

TIDAL LAGOON DEVELOPMENTS IN ENGLAND AND WALES

Key Planning and Environmental Considerations

Executive Summary

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1. OVERVIEW

Tidal lagoon projects require careful planning and adherence to various legislative frameworks. The planning process involves multiple stages including pre-application, acceptance, pre-examination, examination, recommendation and decision, and post-decision phases. This structured approach requires detailed assessments and stakeholder engagement

The document provides a comprehensive overview of the planning, environmental assessments, and stakeholder engagement processes necessary for developing tidal lagoon projects. This summary distils the key elements and stages involved in ensuring these developments meet regulatory and environmental standards.

Intertek Metoc has prepared a document providing a comprehensive review of the key planning and environmental considerations for tidal lagoon developments in England and Wales. It details the processes and regulations involved in obtaining necessary consents and licenses, with a focus on the Environmental Impact Assessment (EIA) process and the Development Consent Order (DCO) application.

This document provides a summary of this document.

2. KEY PLANNING AND ENVIRONMENTAL CONSIDERATIONS

2.1 Development Consent Order Application Process

The DCO process is essential for tidal lagoon projects, encompassing six key stages:

1. Pre-application: Public consultation and project refinement.
2. Acceptance: Initial review by the Planning Inspectorate (PINS).
3. Pre-examination: Engagement with stakeholders and preliminary meeting.
4. Examination: Detailed scrutiny of the application.
5. Recommendation and Decision: PINS' report and Secretary of State's decision.
6. Post Decision: Opportunity for legal challenges.

Supporting documents for a DCO include (but are not limited to) project descriptions, consultation reports, environmental statements (ES), and flood risk assessments.

2.2 Screening Opinion

Objective: To determine if an Environmental Impact Assessment (EIA) is required.

Process: A request for a Screening Opinion involves a detailed project description and consultation with regulatory authorities to confirm compliance with current planning policies. Early-stage engagement with regulators is recommended to identify potential issues early in the process.

2.3 Environmental Impact Assessment (EIA)

EIA Report (ES): This report should encompass all information required to demonstrate that significant effects of the project have been assessed. It includes:

- Project description and land-use needs.
- Alternatives considered.
- Potential significant environmental effects (air, water, soil, flora, fauna, populations, landscape, etc.).
- Assessment methodologies and results.
- Mitigation measures.
- A non-technical summary.
- Limitations and knowledge gaps.

Baseline Environment: Accurate characterisation through surveys (e.g., bathymetric, hydrographic, geotechnical, geophysical, water and sediment quality, biological characterization) to establish zones of impact.

Several environmental factors must be considered in the planning of tidal lagoon projects, including:

- Coastal Processes and Sediment Transport: Assessing the impact on tides, currents, waves, and sediment movement.
- Marine Water and Sediment Quality: Evaluating the physical, chemical, and biological characteristics of the marine environment.
- Flood Risk and Drainage: Ensuring the project does not increase flood risks.
- Benthic Ecology: Studying the impact on marine flora and fauna.
- Fish and Shellfish: Minimizing effects on marine life.
- Marine Mammals: Addressing potential impacts on marine mammals during construction, operation, and decommissioning.

2.4 Environmental Outcomes Reports (EOR)

New Framework: Post-Brexit, the UK government is introducing Environmental Outcome Reports to replace the EU-derived SEA and EIA processes, aiming for a streamlined system to deliver greener infrastructure. This is still pending approval but will apply to tidal renewable projects.

2.5 Preliminary Environmental Information Report (PEIR)

Purpose: Required for public consultation during the Development Consent Order (DCO) application. The PEIR helps stakeholders understand the project scope and potential environmental impacts, facilitating informed contributions.

Structure: Typically includes a non-technical summary, project description, planning and legislation context, coastal processes and sediment transport, and marine water and sediment quality.

2.6 Stakeholder Consultation

Importance: Engaging public stakeholder groups and consultees at various stages of the project ensures that their concerns are addressed. This also aids in understanding licensing requirements.

Process: Consultation occurs over a four-week period during the scoping stage and extends to 42 days during the EIA considerations stage.

3. METHODOLOGIES AND ASSESSMENTS

Data Review and Gap Analysis: Review of existing data and identification of gaps to be filled through field surveys or alternative methods.

Characterization of Environmental Baseline: Establishing current environmental conditions against relevant legislation, such as the EU Bathing Waters Directive.

Impact Assessment: Using defined criteria to determine the significance of impacts and proposing mitigation measures for any residual significant impacts.

4. CONCLUSION

The approach outlined in this document ensures that tidal lagoon developments in England and Wales are planned and assessed with thorough consideration of environmental impacts and stakeholder engagement. The methodologies and processes described aim to streamline regulatory compliance and mitigate potential adverse effects on the environment, contributing to the sustainable development of tidal renewable energy projects.

This executive summary condenses the critical elements and procedural steps detailed in the original report, providing a clear and concise overview suitable for stakeholders, regulators, and developers involved in tidal lagoon projects.