

Tue 21/07/2015 09:26

WG to WG

Hi,

Ahead of our meeting on Thursday SBTL have shared the advice they have received about jurisdictional issues and consenting the offshore building under the M&CAA 2009. Please see attached.

They have confirmed that they will not be bringing lawyers to the meeting, however we may wish to pass this across to Gareth and Lee as the advice is from DLA Piper.

WG

WG

REDACTED INFORMATION the REDACTED INFORMATION will also be attending the meeting on Thursday to engage on the discussion about the review of LA boundaries.

Regards,

REDACTED INFORMATION

WG

From: REDACTED INFORMATION

TL SB

Sent: 20 July 2015 17:26

To: REDACTED INFORMATION

WG

Cc: REDACTED INFORMATION

TL SB

Subject: RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION,

WG

Apologies for the delay in sending materials relating to our meeting on Thursday – I had hoped to get this info to you by the end of last week. Please find attached:

- A draft note from our legal advisors (DLA Pipers) on the jurisdictional issues arising from the TLSB DCO (and supporting Annex)
- On related matters, an email from DLAP on consenting the Offshore Visitor Building via the M&CAA2009.

The first document puts all cards on the table in (I hope) a helpful manner. It would be great if attendees from your side were familiar with it. I will also endeavour to provide a timeline for the options before the meeting.

Kind regards, REDACTED INFORMATION

} TL SB

REDACTED INFORMATION

From: REDACTED INFORMATION

TL SB

Sent: 14 July 2015 14:06

To: REDACTED INFORMATION

WG

Cc: REDACTED INFORMATION

TL SB

Subject: RE: Tidal Lagoon Swansea Bay DCO

WG

TLSB x 2

Thanks REDACTED INFORMATION. I will attend with my planning colleague REDACTED INFORMATION. REDACTED INFORMATION is unable to attend, but we will liaise with her in advance and report back to her. I considered bringing a lawyer, but would prefer not to. We can work with the legal advice that I am collating and will provide to you by Friday.

Kind regards, REDACTED INFORMATION

} TLSB

REDACTED INFORMATION

From: REDACTED INFORMATION

WG

Sent: 14 July 2015 13:09

To: REDACTED INFORMATION TLSB

Subject: RE: Tidal Lagoon Swansea Bay DCO

REDACTED INFORMATION, TLSB

I am not able to extend the Video Conference Room booking as someone has it from 3pm. However I have provisionally booked one of our meeting rooms from 3 to 4.30 so we can continue the meeting if needs be.

I have also contacted colleagues in Boundary Commission for Wales and invited them to attend the meeting.

I am keen to make sure I get all the right people around the table from our end, so it would be good to know who it likely to be coming with you?

Thanks,

REDACTED INFORMATION WG

From: REDACTED INFORMATION TLSB

Sent: 13 July 2015 19:59

To: REDACTED INFORMATION WG

Subject: RE: Tidal Lagoon Swansea Bay DCO

Thanks REDACTED INFORMATION. WG

We are aware that any HRO will be approved by the MMO (and I attach some info received from them), but would still like to discuss matters arising with you. Not least because there are other means to address the jurisdiction matter, including the Local Govt (Democracy) Wales Act 2013 (as suggested by the Sec of State in her DCO cover letter) and the Transport & Works Act. We are pulling together info now to inform our discussion next week which I will send asap (and certainly by Friday).

In the meantime, on reflection, may I suggest that one hour may not be enough and we should consider doubling that, if participants are available?! Please let me know. I could start earlier or end later.

Many thanks, REDACTED INFORMATION TLSB

REDACTED INFORMATION *TLSB*

**From:** REDACTED INFORMATION *WG*  
**Sent:** 13 July 2015 13:27  
**To:** REDACTED INFORMATION *TLSB*  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, *TLSB*

I have had a word with my colleagues in Marine to share our conversation regarding the possibility of using a Harbour Revision Order to amend the administrative jurisdiction of the local authority.

They advise that unless the harbour is designated as a "fishery harbour" then the HRO is not devolved to Welsh Ministers, and any application would need to be made to the Maritime Management Organisation in England. I'm not sure if you were already aware of this but thought it worth sharing ahead of the meeting next week?

The contact details of the MMO are:

MMO: Marine Licensing Team  
Tel: 0300 123 1032 or email [harbourorders@marinemangement.org.uk](mailto:harbourorders@marinemangement.org.uk)

If you have any other information or want me to get a view on a certain matter ahead of next Thursday then please can you share this with me as soon as possible as I am not going to be in the office Thursday afternoon or Friday.

Thanks,

REDACTED INFORMATION *WG*

**From:** REDACTED INFORMATION *TLSB*  
**Sent:** 09 July 2015 17:30  
**To:** REDACTED INFORMATION *WG*  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

A note to confirm receipt – your emails are working again!

REDACTED INFORMATION }  
REDACTED INFORMATION } *TLSB*

**From:** REDACTED INFORMATION *WG*  
**Sent:** 08 July 2015 13:49  
**To:** REDACTED INFORMATION *TLSB*  
**cc:** REDACTED INFORMATION *TLSB*  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, *TLSB*

Further to our conversation I can confirm that the best time for a meeting our end would be Thursday 23<sup>rd</sup> July 14:00 to 15:00 here in our offices in Cardiff.

Regards,

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION TLSB  
**Sent:** 03 July 2015 16:22  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, WG

I just tried to give you a call but got your voicemail. Our understanding of the detail of the DCO is progressing. It would be good to set up a meeting soon if you were able to get those dates.

All the best, REDACTED INFORMATION } TLSB  
REDACTED INFORMATION

Tue 21/07/2015 14:40

WG to TLSB

Hi REDACTED INFORMATION, TLSB

I have looked at the paper by DLA Piper. In the interests of putting cards on the table, I note that their paper makes no mention of either Section 46 (Extent of Seward Boundaries) or Section 48 (Directions and Guidance relating to Part 3) of the Local Govt (Democracy) (Wales) Act 2013.

I say this because I am wondering if there is a middle ground worth considering here – however as it relates to jurisdictional matters my lawyer is unable to advise further on this.

Section 46 states that “*every accretion from the sea (whether natural or artificial) forms part of the community or communities which it adjoins in proportion to the extent of the common boundary. Every accretion or part of the sea shore forming part of a community under this section also forms part of the principal area and preserved county in which the community is situated*”.

Therefore my interpretation (however I must stress that I am not a lawyer) is that once construction of the offshore elements extend above the mean low water mark they could be considered to be artificial accretions, and would therefore come automatically under the jurisdiction of the LPA, who would then have authority to take any enforcement action, or approve further applications or revisions to details if required. Therefore the long term position is probably not such a big issue. I also raise this section because it may have implications on the need to also submit a planning application for the off-shore building (at a suitable point in time when the lagoon wall upon which it is to be constructed has been built above MLW) rather than relying solely on the M&CCA 2009, as the land upon which it will be constructed will be under the jurisdiction of the lpa.

Therefore the issue is how to deal with the raft of pre-commencement conditions given the current extent of the lpa’s jurisdiction. I note that no where in the DCO does it require that all these conditions have to be dealt with as separate entities, and therefore would it be possible to provide details/drawings that covered a number of requirements within them? So for example some details which have on their own no attachment to land (turbine and sluice gate scheme) could be submitted as part of a package as they would also contain elements which once built would fall above MLW). Defining the actual extent of MLW is not a straightforward process (see attached document) and therefore in the interests of ensuring that the pre-commencement information is robust (and not open to challenge) it may be beneficial to provide details of the whole scheme?

I therefore wonder (and as I am not the LPA I obviously cannot speak for them) that because these drawings/details would also cover land within the lpa’s control then such applications can lawfully (subject to any redline plan issues) be made to them, and it may be possible for them to approve them *in*

so far as the details submitted fall within their jurisdiction. Consequently TBSL would be in compliance with the provisions of the DCO (in that they have submitted the required information), the Ipa would have acted within its legal competence, and as the development is built out those elements included as part of the pre-commencement material that were originally outwith the jurisdiction will (in accordance with Section 46) come within the Ipa's jurisdiction and thus also automatically become approved.

It may be that this approach could be run parallel to any review by the Boundary Commission, so that by the time the details have been submitted, consulted upon, revised (if necessary), then the boundary changes could have been made allowing the Ipa's to approve all the details without the need for any caveat?

Section 48 LG(D)WA 2013 confers powers on Welsh Ministers to direct the Commission to conduct a review, and for them to have regard to such particular matters as may be specified in the direction when conducting a review. Therefore it is not necessarily the case that such a request for a review has to be made by CCS or NPTB. I will try and find out more about this before we meet on Thursday.

**As I state the views offered above are purely my own**, and I have made them in the interest of being open and trying to get all cards on the table. You may therefore wish to discuss these views with your own lawyers to determine if they are legal and achievable?

See you on Thursday, if you go to the main reception at CP2 (Cathays Park) and ask for me I can come down to collect you. Reception have your details.

Regards,

REDACTED INFORMATION

REDACTED INFORMATION

} WG

<http://llyw.cymru/amgylcheddacheffngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** REDACTED INFORMATION TLSB  
**Sent:** 20 July 2015 18:11  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

WG REDACTED INFORMATION, I sent the wrong version of the draft note. Please ignore/delete previous email and use this updated version instead. All docs attached for completeness. Apologies for any confusion.

Thanks, REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION TLSB  
**Sent:** 20 July 2015 17:26  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, WG

Apologies for the delay in sending materials relating to our meeting on Thursday – I had hoped to get this info to you by the end of last week. Please find attached:

- A draft note from our legal advisors (DLA Pipers) on the jurisdictional issues arising from the TLSB DCO (and supporting Annex)
- On related matters, an email from DLAP on consenting the Offshore Visitor Building via the M&CAA2009.

The first document puts all cards on the table in (I hope) a helpful manner. It would be great if attendees from your side were familiar with it. I will also endeavour to provide a timeline for the options before the meeting.

Kind regards, REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION TLSB  
**Sent:** 14 July 2015 14:06  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

WG  
Thanks REDACTED INFORMATION. I will attend with my planning colleague REDACTED INFORMATION. REDACTED INFORMATION is unable to attend, but we will liaise with her in advance and report back to her. I considered bringing a lawyer,

TLSB x 2

but would prefer not to. We can work with the legal advice that I am collating and will provide to you by Friday.

Kind regards, REDACTED INFORMATION *TLSB*

REDACTED INFORMATION *TLSB*

**From:** REDACTED INFORMATION *WG*  
**Sent:** 14 July 2015 13:09  
**To:** REDACTED INFORMATION *TLSB*  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

REDACTED INFORMATION, *TLSB*

I am not able to extend the Video Conference Room booking as someone has it from 3pm. However I have provisionally booked one of our meeting rooms from 3 to 4.30 so we can continue the meeting if needs be.

I have also contacted colleagues in Boundary Commission for Wales and invited them to attend the meeting.

I am keen to make sure I get all the right people around the table from our end, so it would be good to know who it likely to be coming with you?

Thanks,

REDACTED INFORMATION *WG*

**From:** REDACTED INFORMATION *TLSB*  
**Sent:** 13 July 2015 19:59  
**To:** REDACTED INFORMATION *WG*  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Thanks REDACTED INFORMATION. *WG*

We are aware that any HRO will be approved by the MMO (and I attach some info received from them), but would still like to discuss matters arising with you. Not least because there are other means to address the jurisdiction matter, including the Local Govt (Democracy) Wales Act 2013 (as suggested by the Sec of State in her DCO cover letter) and the Transport & Works Act. We are pulling together info now to inform our discussion next week which I will send asap (and certainly by Friday).

In the meantime, on reflection, may I suggest that one hour may not be enough and we should consider doubling that, if participants are available?! Please let me know. I could start earlier or end later.

Many thanks, REDACTED INFORMATION *TLSB*

REDACTED INFORMATION *TLSB*

**From:** REDACTED INFORMATION *WG*



Sent: 13 July 2015 13:27

To: REDACTED INFORMATION **TLSB**  
Subject: RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, **TLSB**

I have had a word with my colleagues in Marine to share our conversation regarding the possibility of using a Harbour Revision Order to amend the administrative jurisdiction of the local authority.

They advise that unless the harbour is designated as a "fishery harbour" then the HRO is not devolved to Welsh Ministers, and any application would need to be made to the Maritime Management Organisation in England. I'm not sure if you were already aware of this but thought it worth sharing ahead of the meeting next week?

