4.1.15 The Swansea Bay Tidal lagoon project will contribute to the targets established in UK legislation and policy by providing the equivalent to 70 percent of Swansea Bay’s annual domestic electricity use and 9 percent of Wales’ annual domestic use in the form of reliable, renewable energy.

WELSH CONTEXT

- 4.1.16 The delivery of tidal lagoons is stated as a key element of the Welsh Government’s 5-year plan: “Taking Wales Forward 2016-2021”. In addressing the “Environment”, the plan states that Welsh Government will “support the development of more renewable energy projects, including tidal lagoons and community energy schemes”.
- 4.1.17 Wales is seeking to achieve a renewable electricity production target of 7TWh per annum by 2020. Welsh Government’s Energy Policy Statement 2010 sets out how Wales has the potential to produce twice the amount of electricity it currently uses from renewable sources by 2025, with 40 percent coming from marine energy sources.

5 DESIGN AND ACCESS CONSIDERATIONS

- 5.1.1 This section has been produced with regard to, and in accordance with TAN 12 “Guidance on Design & Access Statements” insofar as it is relevant to the proposed development.

Use

- 5.1.2 A power cable connecting the Tidal Lagoon to the NETS is an essential requirement of the TLSB Project and without which it cannot export power to the network or fulfill its primary purpose as a power station.

Amount, scale and layout

- 5.1.3 The length of the cable route (approximately 7.1km) has been determined by the distance between the Western Landfall and the nearest substation which is capable of taking the power that will be produced, which is at Baglan Bay. The length of the cable has been kept to the minimum possible whilst avoiding, as far as practicable, areas of environmental sensitivity. This has been achieved by locating the cable trench on previously developed land, with the line predominantly following existing roads and tracks.
- 5.1.4 The trench to accommodate the cable will be approximately 2.5m wide, with occasional, localised wider areas for the cable joint bays. There will be a requirement for a wider strip of land (up to 10m wide in total) during construction, however, it is unlikely that a maintenance strip will be required during the operational life of the Tidal Lagoon.

Appearance and landscaping

- 5.1.5 The cable route will be underground, or through pre-installed cable ducts, along its entire length. Once construction is completed and the cable has been laid, the surface of the land will be reinstated to its original condition or under the combined footpath/cycleway proposed as part of the Project. There will, therefore, be little visual evidence of the cable.

Environmental sustainability

- 5.1.6 The construction methods to be used in implementing the proposed development will ensure that such impacts will be minimised. The purpose of the proposal is such

that the delivery of a large scale renewable energy generating station contributes to tackling climate change, which is an international, national and local environmental objective.

Access and parking

- 5.1.7 Regular access will be required at each of the joint bay positions to enable testing at the cable link boxes. During operation, surveys and tests are likely to be conducted every three years. The cable link box locations can be accessed by vehicles using existing or proposed roads and tracks. There is no requirement for permanent parking provision along the line of the cable.

6 PLANNING POLICY FRAMEWORK

International Policy

6.1.1 International policy on climate change and renewable energy has been established by the following agreements/principles:

- Kyoto 1997 – sought an overall 8 percent reduction in greenhouse gas emissions from 1990 levels by 2012; the UK’s contributing commitment was 12 percent;
- Copenhagen 2009 – sought to limit global temperature rise to no more than 2°C above pre-industrial levels. The EU’s commitment was to reduce emissions by 20-30 percent by 2020 (against 1990 levels); and
- Doha 2012 – extended the Kyoto Protocol beyond 1/1/2013 and made a commitment to review by 2014 at the latest.

The Paris Agreement

6.1.2 The 21st Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC COP21) took place in Paris during November and December 2015. The 195 State Parties, including the UK, entered into an international environmental agreement on climate change which included an agreement to:

- A long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels;
- To aim to limit the increase to 1.5°C, since this would significantly reduce risks and the impacts of climate change;
- On the need for global emissions to rapidly reduce in accordance with the best available science.

