

NRW and Tidal Lagoon Power Meeting – Friday 9th October 09:45

Attendees

Isobel Moore – Head of Regulation and Permitting (NRW)

Martyn Evans – Head of South West Operations (NRW)

John Wheadon – Permitting Service Manager (NRW)

Richard Ambrose – Project Manager (TLP)

- IM summarised the current position with the application, the validation of the model and the need to ensure we can progress the determination of the application. IM highlighted that NRW has reached a point where we can lawfully deem the marine application withdrawn.
- JW was asked to summarise the current position. JW highlighted that the current matter concerning validation of the model has been ongoing since February 2020 following receipt of the Cefas consultation response.

The outputs from the model are a critical element of this application to inform the potential impact to fish and subsequent HRA, WFD and EIA assessments.

It was unfortunate that the deadline of 4th September was missed by TLP and that there was no immediate clarity of TLP's intentions. The matter remains unresolved and the information is still outstanding. We need to bring the matter to a conclusion. As this is an EIA application we can lawfully consider it 'deemed withdrawn'

- RA stressed that TLP were equally as keen to progress the determination and highlighted what he considered to be a lack of clarity of the options open to TLP to conclude the validation and referenced an e-mail from the case officer Maria Alvarez in July.

JW stated that NRW's preferred option was for CEFAS to have unfettered access to the model to complete the validation. In the absence of this access, NRW had provided two alternative options to TLP which included a model comparison.

ACTION: JW to check previous correspondence between NRW and TLP regarding the options for concluding the validation of the model. (Action completed on 12 October 2020 via e-mail response from John Wheadon to Richard Ambrose).

- JW confirmed that NRW will write to TLP on 15th October and the letter will;
 - i) summarise the current position with the determination
 - ii) provide a deadline for the submission of the information (Thursday 5th November) and any submission must enable NRW to conclude the validation of the model i.e. a part or incomplete response will not be sufficient
 - iii) confirm we will not be offering any further extensions for the provision of the information
 - iv) we will deem the application withdrawn if satisfactory information is not received and NRW would need to pro-actively communicate this outcome to the media and public

- RA offered to send JW documentation that had been produced in response to the most recent Cefas report. JW stressed that it was a matter for TLP if they wanted to submit the information but anything we receive must enable us to conclude the validation of the model or we would deem the application withdrawn. It may therefore be in TLP's interest to wait for the letter from NRW.
- RA suggested that TLP may require a longer timeline to provide NRW with the information we required and that we should consider this due to the lack of clarity with the options. JW highlighted that this would be subject to his review of the correspondence (as per the action above) but we are happy to receive a proposal from RA/TLP early next week and the timeframe must be reasonable.
- JW highlighted that should TLP provide the necessary information which enables NRW to proceed with the determination of the application then TLP need to ensure that they are in a position to provide any further information or revised submissions in a timely manner for any future steps in the determination or we would ourselves be in a similar position again on another matter.
- ME summarised the meeting and highlighted that NRW had reasonably done what it could to resolve this matter and that TLP needed to provide the necessary information by the deadline or we will deem the application withdrawn.
- RA confirmed he understood. He then summarised the position with the project and that TLP had sought legal advice and were of the view- that the DCO had been deemed following the work they undertook in June this year.