The contact details of the MMO are:

MMO: Marine Licensing Team  
Tel: 0300 123 1032 or email [harbourorders@marinemangement.org.uk](mailto:harbourorders@marinemangement.org.uk)

If you have any other information or want me to get a view on a certain matter ahead of next Thursday then please can you share this with me as soon as possible as I am not going to be in the office Thursday afternoon or Friday.

Thanks,

REDACTED INFORMATION **WG**

**From:** REDACTED INFORMATION **TLSB**  
**Sent:** 09 July 2015 17:30  
**To:** REDACTED INFORMATION **WG**  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

A note to confirm receipt – your emails are working again!

REDACTED INFORMATION } **TLSB**  
REDACTED INFORMATION }

**From:** REDACTED INFORMATION **WG**  
**Sent:** 08 July 2015 13:49  
**To:** REDACTED INFORMATION **TLSB**  
**Cc:** REDACTED INFORMATION **TLSB**  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, **TLSB**

Further to our conversation I can confirm that the best time for a meeting our end would be Thursday 23<sup>rd</sup> July 14:00 to 15:00 here in our offices in Cardiff.

Regards,

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION TLSB  
**Sent:** 03 July 2015 16:22  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, WG

I just tried to give you a call but got your voicemail. Our understanding of the detail of the DCO is progressing. It would be good to set up a meeting soon if you were able to get those dates.

All the best, REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION TLSB  
**Sent:** 23 June 2015 13:38  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

No problem. Speak soon. My mobile is usually best.

REDACTED INFORMATION } TLSB  
REDACTED INFORMATION }

**From:** REDACTED INFORMATION WG  
**Sent:** 23 June 2015 10:56  
**To:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, TLSB

Sorry for not replying to you sooner.

We are having an internal meeting between Planning, Marine, and Energy to discuss the SoS decision tomorrow afternoon. I will get some dates from the others and comeback to you following the meeting.

Kind Regards,

REDACTED INFORMATION } WG  
REDACTED INFORMATION }

<http://llyw.cymru/amgylcheddachefngwlad> / <http://gov.wales/environmentandcountryside>

"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** REDACTED INFORMATION TLSB  
**Sent:** 18 June 2015 17:19  
**To:** REDACTED INFORMATION TLSB + WG  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO  
TLSB WG

Thanks REDACTED INFORMATION. Hello REDACTED INFORMATION, I hope you are well. Would you like to give me a call and we can pick a date? I don't seem to have your details. I will be working from home tomorrow so my mobile is best.

Kind regards, REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION TLSB  
**Sent:** 18 June 2015 12:51  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION WG

It was good to see you at the Policy Forum Wales event the other day.

As discussed, we are working to understand the DCO and its implications, as you are. It seems very sensible to meet to seek a common understanding of the DCO and its implementation. REDACTED INFORMATION is leading on this, and is copied in to this email. Could I suggest that you both liaise to make arrangements?

TLSB

Kind regards,  
REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB



REDACTED INFORMATION   TLSB

On leaving the Government Secure Intranet this email was certified virus free.  
Communications via the GSi may be automatically logged, monitored and/or recorded

for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

Wed 22/07/2015 10:18

WG to WG

WG

Thanks REDACTED INFORMATION. Their lawyers does not appear to have sought a view on the marine licensing requirements from NRW. I will aim to get their position on the legal advice before the meeting. Have they been invited tomorrow as I wont be able to add much, apart from that they will need to speak to NRW for a view on licensing requirements! I'll try my best to get a quick response from them...

REDACTED INFORMATION

WG

**From:** REDACTED INFORMATION

WG

**Sent:** 21 July 2015 09:26

**To:** REDACTED INFORMATION

WG

**Subject:** FW: Tidal Lagoon Swansea Bay DCO

Hi,

Ahead of our meeting on Thursday SBTL have shared the advice they have received about jurisdictional issues and consenting the offshore building under the M&CAA 2009. Please see attached.

They have confirmed that they will not be bringing lawyers to the meeting, however we may wish to pass this across to REDACTED INFORMATION and REDACTED INFORMATION as the advice is from DLA Piper.

WG

WG

WG

REDACTED INFORMATION the REDACTED INFORMATION will also be attending the meeting on Thursday to engage on the discussion about the review of LA boundaries.

Regards,

REDACTED INFORMATION

WG

**From:** REDACTED INFORMATION

TLSB

**Sent:** 20 July 2015 17:26

**To:** REDACTED INFORMATION

WG

**Cc:** REDACTED INFORMATION

TLSB + TLSB

**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION,

WG

Apologies for the delay in sending materials relating to our meeting on Thursday – I had hoped to get this info to you by the end of last week. Please find attached:

- A draft note from our legal advisors (DLA Pipers) on the jurisdictional issues arising from the TLSB DCO (and supporting Annex)
- On related matters, an email from DLAP on consenting the Offshore Visitor Building via the M&CAA2009.

The first document puts all cards on the table in (I hope) a helpful manner. It would be great if attendees from your side were familiar with it. I will also endeavour to provide a timeline for the options before the meeting.

Kind regards, REDACTED INFORMATION

} TLSB

REDACTED INFORMATION

From: REDACTED INFORMATION TLSB

Sent: 14 July 2015 14:06

To: REDACTED INFORMATION WG

Cc: REDACTED INFORMATION TLSB + TLSB

Subject: RE: Tidal Lagoon Swansea Bay DCO

WG

Thanks REDACTED INFORMATION. I will attend with my planning colleague

TLSB

TLSB

REDACTED INFORMATION. REDACTED INFORMATION is unable to attend, but we will liaise with her in advance and report back to her. I considered bringing a lawyer, but would prefer not to. We can work with the legal advice that I am collating and will provide to you by Friday.

Kind regards, REDACTED INFORMATION

} TLSB

REDACTED INFORMATION

From: REDACTED INFORMATION WG

Sent: 14 July 2015 13:09

To: REDACTED INFORMATION TLSB

Subject: RE: Tidal Lagoon Swansea Bay DCO

REDACTED INFORMATION, TLSB

I am not able to extend the Video Conference Room booking as someone has it from 3pm. However I have provisionally booked one of our meeting rooms from 3 to 4.30 so we can continue the meeting if needs be.

I have also contacted colleagues in Boundary Commission for Wales and invited them to attend the meeting.

I am keen to make sure I get all the right people around the table from our end, so it would be good to know who it likely to be coming with you?

Thanks,

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION TLSB  
**Sent:** 13 July 2015 19:59  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Thanks REDACTED INFORMATION. WG

We are aware that any HRO will be approved by the MMO (and I attach some info received from them), but would still like to discuss matters arising with you. Not least because there are other means to address the jurisdiction matter, including the Local Govt (Democracy) Wales Act 2013 (as suggested by the Sec of State in her DCO cover letter) and the Transport & Works Act. We are pulling together info now to inform our discussion next week which I will send asap (and certainly by Friday).

In the meantime, on reflection, may I suggest that one hour may not be enough and we should consider doubling that, if participants are available?! Please let me know. I could start earlier or end later.

Many thanks, REDACTED INFORMATION } TLSB  
REDACTED INFORMATION

**From:** REDACTED INFORMATION WG  
**Sent:** 13 July 2015 13:27  
**To:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, TLSB

I have had a word with my colleagues in Marine to share our conversation regarding the possibility of using a Harbour Revision Order to amend the administrative jurisdiction of the local authority.

They advise that unless the harbour is designated as a "fishery harbour" then the HRO is not devolved to Welsh Ministers, and any application would need to be made to the Maritime Management Organisation in England. I'm not sure if you were already aware of this but thought it worth sharing ahead of the meeting next week?

The contact details of the MMO are:

MMO: Marine Licensing Team  
Tel: 0300 123 1032 or email [harbourorders@marinemangement.org.uk](mailto:harbourorders@marinemangement.org.uk)

If you have any other information or want me to get a view on a certain matter ahead of next Thursday then please can you share this with me as soon as possible as I am not going to be in the office Thursday afternoon or Friday.

Thanks,

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION TLSB  
**Sent:** 09 July 2015 17:30  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

A note to confirm receipt – your emails are working again!

REDACTED INFORMATION } TLSB  
REDACTED INFORMATION

**From:** REDACTED INFORMATION WG  
**Sent:** 08 July 2015 13:49  
**To:** REDACTED INFORMATION TLSB  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, TLSB

Further to our conversation I can confirm that the best time for a meeting our end would be Thursday 23<sup>rd</sup> July 14:00 to 15:00 here in our offices in Cardiff.

Regards,

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION TLSB  
**Sent:** 03 July 2015 16:22  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, WG

I just tried to give you a call but got your voicemail. Our understanding of the detail of the DCO is progressing. It would be good to set up a meeting soon if you were able to get those dates.

All the best, REDACTED INFORMATION } TLSB  
REDACTED INFORMATION



Wed 22/07/2015 16:15

TLSB to WG

REDACTED INFORMATION,

WG

Some thoughts for an agenda for tomorrow:

1. Intros
2. TLSB DCO
  - a. Loss of recreational facilities (Western Landfall Building and public realm)
  - b. Loss of cable route
  - c. Requirements 4 and 33
  - d. Jurisdiction matters
    - i. Boundaries commission
    - ii. Discharge of DCO requirements
    - iii. LG(D)WA 2013
    - iv. Harbours Act 1964
3. Marine Licence determination
4. AOB

Please use, adapt or ignore! I will not bring hard copies of this in case you make changes (and because I won't have access to a printer from now on!). Look forward to seeing you tomorrow.

REDACTED INFORMATION

TLSB

REDACTED INFORMATION

TLSB

From: REDACTED INFORMATION

WG

Sent: 21 July 2015 14:40

To: REDACTED INFORMATION Subject: RE: Tidal Lagoon Swansea Bay DCO

TLSB

Hi REDACTED INFORMATION,

TLSB

I have looked at the paper by DLA Piper. In the interests of putting cards on the table, I note that their paper makes no mention of either Section 46 (Extent of Seward Boundaries) or Section 48 (Directions and Guidance relating to Part 3) of the Local Govt (Democracy) (Wales) Act 2013.

I say this because I am wondering if there is a middle ground worth considering here – however as it relates to jurisdictional matters my lawyer is unable to advise further on this.

Section 46 states that “every accretion from the sea (whether natural or **artificial**) forms part of the community or communities which it adjoins in proportion to the extent of the common boundary. Every accretion or part of the sea shore forming part of a community under this section also forms part of the principal area and preserved county in which the community is situated”.

Therefore my interpretation (however I must stress that I am not a lawyer) is that once construction of the offshore elements extend above the mean low water mark they could be considered to be artificial accretions, and would therefore come automatically under the jurisdiction of the LPA, who would then have authority to take any enforcement action, or approve further applications or revisions to details if required. Therefore the long term position is probably not such a big issue. I also raise this section because it may have implications on the need to also submit a planning application for the off-shore building (at a suitable point in time when the lagoon wall upon which it is to be constructed has been built above MLW) rather than relying solely on the M&CCA 2009, as the land upon which it will be constructed will be under the jurisdiction of the lpa.

Therefore the issue is how to deal with the raft of pre-commencement conditions given the current extent of the lpa's jurisdiction. I note that nowhere in the DCO does it require that all these conditions have to be dealt with as separate entities, and therefore would it be possible to provide details/drawings that covered a number of requirements within them? So for example some details which have on their own no attachment to land (turbine and sluice gate scheme) could be submitted as part of a package as they would also contain elements which once built would fall above MLW). Defining the actual extent of MLW is not a straightforward process (see attached document) and therefore in the interests of ensuring that the pre-commencement information is robust (and not open to challenge) it may be beneficial to provide details of the whole scheme?

I therefore wonder (and as I am not the LPA I obviously cannot speak for them) that because these drawings/details would also cover land within the lpa's control then such applications can lawfully (subject to any redline plan issues) be made to them, and it may be possible for them to approve them *in so far as the details submitted fall within their jurisdiction*. Consequently TBSL would be in compliance with the provisions of the DCO (in that they have submitted the required information), the lpa would have acted within its legal competence, and as the development is built out those elements included as part of the pre-commencement material that were originally outwith the jurisdiction will (in accordance with Section 46) come within the lpa's jurisdiction and thus also automatically become approved.

It may be that this approach could be run parallel to any review by the Boundary Commission, so that by the time the details have been submitted, consulted upon, revised (if necessary), then the boundary changes could have been made allowing the lpa's to approve all the details without the need for any caveat?

