



## **Appendix 2.2**

# **Transboundary Correspondence**



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## **Tidal Lagoon Swansea Bay - Potential Transboundary Issues**

Dear Jessica,

Further to the receipt of the PINS scoping opinion we would like to provide additional information in relation to Transboundary Impacts as identified in points 4.18 to 4.20 of the opinion. The scoping opinion states:

*4.18 Regulation 24 of the EIA Regulations, which inter alia require the SoS to publicise a DCO application if the SoS is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The SoS considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.*

*4.19 The SoS recommends that the Applicant should provide to the SoS as soon as possible any available information about potential significant trans-boundary effects and identify the affected state(s). In order to ensure the efficient and effective examination of applications within the statutory timetable under Section 98 of the Planning Act, it is important that this information is made available at the earliest opportunity to facilitate timely consultations, if required, with other EEA States in accordance with Regulation 24.*

*4.20 If potential trans-boundary impacts are identified, the ES will also need to address this matter in each topic area and summarise the position on trans-boundary effects of the proposed development, taking into account inter-relationships between any impacts in each topic area.*

With regard to items 4.18 and 4.19, I have discussed potential transboundary effects with the EIA team members and we have identified 3 main subject areas where it is conceivable that there could be such an effect, namely birds, marine mammals and fish. At this stage, prior to the Environmental Impact Assessment, it is not possible to quantify any such effects, but initial comments are provided below on the basis that no effects upon such receptors are expected to be significant in a transboundary sense. Needless to say, as you observe in paragraph 4.20, if during the main EIA process any transboundary effects were to be identified, then these would be addressed within the ES.

## **Birds**

In terms of direct impacts, the loss of intertidal foraging habitat from the construction of the lagoon wall area is predicted to be small in comparison to the wider Swansea Bay habitat and the intertidal area within the lagoon will still be present for use. In fact, the slight offset of the tide within the lagoon may actually provide intertidal feeding habitat for a longer period of the tidal cycle which may be of benefit to relevant species. As such, a direct significant impact on foraging habitat is not anticipated at this stage, although this will be further investigated during the EIA.

Prior to the findings of the coastal process assessment, it is assumed that there may be a small potential for an impact on wintering bird species utilising Swansea Bay in significant numbers (i.e. Dunlin, Sanderling, Ringed Plover etc). This impact may occur through changes in sediments and hence the prey species and these birds may also utilise SPA sites within the UK (i.e. Burry and Severn). The findings of the coastal process assessment (when available) will be used to inform the ornithological assessment and the findings will be presented in the ES. However, there is no reason to assume that an effect upon local populations, or transit species, will result in significant transboundary effects. Again, should the EIA process result in a change to this prediction, then this would be reported and relevant consultation steps taken.

## **Marine Mammals**

It is considered unlikely that the Swansea Bay Tidal Lagoon project alone will result in transboundary effects on marine mammal species. The two main marine mammal species found regularly in the study area are seasonal and resident populations of harbour porpoise and also small numbers of grey seal. Grey seal tracking studies undertaken in the West Wales area have shown that this species can move relatively large distances, e.g. from the West coast of Wales to Lundy Island (Hammond et al., 2005). Although potential significant transboundary effects are considered unlikely, effects upon these receptors will be considered in more detail in the EIA and should a change to this prediction result then this would be reported and relevant consultation steps taken.

## **Fish**

This information below considers the potential fisheries-related aspects that may have such trans-boundary implications. At this stage, prior to the Environmental Impact Assessment, it is not possible to quantify such effects but the predictions below proceed on the basis that no effects upon fisheries-related receptors are expected to be significant in a transboundary sense.

