



Wednesday, 06 May 2020

Nicola Lake
East Team Leader, Planning Division
Neath Port Talbot Council
The Quays
Brunel Way
Neath
SA11 2GG

Dear Nicola,

**Re: Swansea Bay Tidal Lagoon – Decommissioning Programme Formal Consultation
(Your Reference 2020/0295)**

Further to the above consultation we thank you for your response dated 24th of April 2020.

I set out in the table below our responses to your comments on the content of the decommissioning document in the order in which they have been made and where amendments have been made to the decommissioning programme.

NPTCBC Comment	TLP Response
p.2 Head of Engineering and Transport (Highways): It is not clear how waste from the decommissioning process will be removed from the site – by road or by sea.	It is proposed that the majority of wastes will be removed by road. (A detailed work breakdown structure has been added to the document (Appendix 7.0))
p.5 It is considered that any approved Decommissioning Programme should also similarly be based around such an adaptive approach. This would ensure that all necessary decommissioning is fully assessed, identified and planned for throughout the life of the project and that a suitable decommissioning strategy is available at any point when it may be needed such as insolvency, rather than as suggested within the Decommissioning Programme only within 2 years of the end of operational development (Table 12).	The decommissioning programme will be reviewed annually and 3-5 years before decommissioning all relevant AEMP and operational data will be collated. (Table 12 and section 6.1 have been updated)
p.5 As such the Authority would suggest that the same ongoing, holistic approach should be applied to the Decommissioning Programme and Strategy as is applied to the construction and operation of the project through the required AEMP or similar mechanism.	Agreed. The decommissioning programme will be reviewed annually and data from the implementation of the AEMP will be collected throughout the asset's operation.
p.5 The applicants have put forward a £50million Maintenance Reserve Fund (MRF) for the breakwater and breakwater road maintenance which would be built up during the operational life of the project (following or instead of repowering) and used to manage and maintain the retained structures during its	The £50m MRF had been based on a detailed breakdown of maintenance requirements and their respective cost estimates.

retirement. However this figure appears to be based on what they estimate could be raised during the operational life of the project, once costs have been covered, rather than an assessment of what the project would require as a fund that would produce sufficient income to cover the cost of maintaining the structure in perpetuity.	
p.5 It is also unclear from the report as to when the Community Interest Company (CIC) would be expected to take over the ownership and responsibilities for the remaining lagoon asset.	The CIC would be expected to take over ownership on completion once the asst has been decommissioned. (Section 1.3 and Table 1 have been updated)
p.5 Without clear information on what the CIC and MRF would be expected to fund it is exceptionally difficult to understand if the MRF funds would be sufficient to produce the income to cover the required works.	Details of the estimate of annual maintenance to be met by the MRF will be included within the Financial Security chapter (9.0) within the final draft to be issued to BEIS.
p.6 - However there does not appear to be any consideration of an increase in the number or strength of storm events and the resultant increase in management and maintenance cost associated with such. An on-going detailed adaptive approach to the Decommission Programme and Strategy would allow such issues to be assessed, monitored, modelled and mitigated for through an accurate assessment of the required funding necessary for the retention of the project in perpetuity.	Agreed. During the operational phase and maintenance regime a record will be kept of all maintenance activities and costs which will inform the requirements for the retention of the project in perpetuity.
p. 6 It is correct when the developers state (paragraph 5.3.1) that there aren't currently any similar types of projects located within close proximity of the project's location, but identifies that if the development were to go ahead and was a success that there could be other such projects within the Severn Estuary and wider Wales coastal water that they could co-ordinate decommissioning works with.	SBTL is considered a path finder project and it is anticipated that other regional and UK tidal projects (in varying stages of development) will be proposed.
p.7 Much of the submitted document considers the project up to year 120 and assures that the structures that they wish to be retained on site after decommissioning have a life expectance in excess of 120 years, and with suitable maintenance in perpetuity. However there appears to be little quantitative information to justify this statement, nor an assessment of what impact climate change would have upon the scale of suitable maintenance or whether sufficient funds have been identified to cover such increases in the cost of maintenance over time. As stated above much of this information may not be available until the development is operational, but the requirement to monitor,	The final design and construction of SBTL will be focussed on the perpetuity of the remaining assets. As before, during the operational phase and maintenance regime a record will be kept of all maintenance activities and costs which will inform the requirements for the retention of the project in perpetuity.

assess, and adapt to such must be built into the decommissioning programme now.	
In Table 14 under decommissioning activity associated with both the Turbine House removal and Seawall removal, it is unclear what is meant by either 'introduction of rock armour into localised positions from sea' and 'dredging by sea and transportation of materials'. Neither of these terms appear to mean anything and the stated Waste Management Solutions of 'Material imported from original source for sea wall' and re-use within future infrastructure' are no more enlightening. These are both significant structures with large quantities of materials. These statements are not detailed, explanatory, or understandable to any degree in relation to the scale of the works they are purporting to explain. This appears to show a lack of true consideration of whether these are a real option in the assessment of Decommissioning Programme. It is also noted that this information does not clarify how any waste materials that are to be removed from the site will be transported. For instance all of the rock armour material is proposed to be brought to the site by sea only, due to the size and quantity of material required. However the proposed decommission programme appears to lack the necessary detail to identify how any waste produces associated with the decommissioning works will be removed from the area. This information is necessary to allow full identification of the potential impacts associated with the different decommissioning options.	Please note that we will include a detailed work breakdown structure for the proposed decommissioning within the final draft of the document to be issued to BEIS. It is proposed that the majority of wastes will be removed by road and managed by use of the waste management hierarchy.
p.7 as such an assurance that TLSB will review the original EIA to assess the potential impacts would be woefully out of date and surely a reference to a review of the AEMP would be a more fitting assessment of the potential environmental impacts of decommissioning.	Agreed. Section 6.0 has been updated to include that TLSB will review the original EIA and the data and reports collected through the asset's operation and the implementation of the AEMP (Adaptative Environmental Management Plan) to assess the potential impacts.
p.7 and 8 Under Section 13: Post-Decommissioning Monitoring, Maintenance and Management of the Site, it states that the "The frequency and scope of monitoring may be scaled back as more data is collected providing evidence that there is little change, whereby the frequency could be significantly reduced." However there is no indication of what procedures or action would be taken if the surveys demonstrated that there were adverse impacts associated with the partial decommissioning of the site, particularly in	The impacts of the decommissioned asset in its end state will be assessed in advance of decommissioning and the potential impacts on the navigable channels will be modelled. It is proposed that once decommissioning has been completed, the ownership and responsibility for the remaining lagoon asset will remain with the CIC.



relation to the enclosed lagoon, the newly opened sluice and turbine area and the impacts on the navigable channels. It is also unclear who would fund any identified mitigation works deemed to be necessary and who would be responsible for the works, the developer or the CIC through the MRF.	
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We thank you again for your comments and look forward to talking again in future.

Yours sincerely,

Richard Ambrose

Project Director

M:

E: richard.ambrose@tidallagoonpower.com