Section 48 LG(D)WA 2013 confers powers on Welsh Ministers to direct the Commission to conduct a review, and for them to have regard to such particular matters as may be specified in the direction when conducting a review. Therefore it is not necessarily the case that such a request for a review has to be made by CCS or NPTB. I will try and find out more about this before we meet on Thursday.

**As I state the views offered above are purely my own**, and I have made them in the interest of being open and trying to get all cards on the table. You may therefore wish to discuss these views with your own lawyers to determine if they are legal and achievable?

See you on Thursday, if you go to the main reception at CP2 (Cathays Park) and ask for me I can come down to collect you. Reception have your details.

Regards,

REDACTED INFORMATION

REDACTED INFORMATION

} WG

<http://llyw.cymru/amgylcheddacheffngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** REDACTED INFORMATION TLSB  
**Sent:** 20 July 2015 18:11  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

REDACTED INFORMATION, I sent the wrong version of the draft note. Please ignore/delete previous email and use this updated version instead. All docs attached for completeness. Apologies for any confusion.

Thanks, REDACTED INFORMATION

TLSB

REDACTED INFORMATION

**From:** REDACTED INFORMATION TLSB  
**Sent:** 20 July 2015 17:26  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, WG

Apologies for the delay in sending materials relating to our meeting on Thursday – I had hoped to get this info to you by the end of last week. Please find attached:

- A draft note from our legal advisors (DLA Pipers) on the jurisdictional issues arising from the TLSB DCO (and supporting Annex)
- On related matters, an email from DLAP on consenting the Offshore Visitor Building via the M&CAA2009.

The first document puts all cards on the table in (I hope) a helpful manner. It would be great if attendees from your side were familiar with it. I will also endeavour to provide a timeline for the options before the meeting.

Kind regards, REDACTED INFORMATION

TLSB

REDACTED INFORMATION

From: REDACTED INFORMATION

TLSB

Sent: 14 July 2015 14:06

To: REDACTED INFORMATION

WG

Cc: REDACTED INFORMATION

TLSB

Subject: RE: Tidal Lagoon Swansea Bay DCO

Thanks REDACTED INFORMATION. I will attend with my planning colleague REDACTED INFORMATION. REDACTED INFORMATION is unable to attend, but we will liaise with her in advance and report back to her. I considered bringing a lawyer, but would prefer not to. We can work with the legal advice that I am collating and will provide to you by Friday.

Kind regards, REDACTED INFORMATION

TLSB

REDACTED INFORMATION

From: REDACTED INFORMATION

WG

Sent: 14 July 2015 13:09

To: REDACTED INFORMATION

TLSB

Subject: RE: Tidal Lagoon Swansea Bay DCO

REDACTED INFORMATION,

TLSB

I am not able to extend the Video Conference Room booking as someone has it from 3pm. However I have provisionally booked one of our meeting rooms from 3 to 4.30 so we can continue the meeting if needs be.

I have also contacted colleagues in Boundary Commission for Wales and invited them to attend the meeting.

I am keen to make sure I get all the right people around the table from our end, so it would be good to know who it likely to be coming with you?

Thanks,

REDACTED INFORMATION

WG

**From:** REDACTED INFORMATION TLSB  
**Sent:** 13 July 2015 19:59  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Thanks REDACTED INFORMATION. WG

We are aware that any HRO will be approved by the MMO (and I attach some info received from them), but would still like to discuss matters arising with you. Not least because there are other means to address the jurisdiction matter, including the Local Govt (Democracy) Wales Act 2013 (as suggested by the Sec of State in her DCO cover letter) and the Transport & Works Act. We are pulling together info now to inform our discussion next week which I will send asap (and certainly by Friday).

In the meantime, on reflection, may I suggest that one hour may not be enough and we should consider doubling that, if participants are available?! Please let me know. I could start earlier or end later.

Many thanks, REDACTED INFORMATION TLSB

REDACTED INFORMATION

**From:** REDACTED INFORMATION WG  
**Sent:** 13 July 2015 13:27  
**To:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, TLSB

I have had a word with my colleagues in Marine to share our conversation regarding the possibility of using a Harbour Revision Order to amend the administrative jurisdiction of the local authority.

They advise that unless the harbour is designated as a "fishery harbour" then the HRO is not devolved to Welsh Ministers, and any application would need to be made to the Maritime Management Organisation in England. I'm not sure if you were already aware of this but thought it worth sharing ahead of the meeting next week?

The contact details of the MMO are:

MMO: Marine Licensing Team  
Tel: 0300 123 1032 or email [harbourorders@marinemangement.org.uk](mailto:harbourorders@marinemangement.org.uk)

If you have any other information or want me to get a view on a certain matter ahead of next Thursday then please can you share this with me as soon as possible as I am not going to be in the office Thursday afternoon or Friday.

Thanks,

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION TLSB  
**Sent:** 09 July 2015 17:30  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

A note to confirm receipt – your emails are working again!

REDACTED INFORMATION } TLSB  
REDACTED INFORMATION }

**From:** REDACTED INFORMATION **Sent:** 08 July 2015 13:49 WG  
**To:** REDACTED INFORMATION TLSB  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, TLSB

Further to our conversation I can confirm that the best time for a meeting our end would be Thursday 23<sup>rd</sup> July 14:00 to 15:00 here in our offices in Cardiff.

Regards,

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION TLSB  
**Sent:** 03 July 2015 16:22  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, WG

I just tried to give you a call but got your voicemail. Our understanding of the detail of the DCO is progressing. It would be good to set up a meeting soon if you were able to get those dates.

All the best, REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION TLSB  
**Sent:** 23 June 2015 13:38  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

No problem. Speak soon. My mobile is usually best.

REDACTED INFORMATION TLSB

REDACTED INFORMATION

**From:** REDACTED INFORMATION WG  
**Sent:** 23 June 2015 10:56  
**To:** REDACTED INFORMATION TLSB  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION TLSB

Sorry for not replying to you sooner.

We are having an internal meeting between Planning, Marine, and Energy to discuss the SoS decision tomorrow afternoon. I will get some dates from the others and come back to you following the meeting.

Kind Regards,

REDACTED INFORMATION

REDACTED INFORMATION } WG

<http://llyw.cymru/amgylcheddachefngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** REDACTED INFORMATION TLSB  
**Sent:** 18 June 2015 17:19  
**To:** REDACTED INFORMATION TLSB + WG  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Thanks REDACTED INFORMATION. Hello REDACTED INFORMATION, I hope you are well. Would you like to give me a call and we can pick a date? I don't seem to have your details. I will be working from home tomorrow so my mobile is best.

Kind regards, REDACTED INFORMATION TLSB

REDACTED INFORMATION

**From:** REDACTED INFORMATION TLSB  
**Sent:** 18 June 2015 12:51  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB  
**Subject:** Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION WG

It was good to see you at the Policy Forum Wales event the other day.

As discussed, we are working to understand the DCO and its implications, as you are. It seems very sensible to meet to seek a common understanding of the DCO and its implementation. REDACTED INFORMATION **TLSB** is leading on this, and is copied in to this email. Could I suggest that you both liaise to make arrangements?

Kind regards,  
REDACTED INFORMATION **TLSB**

REDACTED INFORMATION **TLSB**



REDACTED INFORMATION **TLSB**



On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free.



Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.



Thu 23/07/2015 11:32

WG

TLSB to WG

REDACTED INFORMATION – please see below comments from our legal advisers on your note. See you shortly.

REDACTED INFORMATION *TLSB*

REDACTED INFORMATION *TLSB*

**From:** REDACTED INFORMATION *DLA piper*

**Sent:** 22 July 2015 19:48

**To:** REDACTED INFORMATION *TLSB*

**Cc:** REDACTED INFORMATION *DLA Piper*

**Subject:** FW: Tidal Lagoon Swansea Bay DCO [DLAP-UKMATTERS.FID3657011]

Dear REDACTED INFORMATION, *TLSB*

Please see my comments in red in the text below. I will be available tomorrow morning if you need to discuss the points in greater detail.

Kind regards

REDACTED INFORMATION *DLA Piper*

REDACTED INFORMATION *DLA Piper*



DLA Piper UK LLP  
www.dlapiper.com

**From:** REDACTED INFORMATION *TLSB*

**Sent:** 21 July 2015 16:03

**To:** REDACTED INFORMATION *DLA Piper + TLSB*

**Subject:** FW: Tidal Lagoon Swansea Bay DCO

Gents – please see below an interesting take on the jurisdiction matter, in response to DLAP’s note on the same subject, which I forwarded to REDACTED INFORMATION last night. Comments welcome.

REDACTED INFORMATION } *TLSB*  
REDACTED INFORMATION }

**From:** REDACTED INFORMATION *WG*

**Sent:** 21 July 2015 14:40

**To:** REDACTED INFORMATION *TLSB*

**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, *TLSB*

I have looked at the paper by DLA Piper. In the interests of putting cards on the table, I note that their paper makes no mention of either Section 46 (Extent of Seward Boundaries) or Section 48 (Directions and Guidance relating to Part 3) of the Local Govt (Democracy) (Wales) Act 2013.

I say this because I am wondering if there is a middle ground worth considering here – however as it relates to jurisdictional matters my lawyer is unable to advise further on this.

Section 46 states that *“every accretion from the sea (whether natural or artificial) forms part of the community or communities which it adjoins in proportion to the extent of the common boundary. Every accretion or part of the sea shore forming part of a community under this section also forms part of the principal area and preserved county in which the community is situated”*.

Therefore my interpretation (however I must stress that I am not a lawyer) is that once construction of the offshore elements extend above the mean low water mark they could be considered to be artificial accretions Agree, and would therefore come automatically under the jurisdiction of the LPA Agree, who would then have authority to take any enforcement action, or approve further applications or revisions to details if required. Agree - but only to the extent that those actions would apply to the accretions. This would not be a solution for anything that needs approval outside that expanded jurisdiction or before the jurisdiction is extended. Therefore the long term position is probably not such a big issue. I also raise this section because it may have implications on the need to also submit a planning application for the off-shore building (at a suitable point in time when the lagoon wall upon which it is to be constructed has been built above MLW) rather than relying solely on the M&CCA 2009, as the land upon which it will be constructed will be under the jurisdiction of the Lpa. See previous comment. The point is not only about the offshore building - it encompasses the discharge of conditions not attached to the onshore areas. Waiting until a work is above MLW is not helpful, as finance providers will not have any confidence that the works would be approved. In terms of the offshore building, TLSB can be relatively relaxed, as if an application cannot be made, the s106 gives leeway - it is the other works and requirements which are the important consideration.

Therefore the issue is how to deal with the raft of pre-commencement conditions given the current extent of the Lpa's jurisdiction. I note that no where in the DCO does it require that all these conditions have to be dealt with as separate entities, and therefore would it be possible to provide details/drawings that covered a number of requirements within them? Yes. So for example some details which have on their own no attachment to land (turbine and sluice gate scheme) could be submitted as part of a package as they would also contain elements which once built would fall above MLW). Defining the actual extent of MLW is not a straightforward process Agree. (see attached document) and therefore in the interests of ensuring that the pre-commencement information is robust (and not open to challenge) it may be beneficial to provide details of the whole scheme? Agree. What would

happen if works were not above MLW is that approval would only go as far as the jurisdictional boundary. Anything outside would not be approved. TLSB may have a legitimate expectation that it might be approved, but this would not fetter the LPA, and therefore it is not a complete solution.

I therefore wonder (and as I am not the LPA I obviously cannot speak for them) that because these drawings/details would also cover land within the lpa's control then such applications can lawfully (subject to any redline plan issues) be made to them, and it may be possible for them to approve them *in so far as the details submitted fall within their jurisdiction*. And only as far as their jurisdiction. Consequently TLSB would be in compliance with the provisions of the DCO (in that they have submitted the required information) Requirement 33 requires that everything must be approved by the relevant LPA. If there is no relevant LPA, any approval would be ineffective. If there is no jurisdiction, there is no relevant LPA and TLSB would be unable to submit the required information - as the LPA would not be acting within its legal competence, the lpa would have acted within its legal competence, and as the development is built out those elements included as part of the pre-commencement material that were originally outwith the jurisdiction will (in accordance with Section 46) come within the lpa's jurisdiction and thus also automatically become approved.

It may be that this approach could be run parallel to any review by the Boundary Commission, so that by the time the details have been submitted, consulted upon, revised (if necessary), then the boundary changes could have been made allowing the lpa's to approve all the details without the need for any caveat?