### ***Commercial Fisheries***

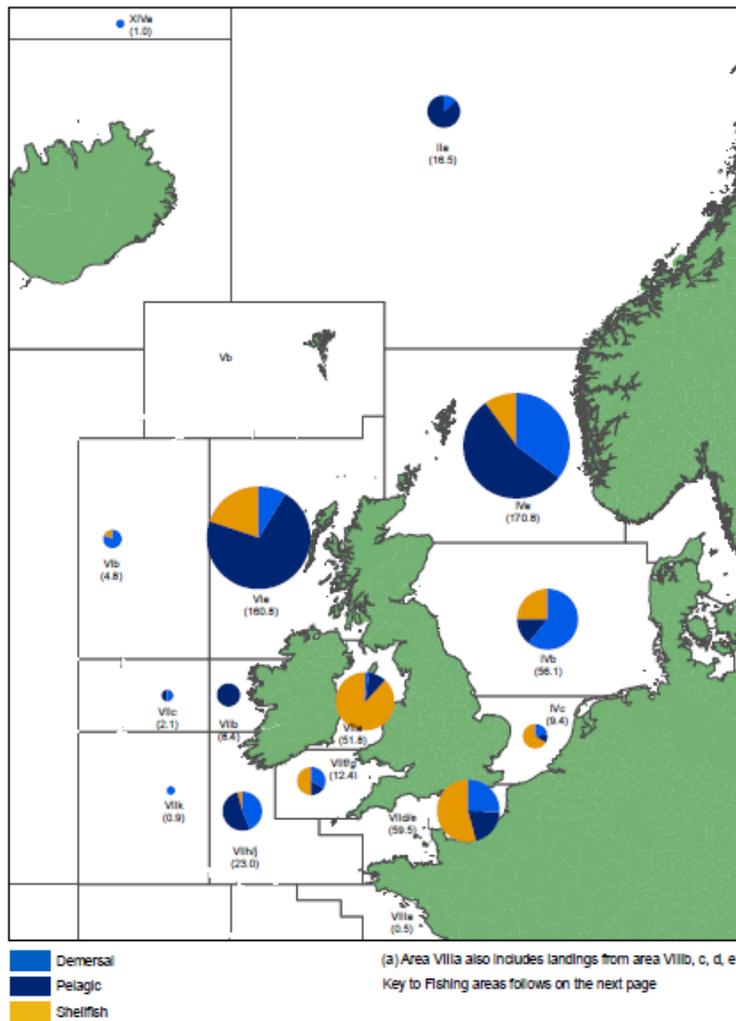
The project site falls within ICES Zone VII/f/g (Celtic Sea, Bristol Channel) for reporting of fish and shellfish landings statistics. In national terms this sea area reports one of the lowest annual fish landings (see Chart 3.20 below, taken from 'UK Sea Fishing Statistics, 2011', an MMO publication<sup>1</sup>) and any impact on other EEA states should be viewed in light of this.

As yet we have no detailed breakdown of fishing effort by other EEA states within the VII/f/g fishing rectangle. Overall in UK waters Norwegian vessels and French report the majority of landings from UK waters but Belgian vessels are known to operate locally in waters close to Swansea (Associated British Ports, pers. comm.).

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<sup>1</sup> <http://www.marinemanagement.org.uk/fisheries/statistics/annual.htm>

Chart 3.20: Landings into the UK and abroad by UK vessels by area of capture: 2011 ('000 tonnes)



Should the EIA identify any significant potential impact of the proposed tidal lagoon project on commercial fisheries within Area VIII/f/g then a proportion of that effect would be borne by other EEA vessels operating within the area.

At present, the Swansea Bay area is regarded as of unexceptional importance to fish production in Area VIII/f/G as a whole and any effect of the proposed scheme in this regard are expected to be negligible. This will be further evaluated in the full EIA, but on this basis no significant transboundary effects are predicted.

### Fish Migrations

Some migratory fish species move across state boundaries in order to complete their life cycle. In these cases, impacts that occur within territorial waters of one state might affect lifestages occurring in those of another. Examples would include migratory fish, such as the European eel (*Anguilla anguilla*), which are believed to belong to one stock which spawns in the Sargasso Sea. In other cases, spawning and/or nursery grounds of marine fish species may occur within one territory and harvesting may take place in another.

The table below provides a preliminary assessment of key species likely to be present within the project-influences zones. No other types of ecological effects relating to fisheries are envisaged but a comprehensive review will be provided in the EIA.