6.1.3 The role of Wales in helping the wider UK to meet this target is important and the Environmental (Wales) Act provides a strong legislative framework for action in this area. In conjunction with the Well-being of Future Generations Act, Wales is making a commitment to moving forwards with sustainability, environmental resilience and global responsibility at the heart of all decision making.

UK POLICY

National Policy Statements

- 6.1.4 As detailed above, the UK National Policy Statements (NPS) set out the urgent need for low carbon electricity generating infrastructure, reflecting the national role of such projects in tackling climate change and providing energy security.

Marine Policy Statements

- 6.1.5 The UK Marine Policy Statement (MPS) recognises the potential role of tidal energy to make a significant contribution to the share of energy supply from renewable resources in Wales and the UK.

NATIONAL POLICY

Planning Policy Wales

- 6.1.6 Planning Policy Wales (PPW), published by the Welsh Government (WG) (Edition 9, January 2016) sets out the context for sustainable land use planning policy, within which Local Planning Authorities' statutory Development Plans are prepared and development control decisions on individual application and appeals are taken.
- 6.1.7 Of particular relevance to this application is Chapter 12 – Infrastructure and Services which recognises that 'adequate and efficient infrastructure, including ...electricity and gas (the utilities) ...is crucial for the economic, social and environmental sustainability of all parts of Wales'.

Technical Advice Notes

- 6.1.8 In support of PPW, the Welsh Government (WG) has also published a series of Technical Advice Notes (TAN) which seek to provide further detail in relation to specific matters.
- 6.1.9 **TAN 5: Nature conservation and planning.** This TAN document sets out the WG's intention for how the planning system should promote the aims of nature

conservation. Principles pertinent to the development include: the integration of nature conservation into all planning decisions; ensuring the UK's international and national obligations are met; provision of net benefits for biodiversity; and reducing the effects of climate change through the reduction of emissions.

- 6.1.10 In ensuring the integration of nature conservation into planning decisions and ensuring the protection of national and international obligations, the application works contribute to the aims of the policy through the avoidance of designated sites where possible and the appropriate mitigation measures that are to be implemented where complete avoidance is not possible.
- 6.1.11 **TAN 12: Design.** TAN 12 provides advice on how to facilitate “good design” through the planning process. It does include advice specifically related to infrastructure projects, but emphasizes that infrastructure is a key planning element for other types of development.
- 6.1.12 **TAN 14: Coastal Planning.** This document sets out the issues for consideration by local authorities in relation to development in the coastal zone. The key issues for development are defined by this policy as: the nature of the ground conditions and physical processes; likely effects on physical and biological processes along the coast; potential effects on mineral, water and conservation resources and the potential visual impact from both land and sea.
- 6.1.13 The primary impact on the coast would be from the lagoon structure itself, which has consent under the DCO. The cable route will have little added impact on physical or biological processes, and the main consideration therefore, is that of the visual impact of the development. As the full length of the cable is to be buried or through ducts, with the land above reinstated, there will be no adverse visual impact other than during the temporary construction period.
- 6.1.14 **TAN 15: Development and Flood Risk.** TAN 15 supplements policies set out in PPW and provides guidance in relation to development and flood risk, which is intended for use by Local Planning Authorities. It provides a precautionary framework from which risks associated with river, coastal and surface water flooding can be assessed. The majority of the cable route is located within Flood Zone C2, which is used to indicate that only less vulnerable development should be considered. The installation of a cable route is considered to be ‘less vulnerable development’ based on guidance in TAN 15 and there is therefore no conflict with this advice.