Section 48 LG(D)WA 2013 confers powers on Welsh Ministers to direct the Commission to conduct a review, and for them to have regard to such particular matters as may be specified in the direction when conducting a review. Therefore it is not necessarily the case that such a request for a review has to be made by CCS or NPTB. I will try and find out more about this before we meet on Thursday. Agree. Welsh Ministers are able to direct, but the relationship with CCSC/NPTB would allow TLSB more control and input. As it is, the Commission can act on its own motion, so your meeting could be useful in that respect. Also, you can provoke a response by requesting a review, which the Commission would then take forward of its own motion.

**As I state the views offered above are purely my own**, and I have made them in the interest of being open and trying to get all cards on the table. You may therefore wish to discuss these views with your own lawyers to determine if they are legal and achievable?

See you on Thursday, if you go to the main reception at CP2 (Cathays Park) and ask for me I can come down to collect you. Reception have your details.

Regards,

REDACTED INFORMATION

WG

REDACTED INFORMATION

<http://llyw.cymru/amgylcheddacheffngwlad> / <http://gov.wales/environmentandcountryside>

**From:** REDACTED INFORMATION

**Sent:** 20 July 2015 18:11

**To:** REDACTED INFORMATION

**Cc:** REDACTED INFORMATION

**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION,

Apologies for the delay in sending materials relating to our meeting on Thursday – I had hoped to get this info to you by the end of last week. Please find attached:

- A draft note from our legal advisors (DLA Pipers) on the jurisdictional issues arising from the TLSB DCO (and supporting Annex)
- On related matters, an email from DLAP on consenting the Offshore Visitor Building via the M&CAA2009.

The first document puts all cards on the table in (I hope) a helpful manner. It would be great if attendees from your side were familiar with it. I will also endeavour to provide a timeline for the options before the meeting.

Kind regards, REDACTED INFORMATION

REDACTED INFORMATION

**From:** REDACTED INFORMATION

**Sent:** 14 July 2015 14:06

**To:** REDACTED INFORMATION

**Cc:** REDACTED INFORMATION

**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Thanks REDACTED INFORMATION. I will attend with my planning colleague REDACTED INFORMATION. REDACTED INFORMATION is unable to attend, but we will liaise with her in advance and report back to her. I considered bringing a lawyer, but would prefer not to. We can work with the legal advice that I am collating and will provide to you by Friday.

Kind regards, REDACTED INFORMATION

REDACTED INFORMATION

**From:** REDACTED INFORMATION

**Sent:** 14 July 2015 13:09

**To:** REDACTED INFORMATION

**Subject:** RE: Tidal Lagoon Swansea Bay DCO

REDACTED INFORMATION,

I am not able to extend the Video Conference Room booking as someone has it from 3pm. However I have provisionally booked one of our meeting rooms from 3 to 4.30 so we can continue the meeting if needs be.

I have also contacted colleagues in Boundary Commission for Wales and invited them to attend the meeting.

I am keen to make sure I get all the right people around the table from our end, so it would be good to know who it likely to be coming with you?

Thanks,

REDACTED INFORMATION *WG*

**From:** REDACTED INFORMATION *TLSB*  
**Sent:** 13 July 2015 19:59  
**To:** REDACTED INFORMATION *WG*  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Thanks REDACTED INFORMATION. *WG*

We are aware that any HRO will be approved by the MMO (and I attach some info received from them), but would still like to discuss matters arising with you. Not least because there are other means to address the jurisdiction matter, including the Local Govt (Democracy) Wales Act 2013 (as suggested by the Sec of State in her DCO cover letter) and the Transport & Works Act. We are pulling together info now to inform our discussion next week which I will send asap (and certainly by Friday).

In the meantime, on reflection, may I suggest that one hour may not be enough and we should consider doubling that, if participants are available?! Please let me know. I could start earlier or end later.

Many thanks, REDACTED INFORMATION } *TLSB*

REDACTED INFORMATION

**From:** REDACTED INFORMATION *WG*  
**Sent:** 13 July 2015 13:27  
**To:** REDACTED INFORMATION *TLSB*  
**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION, *TLSB*

I have had a word with my colleagues in Marine to share our conversation regarding the possibility of using a Harbour Revision Order to amend the administrative jurisdiction of the local authority.

They advise that unless the harbour is designated as a "fishery harbour" then the HRO is not devolved to Welsh Ministers, and any application would need to be made to the Maritime Management Organisation in England. I'm not

sure if you were already aware of this but thought it worth sharing ahead of the meeting next week?

The contact details of the MMO are:

MMO: Marine Licensing Team

Tel: 0300 123 1032 or email [harbourorders@marinemangement.org.uk](mailto:harbourorders@marinemangement.org.uk)

If you have any other information or want me to get a view on a certain matter ahead of next Thursday then please can you share this with me as soon as possible as I am not going to be in the office Thursday afternoon or Friday.

Thanks,

REDACTED INFORMATION

WG

**From:** REDACTED INFORMATION

TLSB

**Sent:** 09 July 2015 17:30

**To:** REDACTED INFORMATION

WG

**Subject:** RE: Tidal Lagoon Swansea Bay DCO

A note to confirm receipt – your emails are working again!

REDACTED INFORMATION

} TLSB

REDACTED INFORMATION

**From:** REDACTED INFORMATION

WG

**Sent:** 08 July 2015 13:49

**To:** REDACTED INFORMATION

TLSB

**Cc:** REDACTED INFORMATION

TLSB

**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION,

TLSB

Further to our conversation I can confirm that the best time for a meeting our end would be Thursday 23<sup>rd</sup> July 14:00 to 15:00 here in our offices in Cardiff.

Regards,

REDACTED INFORMATION

WG

**From:** REDACTED INFORMATION

TLSB

**Sent:** 03 July 2015 16:22

**To:** REDACTED INFORMATION

WG

**Cc:** REDACTED INFORMATION

TLSB

**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION,

WG



I just tried to give you a call but got your voicemail. Our understanding of the detail of the DCO is progressing. It would be good to set up a meeting soon if you were able to get those dates.

All the best, REDACTED INFORMATION

} TLSB

REDACTED INFORMATION

**From:** REDACTED INFORMATION

TLSB

**Sent:** 23 June 2015 13:38

**To:** REDACTED INFORMATION

WG

**Subject:** RE: Tidal Lagoon Swansea Bay DCO

No problem. Speak soon. My mobile is usually best.

REDACTED INFORMATION

} TLSB

REDACTED INFORMATION

**From:** REDACTED INFORMATION

WG

**Sent:** 23 June 2015 10:56

**To:** REDACTED INFORMATION

TLSB

**Subject:** RE: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION,

TLSB

Sorry for not replying to you sooner.

We are having an internal meeting between Planning, Marine, and Energy to discuss the SoS decision tomorrow afternoon. I will get some dates from the others and comeback to you following the meeting.

Kind Regards,

REDACTED INFORMATION

} WG

REDACTED INFORMATION

<http://llyw.cymru/amgylcheddachefngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

*"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."*

**From:** REDACTED INFORMATION

TLSB

**Sent:** 18 June 2015 17:19

**To:** REDACTED INFORMATION

TLSB + WG

**Subject:** RE: Tidal Lagoon Swansea Bay DCO

TLSB

WG

Thanks REDACTED INFORMATION. Hello REDACTED INFORMATION, I hope you are well. Would you like to give me a call and we can pick a date? I don't seem to have your details. I will be working from home tomorrow so my mobile is best.

Kind regards, REDACTED INFORMATION

} TLSB

REDACTED INFORMATION

From: REDACTED INFORMATION

TLSB

Sent: 18 June 2015 12:51

To: REDACTED INFORMATION

WG

Cc: REDACTED INFORMATION

TLSB

Subject: Tidal Lagoon Swansea Bay DCO

Hi REDACTED INFORMATION

WG

It was good to see you at the Policy Forum Wales event the other day.

As discussed, we are working to understand the DCO and its implications, as you are. It seems very sensible to meet to seek a common understanding of the DCO and its implementation. REDACTED INFORMATION is leading on this, and is copied in to this email. Could I suggest that you both liaise to make arrangements?

TLSB

Kind regards,

REDACTED INFORMATION

} TLSB

REDACTED INFORMATION



REDACTED INFORMATION



On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded

for legal purposes.

Wrth adael Mewnrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

This email is from DLA Piper UK LLP. The contents of this email and any attachments are confidential to the intended recipient. They may not be disclosed to or used by or copied in any way by anyone other than the intended recipient. If this email is received in error, please contact DLA Piper UK LLP on +44 (0) 8700 11111 quoting the name of the sender and the email address to which it has been sent and then delete it. Please note that neither DLA Piper UK LLP nor the sender accepts any responsibility for viruses and it is your responsibility to scan or otherwise check this email and any attachments. DLA Piper UK LLP is a limited liability partnership registered in England and Wales (registered number OC307847) which provides services from offices in England, Belgium, Germany, France and the People's Republic of China. A list of members is open for inspection at its registered office and principal place of business 3 Noble Street, London EC2V 7EE. Partner denotes member of a limited liability partnership. DLA Piper UK LLP is authorised and regulated by the Solicitors Regulation Authority and is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities. For further information, please refer to [www.dlapiper.com](http://www.dlapiper.com).



Tue 25/08/2015 16:14

WG

WG

Dear INFORMATION REDACTED and INFORMATION REDACTED ,

I hope you are well. Please see below a (much delayed) write-up of my notes from the meeting on 23 July. The MoU should be ready and sent to you next week – it is being drafted by DLA Pipers (with reference to the notes below, but with a different purpose and therefore content tailored accordingly). I hope this is useful in the meantime. Please let me know if you have any concerns.

Kind regards,

INFORMATION REDACTED

TLSB

\*\*\*\*\*

**TLSB / Welsh Government post-DCO planning strategy meeting, Cathay's Park, 23 July 2015**

**TLSB attendees:** INFORMATION REDACTED

**WG attendees:** INFORMATION REDACTED INFORMATION REDACTED INFORMATION REDACTED INFORMATION REDACTED and INFORMATION REDACTED

- Attendees agreed that the TLSB DCO creates a problem for start-on-site in that no authority has jurisdiction to discharge DCO requirements offshore; not the LPAs nor NRW-MLT. A solution needs to be found that changes the planning jurisdiction of the LPAs to include the offshore area of the lagoon below MLW such that they can discharge DCO requirements. The Secretary of State's decision letter suggests TLSB uses the Local Government (Democracy) Wales Act 2013 to do so.
- Attendees agreed that TLSB's development timetable and the WG boundary review timetable and process were incompatible and there was no expectation from WG for TLSB to piggy-back the Boundary Commission's work or use the Local Government (Democracy) Wales Act 2013 to resolve jurisdiction matters arising from the TLSB DCO (irrespective of the Secretary of State's recommendation).
- Attendees agreed that a Harbour Revision Order (HRO) under the Harbours Act 1964 was likely to be a better alternative for TLSB. WG quoted the Milford Haven Harbour Act 2002 as a Welsh precedent for amending a local authority boundary via an HRO.
- TLSB described to WG a proposed two-pronged planning strategy comprising:
  - I. An HRO submitted to the MMO asap to change the jurisdictions of: Swansea Port and Neath Harbour – to exclude the lagoon from their harbour limits; and CCSC and NPTCBC – to give them planning powers for the lagoon below MLW. The application would be supported by the Ports and LPAs just as they supported the changes when applied for via the final draft DCO.
  - II. A 'shadow' discharge of DCO requirements running in parallel, whereby discharge materials would be submitted to the LPAs and considered as pre-application documents irrespective of their current lack of jurisdiction to discharge them. The LPAs would review and comment on the discharge materials accordingly, while the HRO is being determined, in anticipation of success. When the HRO is granted, and planning jurisdiction for the lagoon below MLW has been given to the LPAs, TLSB will formally submit pre-agreed discharge materials for prompt validation and determination. This work would be done under Planning Performance

Agreements (PPAs) which are just about to be signed with the LPAs and NRW, meaning no risk or cost for the LPAs/NRW. Risk and cost is all borne by TLSB. NB: the LPAs have no statutory duty to consult on requirement discharge materials except where NRW is specified in the requirement.

- The planning strategy was endorsed by WG and the Boundary Commission. TLSB noted that the same strategy would be presented to the LPAs and NRW the following day, 24 July.
- ACTION: TLSB to provide a MoU as an output of the meeting, focussing on the acceptability of jurisdiction change via HRO and the parallel shadow discharge process, and the irrelevance of TLSB to the Boundary Commission's work. NB: MoUs would also be sought with the LPAs and NRW after the meeting on 24 July.
- ACTION: James Hooker to investigate sign-off required for such a MoU in advance of receipt, in order to expedite progress thereafter.
- It was agreed that it was likely TLSB would need to submit the HRO before the MoU has been agreed. The MoU would need to progress rapidly however, as it would support a prompt decision on the HRO by the MMO.