Fish Species	Possible Transboundary Movements	Preliminary Assessment
<b>Diadromous Species</b>		
European eel	The major movement of glass eels enters British waters via the Western Approaches, which makes for the highest densities occurring near first landfall and river mouths on western parts of the UK, including Gower and Swansea Bay.	Potential for transboundary effect, likely to be small owing to low overall proportion of UK stock passing through project-influenced zones and low potential contact risk with turbines. Significant transboundary effects are not predicted.
Atlantic salmon	Adults feed in North Atlantic and support recreational and commercial fisheries for North Atlantic states.	Potential effect likely to be small and hence significant transboundary effects are not predicted.
Sea trout	All lifestages remain within UK territorial waters.	No significant transboundary effect.
Sea lamprey, river lamprey	All lifestages remain within UK territorial waters.	No significant transboundary effect.
Allis shad, twaite shad	All lifestages remain within UK territorial waters.	No significant transboundary effect.
<b>Commercial Marine Species</b>		
Plaice	Some spawning/ nursery capacity within waters off Swansea Bay/Gower but spawning within the project zones of influence represent a very small fraction of overall stocks of these species.	No significant transboundary effect.
Sole		
Sandeel		
Whiting		
Cod		
Herring		
Tope		
Spotted ray		
Thornback ray		
Anglerfish ('monkfish')		

Based on the above initial review significant transboundary effects are not predicted. However, these matters will continue to be studied and, to the extent that effects are predicted as a result of the EIA process, the approach of the project team will be adjusted. For now, there is no requirement for such a change.

In any event, the English advisory body, Natural England, should be included in future consultation with regard to birds and marine mammals so as to ensure that this matter can be reviewed with the advisory body to the nearest adjacent jurisdiction.

We presume this will be progressed by PINS, but should this not be the case, and if you wish to speak about the contents of this letter, please call to discuss the matter before any formal response is given.

Yours sincerely



**Gill Lock**  
EIA Manager

Project name:	Tidal Lagoon Swansea Bay
Address/Location:	Swansea Bay, to the south of Swansea Docks, and to the south east of the City of Swansea, in South Wales.
Planning Inspectorate Ref:	EN010049
Transboundary consultation process:	Stage One (Scoping)
Document(s) used for transboundary Screening:	Environmental Impact Assessment Scoping Report (October 2012) Tidal Lagoon Swansea Bay – Potential Transboundary Issues Document (14 December 2012)
Date	2 January 2012
Prepared by	HN
Approved by	FR

Screening Criteria	Secretary of State Comments
Characteristics of the Development	<p>The proposed development is a tidal power renewable energy development with a generating capacity of 250-350MW.</p> <p>The key project components comprise:</p> <ul style="list-style-type: none"> <li>• 9.5km seawall;</li> <li>• hydro turbines;</li> <li>• caissons;</li> <li>• sluice gates and overhead gantries;</li> <li>• electricity step up facilities;</li> <li>• offshore and onshore cables;</li> <li>• visitor centre building on the seawall;</li> <li>• navigational lighting and safety warning systems;</li> <li>• operation and control centre;</li> <li>• onshore visitor facilities and access;</li> <li>• parking provision and public transport pick up / drop off; and,</li> <li>• a bridge link to the development.</li> </ul>
Geographical area	The information provided does not identify any potential environmental impacts on any area under the jurisdiction of any other EEA State.
Location of Development (including existing use)	<p>The Tidal Lagoon Swansea Bay Development would be located in the central part of Swansea Bay, directly south of Swansea Docks, and to the south east of the City of Swansea, in South Wales. Swansea Bay is located towards the northwest end of the Bristol Channel.</p> <p>The offshore infrastructure would be located in the intertidal area of Swansea Bay. The onshore operation and visitor facilities would be located on brownfield land in the Swansea Dock area. The site would be accessed via the A483. The onshore grid connection would extend to the National Grid substation at Baglan, Neath.</p>
Cumulative impacts	<p>The Scoping Report identifies potential cumulative impacts with the following developments:</p> <ul style="list-style-type: none"> <li>• Swansea Bay Science and Innovation Campus;</li> </ul>