LOCAL POLICY

City & County of Swansea Council

- 6.1.15 Planning within the City and County of Swansea Council (CCSC) is managed in accordance with the Unitary Development Plan (UDP), adopted November 2008. The UDP contains policies used for the determination of planning applications along with presenting policies and proposals directing future development.
- 6.1.16 Chapter 4 sets out the Councils policies with regard to Resources and Waste, with section 4.4 being specifically relevant to infrastructure. The primary objectives of these policies are:
- To encourage the provision of state of the art utility and telecommunications infrastructure whilst minimising adverse effects on the environment, communities and health (4.a)
 - To support renewable energy projects which would make a positive environmental contribution (4.e)
 - The provision of public utility services is an essential component of modern society, vital to the economy of the County and an important aid to the achievement of sustainable development. The Council recognises the constraints on utility providers in deciding where and when to invest in new infrastructure.
- 6.1.17 **Policy R9** relates to general infrastructure and, together with its amplification, seeks to strike a balance between the needs of the consumer, operational constraints imposed upon essential service providers, and environmental considerations. Proposals should seek to make the best use of existing infrastructure and all reasonable measures must be taken to minimise environmental damage in the routing of cable together with the use of appropriate mitigation where necessary.
- 6.1.18 **Policy R11** relates to proposals for the provision of renewable energy resources, including ancillary infrastructure and buildings, which will be permitted provided that the benefits of the scheme outweigh any adverse impacts. In addition, the development should have no significant adverse impact on the visual amenity, local environment and amenities, highways, natural heritage and historic environment.
- 6.1.19 **Policy EV36** - Development and Flood Risk states that new development, where considered appropriate within flood risk areas, will only be permitted where it can be demonstrated that its location is justified and the consequences associated with flooding are acceptable. The location of the cable route within an area at risk from

flood has been justified and there will be no adverse consequences relating to flooding. The proposal is therefore in accordance with the requirements of this policy.

Neath Port Talbot County Borough Council (NPTCBC)

- 6.1.20 The Local Development Plan (2011-2026) (LDP) was adopted in January 2016 and sets out the policies used for the determination of planning applications, as well as presenting policies and proposals directing future development.
- 6.1.21 **Strategic Policy SP1** seeks to address the causes of climate change by, inter alia, making provision within the County Borough for an appropriate contribution to renewable and low-carbon energy generation. The supporting text confirms that climate change is an “overarching matter” to be addressed by all topic areas within the LDP.
- 6.1.22 **Strategic Policy SP5** “Development in the Coastal Corridor Strategy Area” defines an area within which sustainable growth and development will be promoted to benefit the area whilst protecting and enhancing the area’s character and environment. It specifies area-specific measures, which includes the development of the University Campus at Fabian Way.
- 6.1.23 **Policy CCUC1** “Coastal Corridor University Campus” allocates land to develop the University campus at Fabian way.
- 6.1.24 **Policy EN1** “The Undeveloped Coast” protects the designated undeveloped coast are from development that unnecessary and where such development cannot be accommodated without
- 6.1.25 **Policy TO4** “Walking and Cycling Routes” identifies key walking and cycling routes in the County Borough and resists development that would prevent or have any adverse impact on their implementation.
- 6.1.26 **Strategic Policy SP15** “Biodiversity and Geodiversity” ensures that important habitats, species and sites of geological interest will be protected, conserved, enhance and managed through a range of measures, including the identification of International and National designated sites, and regional and locally important sites.