INFORMATION REDACTED  
INFORMATION REDACTED  
INFORMATION REDACTED  
INFORMATION REDACTED  
INFORMATION REDACTED

TLSB



[www.tidallagoonpower.com](http://www.tidallagoonpower.com)

INFORMATION REDACTED



Tue 25/08/2015 16:20

TLSB to  
WG  
WG

Hi REDACTED INFORMATION,

I said I'd keep you up to speed on the meeting with the LPAs also. I think we had a phone conversation in late July, so you know they are onboard. However, just for completeness, please see below notes for their meeting, which you will see are derived from the meeting notes I just sent you.

REDACTED INFORMATION

} TLSB

REDACTED INFORMATION

From: REDACTED INFORMATION

TLSB

Sent: 25 August 2015 16:16

To: REDACTED INFORMATION

Cc: REDACTED INFORMATION

Subject: TLSB / CCSC / NPTCBC / NRW post-DCO planning strategy meeting, Neath, 24 July 2015

} TLSB; DLA Piper; Swansea Local Authority; Neath Port-NRW + Talbot LA

Dear REDACTED INFORMATION REDACTED INFORMATION REDACTED INFORMATION and REDACTED INFORMATION,

TLSB; NPTalbot; Swansea; NRW

I hope you are all well. Please see below a (much delayed) write-up of my notes from the meeting on 24 July. The MoU should be ready and sent to you next week – it is being drafted by DLA Pipers (with reference to the notes below, but with a different purpose and therefore content tailored accordingly). I hope this is useful in the meantime. Please let me know if you have any concerns.

Kind regards,

REDACTED INFORMATION

TLSB

\*\*\*\*\*

**CCSC, NPTCBC and NRW post-DCO planning strategy meeting, The Quays, Baglan Energy Park, Neath, 24 July 2015**

**TLSB attendees:** REDACTED INFORMATION

**CCSC attendees:** REDACTED INFORMATION

**NPTCBC attendees:** REDACTED INFORMATION

**NRW attendees:** REDACTED INFORMATION

- Attendees agreed that the TLSB DCO creates a problem for start-on-site in that no authority has jurisdiction to discharge DCO requirements offshore; not the LPAs nor NRW-MLT. A solution needs to be found that changes the planning jurisdiction of the LPAs to include the offshore area of the lagoon below MLW such that they can discharge DCO requirements. The Secretary of State's decision letter suggests TLSB uses the Local Government (Democracy) Wales Act 2013 to do so.
- TLSB reported that it had met with WG and the Boundary Commission the previous day. It was agreed in the meeting that TLSB's development timetable and the WG boundary review timetable and process were incompatible and there was no

expectation from WG for TLSB to piggy-back the Boundary Commission's work or use the LGWD Act 2013 to resolve jurisdiction matters arising from the TLSB DCO (irrespective of the Secretary of State's recommendation). Further, it was agreed that a Harbour Revision Order (HRO) under the Harbours Act 1964 was likely to be a better alternative for TLSB. WG quoted the Milford Haven Harbour Act 2002 as a Welsh precedent for amending a local authority boundary via an HRO.

- TLSB described to NRW, CCSC and NPTCBC a proposed two-pronged planning strategy comprising:
  - I. An HRO submitted to the MMO asap to change the jurisdictions of: Swansea Port and Neath Harbour – to exclude the lagoon from their harbour limits; and CCSC and NPTCBC – to give them planning powers for the lagoon below MLW. The application would be supported by the Ports and LPAs just as they supported the changes when applied for via the final draft DCO.
  - II. A 'shadow' discharge of DCO requirements running in parallel, whereby discharge materials would be submitted to the LPAs and considered as pre-application documents irrespective of their current lack of jurisdiction to discharge them. The LPAs would review and comment on the discharge materials accordingly, while the HRO is being determined, in anticipation of success. When the HRO is granted, and planning jurisdiction for the lagoon below MLW has been given to the LPAs, TLSB will formally submit pre-agreed discharge materials for prompt validation and determination. This work would be done under Planning Performance Agreements (PPAs) which are just about to be signed with the LPAs and NRW, meaning no risk or cost for the LPAs/NRW. Risk and cost is all borne by TLSB.
- The planning strategy was endorsed by CCSC, NPTCBC and NRW. TLSB noted that James Hooker of WG had also endorsed the strategy when presented to him the previous day, 23 July.
- ACTION: TLSB to provide to CCSC and NPTCBC a MoU as an output of the meeting, focussing on the acceptability of jurisdiction change via HRO and the parallel shadow discharge process. (NB: a MoU would also be sought with WG).
- ACTION: TLSB to provide to NRW a MoU as an output of the meeting, focussing on their participation in the shadow discharge process.
- ACTION: Case officers to investigate sign-off required for such MoUs in advance of receipt, in order to expedite progress thereafter. Case Officers also to confirm that – provided pre-app procedure is followed and discharge materials are agreed in pre-app – discharge notices can be issued promptly (within a few days) thereafter as an administrative procedure only – confirmed by CCSC and NPTCBC.
- It was agreed that it was likely TLSB would need to submit the HRO before the MoUs have been agreed. The MoUs would need to progress rapidly however, as they would support a prompt decision on the HRO by the MMO.
- ACTION: TLSB to confirm that:
  - The section of lagoon that is outside of both Swansea and Neath harbour limits can be dealt with via the HRO – confirmed.
  - CCSC and NPTCBC will be treated the same (ref: error in para 30 of DLAP note which refers only to CCSC) – confirmed.
  - HROs can change jurisdictions both above and below MLW, but TLSB is only changing jurisdictions below MLW (ref: NPTCBC do not want changes to their jurisdiction above MLW) – confirmed.



- TLSB is not intending to become a harbour authority with associated permitted development rights – confirmed.

- ACTION: process summary:

- CCSC and NPTCBC prefer pre-submission meetings with technical officers where possible.
- TLSB to copy RJ and NL into correspondence with technical officers – and NRW as required (e.g. contaminated land matters).
- TLSB to provide and maintain a programme of work.

REDACTED INFORMATION



REDACTED INFORMATION



*TLSB*



TLSB to WG

Thu 10/09/2015 15:14

WG

WG

REDACTED INFORMATION and REDACTED INFORMATION,

Please find attached draft MoUs to formalise the matters discussed in the meeting noted below. I hope these reflect your expectations and as such are able to be agreed and signed promptly – work is already underway in line with what was agreed and is set out here. May I suggest we aim for agreement within two weeks of today, so by Friday 25 September?

FYI: A corresponding MoU has also been sent to the LPAs and NRW, establishing the detail of the process.

Kind regards,

REDACTED INFORMATION

} TLSB

REDACTED INFORMATION

From: REDACTED INFORMATION TLSB

Sent: 25 August 2015 16:16

To: REDACTED INFORMATION WG

Cc: REDACTED INFORMATION TLSB + DLA Piper

Subject: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

WG

WG

Dear REDACTED INFORMATION and REDACTED INFORMATION,

I hope you are well. Please see below a (much delayed) write-up of my notes from the meeting on 23 July. The MoU should be ready and sent to you next week – it is being drafted by DLA Pipers (with reference to the notes below, but with a different purpose and therefore content tailored accordingly). I hope this is useful in the meantime. Please let me know if you have any concerns.

Kind regards,

REDACTED INFORMATION

TLSB

\*\*\*\*\*

**TLSB / Welsh Government post-DCO planning strategy meeting, Cathay's Park, 23 July 2015**

**TLSB attendees:** REDACTED INFORMATION

**WG attendees:** REDACTED INFORMATION

- Attendees agreed that the TLSB DCO creates a problem for start-on-site in that no authority has jurisdiction to discharge DCO requirements offshore; not the LPAs nor NRW-MLT. A solution needs to be found that changes the planning jurisdiction of the LPAs to include the offshore area of the lagoon below MLW such that they can discharge DCO requirements. The Secretary of State's decision letter suggests TLSB uses the Local Government (Democracy) Wales Act 2013 to do so.
- Attendees agreed that TLSB's development timetable and the WG boundary review timetable and process were incompatible and there was no expectation from WG for TLSB to piggy-back the Boundary Commission's work or use the Local

Government (Democracy) Wales Act 2013 to resolve jurisdiction matters arising from the TLSB DCO (irrespective of the Secretary of State's recommendation).

- Attendees agreed that a Harbour Revision Order (HRO) under the Harbours Act 1964 was likely to be a better alternative for TLSB. WG quoted the Milford Haven Harbour Act 2002 as a Welsh precedent for amending a local authority boundary via an HRO.
- TLSB described to WG a proposed two-pronged planning strategy comprising:
  - I. An HRO submitted to the MMO asap to change the jurisdictions of: Swansea Port and Neath Harbour – to exclude the lagoon from their harbour limits; and CCSC and NPTCBC – to give them planning powers for the lagoon below MLW. The application would be supported by the Ports and LPAs just as they supported the changes when applied for via the final draft DCO.
  - II. A 'shadow' discharge of DCO requirements running in parallel, whereby discharge materials would be submitted to the LPAs and considered as pre-application documents irrespective of their current lack of jurisdiction to discharge them. The LPAs would review and comment on the discharge materials accordingly, while the HRO is being determined, in anticipation of success. When the HRO is granted, and planning jurisdiction for the lagoon below MLW has been given to the LPAs, TLSB will formally submit pre-agreed discharge materials for prompt validation and determination. This work would be done under Planning Performance Agreements (PPAs) which are just about to be signed with the LPAs and NRW, meaning no risk or cost for the LPAs/NRW. Risk and cost is all borne by TLSB. NB: the LPAs have no statutory duty to consult on requirement discharge materials except where NRW is specified in the requirement.
- The planning strategy was endorsed by WG and the Boundary Commission. TLSB noted that the same strategy would be presented to the LPAs and NRW the following day, 24 July.
- ACTION: TLSB to provide a MoU as an output of the meeting, focussing on the acceptability of jurisdiction change via HRO and the parallel shadow discharge process, and the irrelevance of TLSB to the Boundary Commission's work. NB: MoUs would also be sought with the LPAs and NRW after the meeting on 24 July.
- ACTION: James Hooker to investigate sign-off required for such a MoU in advance of receipt, in order to expedite progress thereafter.
- It was agreed that it was likely TLSB would need to submit the HRO before the MoU has been agreed. The MoU would need to progress rapidly however, as it would support a prompt decision on the HRO by the MMO.

REDACTED INFORMATION



REDACTED INFORMATION



} TLSB

Mon 21/09/2015 12:12

Thanks INFORMATION REDACTED. WG  
WG

Hi INFORMATION REDACTED, I hope you are well!

INFORMATION REDACTED } TLSB  
INFORMATION REDACTED

From: INFORMATION REDACTED WG  
Sent: 21 September 2015 11:07  
To: INFORMATION REDACTED TLSB + WG  
Cc: INFORMATION REDACTED TLSB; DLAPiper + WG  
Subject: RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

INFORMATION REDACTED, TLSB

Our colleagues in the Energy Wales Unit (EWU) will be taking forward progressing the MoU, as it is likely to be signed by the Minister for Economy, Science, and Transport, given her portfolio responsibility for energy matters.

The most appropriate contact in EWU is INFORMATION REDACTED, and I have cc'd her into this email.  
WG

INFORMATION REDACTED WG

Kind Regards,

INFORMATION REDACTED } WG  
INFORMATION REDACTED }

<http://llyw.cymru/amgylcheddachefngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

From: INFORMATION REDACTED TLSB  
Sent: 15 September 2015 12:47  
To: INFORMATION REDACTED TLSB + WG  
Cc: INFORMATION REDACTED TLSB + DLAPiper  
Subject: RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015



Tue 15/09/2015 12:47

Thanks INFORMATION REDACTED. WG

INFORMATION REDACTED will note your initial comments and await further comment from your legal team. I knew 25 Sept was somewhat ambitious, so 5 Oct isn't bad!

Enjoy your break.

INFORMATION REDACTED TLSB

From: INFORMATION REDACTED WG

Sent: 11 September 2015 09:43

To: INFORMATION REDACTED TLSB + WG

Cc: INFORMATION REDACTED TLSB + DLA Piper

Subject: RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

INFORMATION REDACTED TLSB

Thanks – I will pass this across to our lawyers to look over.