	<ul style="list-style-type: none"> <li>• Atlantic Array Wind Farm;</li> <li>• navigational dredging adjacent to development and existing/proposed dredging in Bristol Channel;</li> <li>• Port Talbot Harbour Redevelopment;</li> <li>• Severn Barrage;</li> <li>• Bay Sports Ltd Watersports Centre at St Helens; and,</li> <li>• Discharges into the Bay; Swansea, Aberafan, Baglan and Mumbles outfalls, River Tawe and Neath.</li> </ul> <p>No cumulative impacts with developments in other EEA states have been identified.</p>
Carrier	<p>The potential impact pathway would be pollution via water.</p> <p>It is considered that the potential for transboundary impacts could occur only via mobile species.</p>
Environmental Importance	<p><u>Designated sites:</u> The Scoping Report has not identified any designated sites within the proposed site boundary, but does recognise that there may be potential effects on nearby designated sites resulting from the impact of the development on coastal processes and sediment transfer, and mobile species. The Scoping Report identifies the following designated sites that may be affected by the development:</p> <ul style="list-style-type: none"> <li>• Kenfig SAC</li> <li>• Severn Estuary SAC/SPA/Ramsar</li> <li>• River Wye SAC</li> <li>• River Usk SAC</li> </ul> <p><u>Marine Mammals:</u> There are recorded sightings of Harbour Porpoise, Grey Seal, Risso Dolphin and Bottlenose Dolphin within Swansea Bay. The Scoping Report believes that the inner bay has limited use by marine mammals and therefore no significant impacts on marine mammals are anticipated.</p> <p><u>Birds:</u> Blackpill SSSI, located on the western edge of Swansea Bay provides an over-wintering and passage site for sanderling, ringed plovers, oystercatchers, grey plover, bar-tailed godwit, knot, and dunlin. Crymlym Bog SAC/Ramsar site located to the north of the site beyond Fabian Way is notable for supporting summer populations of reed warblers and sedge warblers.</p> <p>The Potential Transboundary Issues Document acknowledges that there would be some loss of intertidal foraging habitat within Swansea Bay which may affect some bird species, but this is considered to be small in comparison with the wider Swansea Bay habitat and therefore not likely to pose a significant direct impact upon bird species. The Document states that there could be an impact upon wintering bird species such as Dunlin, Sanderling and Ringed Plover as a result of changing coastal processes affecting prey species within the Bay, but this is not anticipated to have significant transboundary effects.</p> <p><u>Fish:</u> The Potential Transboundary Issues Document states that Norwegian, French and Belgian vessels are recorded generally within UK waters, with the Belgian vessels known to operate in</p>

	<p>waters close to Swansea. The Potential Transboundary Issues Document concludes that the Swansea Bay area is not important for fishing vessels from other EEA States and therefore no significant transboundary impacts are anticipated.</p> <p>The Potential Transboundary Issues Document refers to migratory fish species such as the European Eel, Atlantic Salmon, Plaice, Sole, Sandeel, Whiting, Cod, Herring, Tope, Spotted Ray, Thornback Ray, and Anglerfish, but concludes that no significant transboundary effects are anticipated due to the low overall proportion of stock passing through the development site and the low potential contact risk with turbines.</p>
Extent	The Scoping Request has not identified any impacts likely to affect another EEA State.
Magnitude	No impacts identified which would be likely to affect another EEA State.
Probability	No impacts identified which would be likely to affect another EEA State.
Duration	No impacts identified which would be likely to affect another EEA State.
Frequency	No impacts identified which would be likely to affect another EEA State.
Reversibility	No impacts identified which would be likely to affect another EEA State.

Under Regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) and on the basis of the current information available from the Developer, the Secretary of State is of the view that the proposed development is not likely to have a significant effect on the environment in another EEA State.

In reaching this view the Secretary of State has applied the precautionary approach (as explained in the Planning Inspectorate's Advice Note 12: Transboundary Impacts Consultation); and taken into account the information currently supplied by the Developer.

Action:

No further action required at this stage

Note: The Secretary of State's duty under Regulation 24 of the EIA Regulations continues throughout the application process.

Note:

1. The Secretary of State's screening of transboundary issues is based on the relevant considerations specified in Annex 4 to Planning Inspectorate Advice Note 12 available on the Planning Inspectorate's website at <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>