- 6.1.27 **Policy EN6** “Important Biodiversity and Geodiversity Site” permits development that would affect Regionally Important Geodiversity Sites, Local Nature Reserves, Sites of Interest for Nature Conservation, sites meeting SINC criteria or LBAP/Sec.42 habitats provided it conserves and, where possible, enhances the importance of the site; and it can be demonstrated that the development could not be located elsewhere.
- 6.1.28 **Policy EN7** “Important Natural Features” states that development that adversely affects ecologically or visually important natural features will only be permitted where full account has been taken of the relevant features in the design of the development and that appropriate mitigation is identified.
- 6.1.29 **Strategic Policy SP16** “Environmental Protection” requires new development to ensure that it does not have a significant adverse effects on water, ground or air quality; to give preference to the development of brownfield land; and to ensure the exposure of people to pollution is not increased.
- 6.1.30 **Policy EN8** “Pollution and Land Stability” states that development which is likely to have an unacceptable adverse effect on health, biodiversity and/or local amenity or would expose people to unacceptable risk will not be permitted.
- 6.1.31 **Strategic Policy SP17** “Minerals” requires the maintaining of a minimum supply of aggregate and the safeguarding of other minerals throughout the plan period.
- 6.1.32 **Policy M1** “Development in Mineral Safeguarding Areas” only permits development within such areas where it can be demonstrated that the mineral concerned is no longer of value; that the mineral can continue to be extracted; there is an overriding need for the development; or that the development would not have a significant impact.
- 6.1.33 **Strategic Policy SP18** “Renewable and Low Carbon Energy” seeks to encourage all forms of appropriate renewable energy and low carbon technology development to ensure a proportionate contribution to meeting national renewable energy targets, whilst balancing impacts on the environment and communities.
- 6.1.34 **Policy RE1** “Criteria for the Assessment of Renewable and Low Carbon Energy Development” permits renewable and low carbon energy development subject to



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satisfying a range of criteria which includes: the minimisation of impacts on visual amenity and the natural environment; avoiding unacceptable impacts on residential amenity; not compromising highway safety; not interfering with telecommunications and that satisfactory proposals are in place for site restoration as appropriate.

7 MATERIAL CONSIDERATIONS

- 7.1.1 In addition to the international, UK and national policy discussed above, the following matters must also be afforded significant weight in the decision making process.
- 7.1.2 The Swansea Bay Tidal Generating Station Order (DCO) was made on 9th June 2015 as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008. It authorises the construction and authorisation of the tidal lagoon generating station, for which this application is integral to. The DCO is a Statutory Instrument and thus has the effect as Secondary Legislation.
- 7.1.3 In weighing the benefits of this electricity cable application, significant weight must be given the benefits of the proposal in delivering the DCO and the realisation of national scale low carbon energy generation.
- 7.1.4 DCO Examining Authority's Report of Findings and Conclusions 7 Recommendation to the Secretary of State for Energy and Climate Change.
- 7.1.5 The making of the DCO following a 6-month examination which, at that time, incorporated the electricity cable now being applied for under the TCPA. Consequently, the merits of the electricity cable were rigorously examined and the conclusion of the Examining Authority (ExA) was that the cable was acceptable in planning terms.
- 7.1.6 The need for this development is clearly set out in UK and Welsh national policy. Decision makers should approach this application on the basis that its "need" is established and that a presumption should be applied.
- 7.1.7 Notwithstanding the fact that the SoS determined that the cable could not be included in the DCO, this related to other jurisdictional matters not any disagreement over the conclusion reached by the ExA. It is therefore contended that the findings of the ExA should be given significant positive weight in the consideration of this application.

8 PLANNING ASSESSMENT

- 8.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, when determining planning applications, decision makers must make such determinations “*in accordance with the [development] plan unless material considerations indicate otherwise*”.

DEVELOPMENT PLAN(S)

City and County of Swansea Council

- 8.1.2 The adopted development plan is the City and County of Swansea Unitary Development Plan (adopted 2008).
- 8.1.3 The proposed cable is clearly intrinsically linked to a large-scale renewable energy generating station, and thus its planning merits must be assessed with regard to this context.
- 8.1.4 The delivery of innovate infrastructure projects fits squarely with the UDPs strategic objectives and thus must be given a presumption of support.
- 8.1.5 Policies R9 (infrastructure) and R11 (renewable energy) and the most pertinent policies; through being technology specific. Both policies are supportive of new infrastructure and renewable energy development subject to satisfying certain criteria.
- 8.1.6 Policy R11 states that new renewable energy resources, including supporting infrastructure, will be permitted provided the social, economic and environmental benefits of the scheme in meeting local and national targets, will outweigh any adverse impacts. It is contended that the proposed development will enable significant socio-economic benefits that by far outweigh any adverse impacts caused (which will, in the main, occur during construction only). The second criteria of R11 requires new development to be of a design and appearance that would not significantly adversely affect the visual amenity of the locality. The proposed cable will not be seen following construction and thus such effects will be neutral. The supporting environmental information demonstrates that, following mitigation, the impacts on the natural environment and cultural heritage would be acceptable.