As I am on leave all next week (and will need a bit of time to sort out a Ministerial submission to get agreement to sign the final version of the MoU) can we aim for Monday 5<sup>th</sup> October?

Having had a read of the word document I have the following (without prejudice) comments, and should stress these are without our lawyers input at this stage (and so may change).

4.6 – suggest we need to make it explicit that the MMO is a separate entity. Therefore suggest adding at the end “subject to MMO approval”.

4.7 – Change “consider” to “acknowledge” and add “to meet the timescales of the developer” at the end.

4.8 I believe that the Boundary Commission for Wales is a separate legal entity and therefore I don't think WG can make this statement on their behalf. I would suggest that the reference to BCfW is deleted.

WG will require a clause to state that “nothing in this MoU prejudices the role and function of Welsh Ministers should any of the detailed matters identified in Annex 1 come before them for determination once formally submitted”. I suggest that this could be inserted after 4.13.

I will be in touch again during the week of 21<sup>st</sup> September with any further comments.

Regards,

INFORMATION REDACTED

INFORMATION REDACTED

} WG

<http://llyw.cymru/amgylcheddachefngwlad> / <http://gov.wales/environmentandcountryside>

"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** INFORMATION REDACTED **TLSB**  
**Sent:** 10 September 2015 15:14  
**To:** INFORMATION REDACTED **WG**  
**Cc:** INFORMATION REDACTED **TLSB + DLA Piper**  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

INFORMATION REDACTED **WG**

Please find attached draft MoUs to formalise the matters discussed in the meeting noted below. I hope these reflect your expectations and as such are able to be agreed and signed promptly – work is already underway in line with what was agreed and is set out here. May I suggest we aim for agreement within two weeks of today, so by Friday 25 September?

FYI: A corresponding MoU has also been sent to the LPAs and NRW, establishing the detail of the process.

Kind regards,

INFORMATION REDACTED **TLSB**

**From:** INFORMATION REDACTED **TLSB**  
**Sent:** 25 August 2015 16:16  
**To:** INFORMATION REDACTED **WG**  
**Cc:** INFORMATION REDACTED **TLSB + DLA Piper**  
**Subject:** TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Dear INFORMATION REDACTED and INFORMATION REDACTED, **WG + WG**

I hope you are well. Please see below a (much delayed) write-up of my notes from the meeting on 23 July. The MoU should be ready and sent to you next week – it is being drafted by DLA Pipers (with reference to the notes below, but with a different purpose and therefore content tailored accordingly). I hope this is useful in the meantime. Please let me know if you have any concerns.

Kind regards,

INFORMATION REDACTED **TLSB**  
\*\*\*\*\*



**TLSB / Welsh Government post-DCO planning strategy meeting, Cathay's Park, 23 July 2015**

**TLSB attendees: INFORMATION REDACTED**

**WG attendees: INFORMATION REDACTED**

- Attendees agreed that the TLSB DCO creates a problem for start-on-site in that no authority has jurisdiction to discharge DCO requirements offshore; not the LPAs nor NRW-MLT. A solution needs to be found that changes the planning jurisdiction of the LPAs to include the offshore area of the lagoon below MLW such that they can discharge DCO requirements. The Secretary of State's decision letter suggests TLSB uses the Local Government (Democracy) Wales Act 2013 to do so.
- Attendees agreed that TLSB's development timetable and the WG boundary review timetable and process were incompatible and there was no expectation from WG for TLSB to piggy-back the Boundary Commission's work or use the Local Government (Democracy) Wales Act 2013 to resolve jurisdiction matters arising from the TLSB DCO (irrespective of the Secretary of State's recommendation).
- Attendees agreed that a Harbour Revision Order (HRO) under the Harbours Act 1964 was likely to be a better alternative for TLSB. WG quoted the Milford Haven Harbour Act 2002 as a Welsh precedent for amending a local authority boundary via an HRO.
- TLSB described to WG a proposed two-pronged planning strategy comprising:
  - I. An HRO submitted to the MMO asap to change the jurisdictions of: Swansea Port and Neath Harbour – to exclude the lagoon from their harbour limits; and CCSC and NPTCBC – to give them planning powers for the lagoon below MLW. The application would be supported by the Ports and LPAs just as they supported the changes when applied for via the final draft DCO.
  - II. A 'shadow' discharge of DCO requirements running in parallel, whereby discharge materials would be submitted to the LPAs and considered as pre-application documents irrespective of their current lack of jurisdiction to discharge them. The LPAs would review and comment on the discharge materials accordingly, while the HRO is being determined, in anticipation of success. When the HRO is granted, and planning jurisdiction for the lagoon below MLW has been given to the LPAs, TLSB will formally submit pre-agreed discharge materials for prompt validation and determination. This work would be done under Planning Performance Agreements (PPAs) which are just about to be signed with the LPAs and NRW, meaning no risk or cost for the LPAs/NRW. Risk and cost is all borne by TLSB. NB: the LPAs have no statutory duty to consult on requirement discharge materials except where NRW is specified in the requirement.
- The planning strategy was endorsed by WG and the Boundary Commission. TLSB noted that the same strategy would be presented to the LPAs and NRW the following day, 24 July.
- **ACTION:** TLSB to provide a MoU as an output of the meeting, focussing on the acceptability of jurisdiction change via HRO and the parallel shadow discharge process, and the irrelevance of TLSB to the Boundary Commission's work. NB: MoUs would also be sought with the LPAs and NRW after the meeting on 24 July.
- **ACTION:** James Hooker to investigate sign-off required for such a MoU in advance of receipt, in order to expedite progress thereafter.

- It was agreed that it was likely TLSB would need to submit the HRO before the MoU has been agreed. The MoU would need to progress rapidly however, as it would support a prompt decision on the HRO by the MMO.

INFORMATION REDACTED

TLSB



On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

Fri 25/09/2015 16:01

WG to WG

Hi REDACTED INFORMATION

WG

I have reviewed the MoU and my reaction is that there is no ref. to marine licensing. Not necessarily a problem, but to explain ... a lot of what is covered in the MoU crosses over with likely marine licence conditions (without prejudice to the final decision being made by NRW)– e.g., dredging and disposal is licensed by the marine licence, and there will probably be some overlap in requirements for marine licensing authority to sign off elements of the works (the EMP, Marine Mammal Mitigation Strategy), alongside the Local authority sign off requirements (which I assume are requirements of the DCO?).

Suggest the MoU needs a line saying something along the lines of.. anything in this MoU does not impact on the marine licensing requirements. Any Marine Licence granted must be complied with in full. NRW Marine Licensing Team should be able to advise on wording.

NRW

REDACTED INFORMATION is your contact there on this project.

REDACTED INFORMATION

- NRW

Also, MMO and NRW (including the Marine Licensing Team) will need to be engaged on this MoU.

Hope that helps.

Thanks

REDACTED INFORMATION

- WG

REDACTED INFORMATION

- WG

**From:** REDACTED INFORMATION

WG

**Sent:** 21 September 2015 11:07

**To:** REDACTED INFORMATION

TLSB; WG

**Cc:** REDACTED INFORMATION

TLSB; DLAPiper

**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

REDACTED INFORMATION,

TLSB

Our colleagues in the Energy Wales Unit (EWU) will be taking forward progressing the MoU, as it is likely to be signed by the Minister for Economy, Science, and Transport, given her portfolio responsibility for energy matters.

The most appropriate contact in EWU is REDACTED INFORMATION<sup>WG</sup>, and I have cc'd her into this email.

REDACTED INFORMATION - WG

Kind Regards,

REDACTED INFORMATION } WG  
REDACTED INFORMATION }

<http://llyw.cymru/amgylcheddacheffngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** REDACTED INFORMATION TLSB  
**Sent:** 15 September 2015 12:47  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB + DLAPiper  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015  
WG TLSB

Thanks REDACTED INFORMATION. REDACTED INFORMATION will note your initial comments and await further comment from your legal team. I knew 25 Sept was somewhat ambitious, so 5 Oct isn't bad!

Enjoy your break.

REDACTED INFORMATION } TLSB  
REDACTED INFORMATION }

**From:** REDACTED INFORMATION WG  
**Sent:** 11 September 2015 09:43  
**To:** REDACTED INFORMATION TLSB + WG  
**cc:** REDACTED INFORMATION TLSB + DLAPiper  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

REDACTED INFORMATION, *TLSB*

Thanks – I will pass this across to our lawyers to look over.

As I am on leave all next week (and will need a bit of time to sort out a Ministerial submission to get agreement to sign the final version of the MoU) can we aim for Monday 5<sup>th</sup> October?

Having had a read of the word document I have the following (without prejudice) comments, and should stress these are without our lawyers input at this stage (and so may change).

4.6 – suggest we need to make it explicit that the MMO is a separate entity. Therefore suggest adding at the end “subject to MMO approval”.

4.7 – Change “consider” to “acknowledge” and add “to meet the timescales of the developer” at the end.

4.8 I believe that the Boundary Commission for Wales is a separate legal entity and therefore I don't think WG can make this statement on their behalf. I would suggest that the reference to BCW is deleted.

WG will require a clause to state that “nothing in this MoU prejudices the role and function of Welsh Ministers should any of the detailed matters identified in Annex 1 come before them for determination once formally submitted”. I suggest that this could be inserted after 4.13.

I will be in touch again during the week of 21<sup>st</sup> September with any further comments.

Regards,

REDACTED INFORMATION } *WG*  
REDACTED INFORMATION }

<http://llyw.cymru/amgylcheddachedfngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

*"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."*

**From:** REDACTED INFORMATION TLSB  
**Sent:** 10 September 2015 15:14  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION TLSB

**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015  
WG WG  
REDACTED INFORMATION and REDACTED INFORMATION,

Please find attached draft MoUs to formalise the matters discussed in the meeting noted below. I hope these reflect your expectations and as such are able to be agreed and signed promptly – work is already underway in line with what was agreed and is set out here. May I suggest we aim for agreement within two weeks of today, so by Friday 25 September?

FYI: A corresponding MoU has also been sent to the LPAs and NRW, establishing the detail of the process.

Kind regards,

REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION TLSB  
**Sent:** 25 August 2015 16:16  
**To:** REDACTED INFORMATION WG  
**cc:** REDACTED INFORMATION TLSB + DLA Piper

**Subject:** TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015  
WG WG

Dear REDACTED INFORMATION and REDACTED INFORMATION,

I hope you are well. Please see below a (much delayed) write-up of my notes from the meeting on 23 July. The MoU should be ready and sent to you next week – it is being drafted by DLA Pipers (with reference to the notes below, but with a different purpose and therefore content tailored accordingly). I hope this is useful in the meantime. Please let me know if you have any concerns.

Kind regards,

REDACTED INFORMATION TLSB

\*\*\*\*\*

TLSB / Welsh Government post-DCO planning strategy meeting, Cathay's Park, 23 July 2015


TLSB attendees: REDACTED INFORMATION

WG attendees: REDACTED INFORMATION

- Attendees agreed that the TLSB DCO creates a problem for start-on-site in that no authority has jurisdiction to discharge DCO requirements offshore; not the LPAs nor NRW-MLT. A solution needs to be found that changes the planning jurisdiction of the LPAs to include the offshore area of the lagoon below MLW such that they can discharge DCO requirements. The Secretary of State's decision letter suggests TLSB uses the Local Government (Democracy) Wales Act 2013 to do so.
- Attendees agreed that TLSB's development timetable and the WG boundary review timetable and process were incompatible and there was no expectation from WG for TLSB to piggy-back the Boundary Commission's work or use the Local Government (Democracy) Wales Act 2013 to resolve jurisdiction matters arising from the TLSB DCO (irrespective of the Secretary of State's recommendation).
- Attendees agreed that a Harbour Revision Order (HRO) under the Harbours Act 1964 was likely to be a better alternative for TLSB. WG quoted the Milford Haven Harbour Act 2002 as a Welsh precedent for amending a local authority boundary via an HRO.
- TLSB described to WG a proposed two-pronged planning strategy comprising:
  - I. An HRO submitted to the MMO asap to change the jurisdictions of: Swansea Port and Neath Harbour – to exclude the lagoon from their harbour limits; and CCSC and NPTCBC – to give them planning powers for the lagoon below MLW. The application would be supported by the Ports and LPAs just as they supported the changes when applied for via the final draft DCO.
  - II. A 'shadow' discharge of DCO requirements running in parallel, whereby discharge materials would be submitted to the LPAs and considered as pre-application documents irrespective of their current lack of jurisdiction to discharge them. The LPAs would review and comment on the discharge materials accordingly, while the HRO is being determined, in anticipation of success. When the HRO is granted, and planning jurisdiction for the lagoon below MLW has been given to the LPAs, TLSB will formally submit pre-agreed discharge materials for prompt validation and determination. This work would be done under Planning Performance Agreements (PPAs) which are just about to be signed with the LPAs and NRW, meaning no risk or cost for the LPAs/NRW. Risk and cost is all borne by TLSB. NB: the LPAs have no statutory duty to consult on requirement discharge materials except where NRW is specified in the requirement.
- The planning strategy was endorsed by WG and the Boundary Commission. TLSB noted that the same strategy would be presented to the LPAs and NRW the following day, 24 July.
- **ACTION:** TLSB to provide a MoU as an output of the meeting, focussing on the acceptability of jurisdiction change via HRO and the parallel shadow discharge process, and the irrelevance of TLSB to the Boundary Commission's work. NB: MoUs would also be sought with the LPAs and NRW after the meeting on 24 July.
- **ACTION:** James Hooker to investigate sign-off required for such a MoU in advance of receipt, in order to expedite progress thereafter.
- It was agreed that it was likely TLSB would need to submit the HRO before the MoU has been agreed. The MoU would need to progress rapidly however, as it would support a prompt decision on the HRO by the MMO.

REDACTED INFORMATION



REDACTED INFORMATION  

} TLSB

On leaving the Government Secure Intranet this email was certified virus free.  
Communications via the GSi may be automatically logged, monitored and/or recorded  
for legal purposes.

Wrth adael Mewnrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn  
gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi  
yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am



WG to WG

Wed 30/09/2015 16:18

All

I have looked briefly at this . I have lifted form the first paragraph of the MOU the purpose of the MOU which are planning regulation and policy matters not Energy matters

Tidal Lagoon (Swansea Bay) plc ("TLSB") and the Welsh Ministers (together, the "Parties") have entered into this memorandum of understanding ("MOU") to address matters of planning that have been omitted from The Swansea Bay Tidal Generating Station Order 2015<sup>[1]</sup> (the "Order").

I am eager to try and resolve this matter quickly between us but we are not going to agree to do anything until we get legal advice on what we are asking any Minister to sign up to specifically on points 3 on the Aims and Objectives

James what was the advice you received form your lawyers ?

Happy to discuss further

REDACTED INFORMATION

} WG

REDACTED INFORMATION

From: REDACTED INFORMATION WG

Sent: 30 September 2015 14:21

To: REDACTED INFORMATION WG

Subject: RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

REDACTED INFORMATION, WG

I have had no contact on this.

R

REDACTED INFORMATION, WG

REDACTED INFORMATION, WG

<sup>[1]</sup> S.I. 2015/1386.

**From:** REDACTED INFORMATION, WG  
**Sent:** 30 September 2015 14:21  
**To:** REDACTED INFORMATION WG  
**Subject:** FW: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015  
**Importance:** High

Can either of you let me know how this is progressing.

Thanks

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION TLSB  
**Sent:** 30 September 2015 14:20  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION, WG

I just stumbled over this email thread and noted James' target for 5 October, now approaching fast. I wondered how things are progressing?

Kin regards, REDACTED INFORMATION

REDACTED INFORMATION

**From:** REDACTED INFORMATION TLSB  
**Sent:** 21 September 2015 12:14  
**To:** REDACTED INFORMATION WG  
**cc:** REDACTED INFORMATION WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Thanks REDACTED INFORMATION. Hi REDACTED INFORMATION, I hope you are well!

REDACTED INFORMATION

REDACTED INFORMATION

**From:** REDACTED INFORMATION WG  
**Sent:** 21 September 2015 11:07  
**To:** REDACTED INFORMATION TLSB + WG  
**cc:** REDACTED INFORMATION TLSB + DLA Piper + WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

REDACTED INFORMATION, TLSB

Our colleagues in the Energy Wales Unit (EWU) will be taking forward progressing the MoU, as it is likely to be signed by the Minister for Economy, Science, and Transport, given her portfolio responsibility for energy matters.

WG

The most appropriate contact in EWU is REDACTED INFORMATION, and I have cc'd her into this email.

REDACTED INFORMATION WG

Kind Regards,

REDACTED INFORMATION } WG  
REDACTED INFORMATION }

<http://llyw.cymru/amgylcheddachefngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** REDACTED INFORMATION TLSB  
**Sent:** 15 September 2015 12:47  
**To:** REDACTED INFORMATION WG  
**Cc:** REDACTED INFORMATION DLAPiper  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Thanks REDACTED INFORMATION. REDACTED INFORMATION will note your initial comments and await further comment from your legal team. I knew 25 Sept was somewhat ambitious, so 5 Oct isn't bad!

Enjoy your break.

REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION WG  
**Sent:** 11 September 2015 09:43  
**To:** REDACTED INFORMATION TLSB + WG  
**Cc:** REDACTED INFORMATION TLSB + DLAPiper  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

REDACTED INFORMATION, TLSB

Thanks – I will pass this across to our lawyers to look over.

As I am on leave all next week (and will need a bit of time to sort out a Ministerial submission to get agreement to sign the final version of the MoU) can we aim for Monday 5<sup>th</sup> October?

Having had a read of the word document I have the following (without prejudice) comments, and should stress these are without our lawyers input at this stage (and so may change).

4.6 – suggest we need to make it explicit that the MMO is a separate entity. Therefore suggest adding at the end “subject to MMO approval”.

4.7 – Change “consider” to “acknowledge” and add “to meet the timescales of the developer” at the end.

4.8 I believe that the Boundary Commission for Wales is a separate legal entity and therefore I don't think WG can make this statement on their behalf. I would suggest that the reference to BCfW is deleted.

WG will require a clause to state that “nothing in this MoU prejudices the role and function of Welsh Ministers should any of the detailed matters identified in Annex 1 come before them for determination once formally submitted”. I suggest that this could be inserted after 4.13.

I will be in touch again during the week of 21<sup>st</sup> September with any further comments.

Regards,

REDACTED INFORMATION

REDACTED INFORMATION

} WG

<http://llyw.cymru/amgylcheddachefngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** REDACTED INFORMATION

TLSB

**Sent:** 10 September 2015 15:14

**To:** REDACTED INFORMATION

WG

**Cc:** REDACTED INFORMATION

TLSB

**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

WG WG  
REDACTED INFORMATION and REDACTED INFORMATION,

Please find attached draft MoUs to formalise the matters discussed in the meeting noted below. I hope these reflect your expectations and as such are able to be agreed and signed promptly – work is already underway in line with what was agreed and is set out here. May I suggest we aim for agreement within two weeks of today, so by Friday 25 September?

FYI: A corresponding MoU has also been sent to the LPAs and NRW, establishing the detail of the process.

Kind regards,

REDACTED INFORMATION }  
REDACTED INFORMATION } TLSB

From: REDACTED INFORMATION TLSB  
Sent: 25 August 2015 16:16  
To: REDACTED INFORMATION WG  
Cc: REDACTED INFORMATION TLSB  
Subject: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

WG WG  
Dear REDACTED INFORMATION and REDACTED INFORMATION,

I hope you are well. Please see below a (much delayed) write-up of my notes from the meeting on 23 July. The MoU should be ready and sent to you next week – it is being drafted by DLA Pipers (with reference to the notes below, but with a different purpose and therefore content tailored accordingly). I hope this is useful in the meantime. Please let me know if you have any concerns.

Kind regards,

REDACTED INFORMATION TLSB  
\*\*\*\*\*

TLSB / Welsh Government post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

TLSB attendees: REDACTED INFORMATION

WG attendees: REDACTED INFORMATION

- Attendees agreed that the TLSB DCO creates a problem for start-on-site in that no authority has jurisdiction to discharge DCO requirements offshore; not the LPAs nor NRW-MLT. A solution needs to be found that changes the planning jurisdiction of the LPAs to include the offshore area of the lagoon below MLW such that they can discharge DCO requirements. The Secretary of State's decision letter suggests TLSB uses the Local Government (Democracy) Wales Act 2013 to do so.
- Attendees agreed that TLSB's development timetable and the WG boundary review timetable and process were incompatible and there was no expectation from WG for TLSB to piggy-back the Boundary Commission's work or use the Local Government (Democracy) Wales Act 2013 to resolve jurisdiction matters arising from the TLSB DCO (irrespective of the Secretary of State's recommendation).

- Attendees agreed that a Harbour Revision Order (HRO) under the Harbours Act 1964 was likely to be a better alternative for TLSB. WG quoted the Milford Haven Harbour Act 2002 as a Welsh precedent for amending a local authority boundary via an HRO.
- TLSB described to WG a proposed two-pronged planning strategy comprising:
  - I. An HRO submitted to the MMO asap to change the jurisdictions of: Swansea Port and Neath Harbour – to exclude the lagoon from their harbour limits; and CCSC and NPTCBC – to give them planning powers for the lagoon below MLW. The application would be supported by the Ports and LPAs just as they supported the changes when applied for via the final draft DCO.
  - II. A 'shadow' discharge of DCO requirements running in parallel, whereby discharge materials would be submitted to the LPAs and considered as pre-application documents irrespective of their current lack of jurisdiction to discharge them. The LPAs would review and comment on the discharge materials accordingly, while the HRO is being determined, in anticipation of success. When the HRO is granted, and planning jurisdiction for the lagoon below MLW has been given to the LPAs, TLSB will formally submit pre-agreed discharge materials for prompt validation and determination. This work would be done under Planning Performance Agreements (PPAs) which are just about to be signed with the LPAs and NRW, meaning no risk or cost for the LPAs/NRW. Risk and cost is all borne by TLSB. NB: the LPAs have no statutory duty to consult on requirement discharge materials except where NRW is specified in the requirement.
- The planning strategy was endorsed by WG and the Boundary Commission. TLSB noted that the same strategy would be presented to the LPAs and NRW the following day, 24 July.
- **ACTION:** TLSB to provide a MoU as an output of the meeting, focussing on the acceptability of jurisdiction change via HRO and the parallel shadow discharge process, and the irrelevance of TLSB to the Boundary Commission's work. NB: MoUs would also be sought with the LPAs and NRW after the meeting on 24 July.
- **ACTION:** James Hooker to investigate sign-off required for such a MoU in advance of receipt, in order to expedite progress thereafter.
- It was agreed that it was likely TLSB would need to submit the HRO before the MoU has been agreed. The MoU would need to progress rapidly however, as it would support a prompt decision on the HRO by the MMO.

REDACTED INFORMATION



REDACTED INFORMATION  

} TLSB

On leaving the Government Secure Intranet this email was certified virus free.  
 Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn

gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free.  
Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.





WG to WG

Thu 26/11/2015 16:39

REDACTED INFORMATION WG

I have just come off the phone with REDACTED INFORMATION TLSB

SBTL are asking on progress on WG signing an MOU which you all have seen previously and if you scroll e- mail trail there is a suggestion that EWU and MEST should sign.

I see that this is outstanding from Aug and I am not sure how this course of action was agreed

I am not sure that I agree that this should be signed by our Minister and what it is we are asking her to agree to in the context of them submitting a HRO tomorrow .

The MOU clearly states that they it should be an agreement 'to address matters of planning that have been omitted from the DCO' and do not relate to MEST as it is not an energy matter

What are the material implications of not signing it

Happy to discuss so that we can resolve but SBTL need a response

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION WG

**Sent:** 26 November 2015 15:04

**To:** REDACTED INFORMATION WG

**Subject:** \*\*\*\*TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015\*\*\*\*

REDACTED INFORMATION WG

Please advise.

Many thanks

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION TLSB

**Sent:** 26 November 2015 15:01

**To:** REDACTED INFORMATION WG

**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION WG

FYI, we intend to submit the HRO tomorrow, Friday (not Tuesday as I erroneously wrote below) 27 November, with notices running on Monday 30 November. Please can you advise if any progress has been made at WG?

Many thanks, REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION WG  
**Sent:** 16 November 2015 14:44  
**To:** REDACTED INFORMATION TLSB  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION TLSB

Apologies I have been on leave. I have requested a response as a matter of urgency.

Kind regards

REDACTED INFORMATION WG

TLSB **From:** REDACTED INFORMATION  
**Sent:** 09 November 2015 14:50  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION, WG

Sorry to chase again, but do you have any update on the MoU with WG?

Many thanks, REDACTED INFORMATION TLSB

TLSB **From:** REDACTED INFORMATION  
**Sent:** 20 October 2015 09:27  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION, WG

FYI, we intend to submit the HRO by Tuesday 27 November. It would be helpful to have the MoU agreed by then, but we will submit regardless as we must get the formal process moving.