- 8.1.7 Turning to policy R9, whilst it relates to infrastructure in the round, the proposed cable ensures compliance by ensuring reasonable measures can be put in place to minimise significant adverse impact on receptors.
- 8.1.8 The proposed cable route is fully in compliance with the Councils policy for new infrastructure. The cable will link the proposed Tidal Lagoon to an existing substation, making the best use of existing infrastructure. The cable has been kept to the minimum length possible whilst ensuring that there is no unacceptable impact on ecologically sensitive areas by locating the cable, wherever possible under or adjacent to existing roads and tracks. The entire length of the cable is to be buried underground or through ducts and there will therefore be no permanent adverse impact on visual or environmental amenities.

Neath Port Talbot County Borough Council

- 8.1.9 Through policy SP1, it is a strategic policy of the council to address climate change and provide necessary infrastructure through the delivery of renewable and low carbon energy generation. The proposed development fully accords with this strategic policy development as it will enable the delivery and significant benefits of a large scale renewable energy generating station.
- 8.1.10 The technology specific policy relevant to the application process is RE1 which permits renewable and low carbon energy development subject to meeting several criteria. The proposed electricity cable will not have any adverse visual effects once constructed due to it being placed underground. Impacts upon the Crymlyn Burrows SSSI will be temporary (during construction period only) and the ES concludes that the residual impacts will be “minor-adverse”. Through construction methods and the minimisation of the area through the SSSI, the impacts of the proposal on the natural environments are acceptable in planning terms.
- 8.1.11 The proposal would not have a material impact upon residential amenity and would not compromise highway safety. The installation of the cable will be carried-out so to avoid interference with any existing communications infrastructure.
- 8.1.12 It is therefore contended that the proposal fully accords with the technology specific policy within the Development Plan.

- 8.1.13 Turning to other “general” policies, the proposal would not give rise to any additional impacts that would indicate a failure to accord with them. The submitted Construction and Environmental Method Statement demonstrates how the cable can be constructed without causing unacceptable harm to the natural environment or public amenity.
- 8.1.14 It is therefore clear that the proposed electricity cable sits squarely in accordance with the objectives of the adopted development plan and is compliant with relevant policies.

Material Considerations

- 8.1.15 As detailed above, significant weight must be given to the purpose of this proposal; that is to provide the export of low carbon electricity from the Swansea Bay Tidal Lagoon. The national significance of this project is fully encouraged through international, UK and Welsh national policy and this must weigh heavily in the planning balance.
- 8.1.16 As the planning merits of the electricity cable were deemed acceptable by the ExA through the DCO examination, it is contended that these conclusions must also be afforded due weight. Should a different judgement be reached by a decision maker, such reasoning would need to be overwhelmingly compelling.

9 PLANNING BALANCE

- 9.1.1 With due regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, decision makers must i) assess a planning application against the policies within the adopted development plan for the area and ii) must have regard to any material considerations. The planning decision making process therefore requires decision makers to carry out a balance of the positive and negative impacts of the proposal before them.
- 9.1.2 As discussed above, the proposal fully accords with the provisions of both applicable development plans. Indeed, the purpose of the cable would assist in the delivery of overarching strategic objectives and there is no failure to comply with detailed policy criteria. It can therefore be concluded that the proposal accords with the statutory development plans
- 9.1.3 Turning to material considerations, it is contended that there are no such matters that indicate that indicate that a decision other than to grant planning permission should be made. The key material considerations before the decision maker weigh in favour of this application and thus they serve to confirm and amplify the positive conclusion when assessed against the development plans.

10 CONCLUSION

- 10.1.1 It is therefore concluded that this planning application should be granted, subject to conditions deemed necessary by the local planning authorities.