Kind regards, REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION  
**Sent:** 14 October 2015 14:53  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION WG

Sorry to chase, but please could you update me on progress with the MoU?

Many thanks, REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION TLSB  
**Sent:** 30 September 2015 14:22  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION, WG

I just stumbled over this email thread and noted James' target for 5 October, now approaching fast. I wondered how things are progressing?

Kin regards, REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION  
**Sent:** 21 September 2015 12:14  
**To:** REDACTED INFORMATION  
**Cc:** REDACTED INFORMATION  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Thanks REDACTED INFORMATION. Hi REDACTED INFORMATION  
, I hope you are well!

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION WG  
**Sent:** 21 September 2015 11:07  
**To:** REDACTED INFORMATION TLSB + WG  
**Cc:** REDACTED INFORMATION TLSB ; DLAPiper + WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

REDACTED INFORMATION, TLSB

Our colleagues in the REDACTED INFORMATION WG

will be taking forward progressing the MoU, as it is likely to be signed by the Minister for Economy, Science, and Transport, given her portfolio responsibility for energy matters.

The most appropriate contact in REDACTED INFORMATION, and I have cc'd her into this email.

REDACTED INFORMATION WG

Kind Regards,

REDACTED INFORMATION WG

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** REDACTED INFORMATION

**Sent:** 15 September 2015 12:47

**To:** REDACTED INFORMATION

**Cc:** REDACTED INFORMATION

**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Thanks REDACTED INFORMATION. REDACTED INFORMATION will note your initial comments and await further comment from your legal team. I knew 25 Sept was somewhat ambitious, so 5 Oct isn't bad!

Enjoy your break.

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION WG

**Sent:** 11 September 2015 09:43

**To:** REDACTED INFORMATION

**Cc:** REDACTED INFORMATION

**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

REDACTED INFORMATION, TLSB

Thanks – I will pass this across to our lawyers to look over.

As I am on leave all next week (and will need a bit of time to sort out a Ministerial submission to get agreement to sign the final version of the MoU) can we aim for Monday 5<sup>th</sup> October?

Having had a read of the word document I have the following (without prejudice) comments, and should stress these are without our lawyers input at this stage (and so may change).

4.6 – suggest we need to make it explicit that the MMO is a separate entity. Therefore suggest adding at the end “subject to MMO approval”.

4.7 – Change “consider” to “acknowledge” and add “to meet the timescales of the developer” at the end.

4.8 I believe that the Boundary Commission for Wales is a separate legal entity and therefore I don't think WG can make this statement on their behalf. I would suggest that the reference to BCW is deleted.

WG will require a clause to state that “nothing in this MoU prejudices the role and function of Welsh Ministers should any of the detailed matters identified in Annex 1 come before them for determination once formally submitted”. I suggest that this could be inserted after 4.13.

I will be in touch again during the week of 21<sup>st</sup> September with any further comments.

Regards,

REDACTED INFORMATION

WG

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

*"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."*

**From:** REDACTED INFORMATION TLSB

**Sent:** 10 September 2015 15:14

**To:** REDACTED INFORMATION WG

**Cc:** REDACTED INFORMATION TLSB

**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

REDACTED INFORMATION and REDACTED INFORMATION,

WG

WG

Please find attached draft MoUs to formalise the matters discussed in the meeting noted below. I hope these reflect your expectations and as such are able to be agreed and signed promptly – work is already underway in line with what was agreed and is set out here. May I suggest we aim for agreement within two weeks of today, so by Friday 25 September?

FYI: A corresponding MoU has also been sent to the LPAs and NRW, establishing the detail of the process.

Kind regards,

REDACTED INFORMATION <sup>TLSB</sup>

<sup>TLSB</sup>  
<sup>WG</sup>  
<sup>TLSB</sup>

**From:** REDACTED INFORMATION

**Sent:** 25 August 2015 16:16

**To:** REDACTED INFORMATION

**Cc:** REDACTED INFORMATION

**Subject:** TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Dear REDACTED INFORMATION <sup>WG</sup> and REDACTED INFORMATION <sup>WG</sup>,

I hope you are well. Please see below a (much delayed) write-up of my notes from the meeting on 23 July. The MoU should be ready and sent to you next week – it is being drafted by DLA Pipers (with reference to the notes below, but with a different purpose and therefore content tailored accordingly). I hope this is useful in the meantime. Please let me know if you have any concerns.

Kind regards,

REDACTED INFORMATION <sup>TLSB</sup>

\*\*\*\*\*

**TLSB / Welsh Government post-DCO planning strategy meeting, Cathay's Park, 23 July 2015**

**TLSB attendees:** REDACTED INFORMATION

**WG attendees:** REDACTED INFORMATION

- Attendees agreed that the TLSB DCO creates a problem for start-on-site in that no authority has jurisdiction to discharge DCO requirements offshore; not the LPAs nor NRW-MLT. A solution needs to be found that changes the planning jurisdiction of the LPAs to include the offshore area of the lagoon below MLW such that they can discharge DCO requirements. The Secretary of State's decision letter suggests TLSB uses the Local Government (Democracy) Wales Act 2013 to do so.
- Attendees agreed that TLSB's development timetable and the WG boundary review timetable and process were incompatible and there was no expectation from WG for TLSB to piggy-back the Boundary Commission's work or use the Local Government (Democracy) Wales Act 2013 to resolve jurisdiction matters arising from the TLSB DCO (irrespective of the Secretary of State's recommendation).
- Attendees agreed that a Harbour Revision Order (HRO) under the Harbours Act 1964 was likely to be a better alternative for TLSB. WG quoted the Milford Haven

Harbour Act 2002 as a Welsh precedent for amending a local authority boundary via an HRO.

- TLSB described to WG a proposed two-pronged planning strategy comprising:
  - I. An HRO submitted to the MMO asap to change the jurisdictions of: Swansea Port and Neath Harbour – to exclude the lagoon from their harbour limits; and CCSC and NPTCBC – to give them planning powers for the lagoon below MLW. The application would be supported by the Ports and LPAs just as they supported the changes when applied for via the final draft DCO.
  - II. A 'shadow' discharge of DCO requirements running in parallel, whereby discharge materials would be submitted to the LPAs and considered as pre-application documents irrespective of their current lack of jurisdiction to discharge them. The LPAs would review and comment on the discharge materials accordingly, while the HRO is being determined, in anticipation of success. When the HRO is granted, and planning jurisdiction for the lagoon below MLW has been given to the LPAs, TLSB will formally submit pre-agreed discharge materials for prompt validation and determination. This work would be done under Planning Performance Agreements (PPAs) which are just about to be signed with the LPAs and NRW, meaning no risk or cost for the LPAs/NRW. Risk and cost is all borne by TLSB. NB: the LPAs have no statutory duty to consult on requirement discharge materials except where NRW is specified in the requirement.
- The planning strategy was endorsed by WG and the Boundary Commission. TLSB noted that the same strategy would be presented to the LPAs and NRW the following day, 24 July.
- ACTION: TLSB to provide a MoU as an output of the meeting, focussing on the acceptability of jurisdiction change via HRO and the parallel shadow discharge process, and the irrelevance of TLSB to the Boundary Commission's work. NB: MoUs would also be sought with the LPAs and NRW after the meeting on 24 July.
- ACTION: James Hooker to investigate sign-off required for such a MoU in advance of receipt, in order to expedite progress thereafter.
- It was agreed that it was likely TLSB would need to submit the HRO before the MoU has been agreed. The MoU would need to progress rapidly however, as it would support a prompt decision on the HRO by the MMO.

REDACTED INFORMATION




TLSB

REDACTED INFORMATION



On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn




gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.





Fri 27/11/2015 09:37

WG to WG

REDACTED INFORMATION, WG

As the Minister for Natural Resources could have a role in any appeal or determination of the planning applications being made to Swansea and Neath Port Talbot it would not be appropriate (and could even be prejudicial to his planning responsibilities) for him to actually sign the MoU.

My understanding is that EST have, and are providing extensive support to SBTL (including the provision of grant funding), and therefore as this is an energy project with the support of the Minister for Economy Science and Transport the signing of the MoU by MEST would be appropriate.

In my email of the 30<sup>th</sup> September I did ask "To clarify my understanding - EWU are taking the MoU forward for Ministerial signature, and therefore you do not require any further input at this time from Planning Directorate?" At that time you replied that you were going to discuss it with Wendy "as it is a policy matter linked to the function of EWU". I have heard nothing further since.

Alternatively if you now do not believe that it is linked to EWU and therefore for MEST to sign then maybe the Minister for Local Government may wish to consider the MoU because it relates to altering the administrative boundaries of local authorities in respect of certain functions?

Regards,

REDACTED INFORMATION

} WG

REDACTED INFORMATION

<http://llyw.cymru/amgylcheddachefngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** REDACTED INFORMATION WG

**Sent:** 26 November 2015 16:39

**To:** REDACTED INFORMATION WG

**Cc:** REDACTED INFORMATION WG

**Subject:** RE: \*\*\*\*TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015\*\*\*\*

**Importance:** High

REDACTED INFORMATION WG

TLSB

I have just come off the phone with REDACTED INFORMATION fro SBTL.

SBTL are asking on progress on WG signing an MOU which you all have seen previously and if you scroll e- mail trail there is a suggestion that EWU and MEST should sign.

I see that this is outstanding from Aug and I am not sure how this course of action was agreed

I am not sure that I agree that this should be signed by our Minister and what it is we are asking her to agree to in the context of them submitting a HRO tomorrow .

The MOU clearly states that they it should be an agreement ' to address matters of planning that have been omitted from the DCO' and do not relate to MEST as it is not an energy matter

What are the material implications of not signing it

Happy to discuss so that we can resolve but SBTL need a response

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION WG

**Sent:** 26 November 2015 15:04

**To:** REDACTED INFORMATION WG

**Subject:** \*\*\*\*TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015\*\*\*\*

REDACTED INFORMATION WG

Please advise.

Many thanks

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION TLSB

**Sent:** 26 November 2015 15:01

**To:** REDACTED INFORMATION WG

**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION, NG

FYI, we intend to submit the HRO tomorrow, Friday (not Tuesday as I erroneously wrote below) 27 November, with notices running on Monday 30 November. Please can you advise if any progress has been made at WG?

Many thanks, REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION WG  
**Sent:** 16 November 2015 14:44  
**To:** REDACTED INFORMATION TLSB  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION TLSB

Apologies I have been on leave. I have requested a response as a matter of urgency.

Kind regards

REDACTED INFORMATION WG

**From:** REDACTED INFORMATION TLSB  
**Sent:** 09 November 2015 14:50  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION WG

Sorry to chase again, but do you have any update on the MoU with WG?

Many thanks, REDACTED INFORMATION TLSB

**From:** REDACTED INFORMATION TLSB  
**Sent:** 20 October 2015 09:27  
**To:** REDACTED INFORMATION WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION, WG

FYI, we intend to submit the HRO by Tuesday 27 November. It would be helpful to have the MoU agreed by then, but we will submit regardless as we must get the formal process moving.

Kind regards, REDACTED INFORMATION

REDACTED INFORMATION

} TLSB

From: REDACTED INFORMATION TLSB  
Sent: 14 October 2015 14:53  
To: REDACTED INFORMATION WG  
Subject: RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION, WG

Sorry to chase, but please could you update me on progress with the MoU?

Many thanks, REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

From: REDACTED INFORMATION TLSB  
Sent: 30 September 2015 14:22  
To: REDACTED INFORMATION WG  
Subject: RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi REDACTED INFORMATION, WG

I just stumbled over this email thread and noted James' target for 5 October, now approaching fast. I wondered how things are progressing?

Kin regards, REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

From: REDACTED INFORMATION TLSB  
Sent: 21 September 2015 12:14  
To: REDACTED INFORMATION WG  
Cc: REDACTED INFORMATION WG  
Subject: RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Thanks REDACTED INFORMATION. Hi REDACTED INFORMATION, I hope you are well!

REDACTED INFORMATION TLSB

REDACTED INFORMATION TLSB

From: REDACTED INFORMATION WG  
Sent: 21 September 2015 11:07  
To: REDACTED INFORMATION TLSB + WG  
Cc: REDACTED INFORMATION TLSB; DLA Piper + WG  
Subject: RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

REDACTED INFORMATION, TLSB

Our colleagues in the Energy Wales Unit (EWU) will be taking forward progressing the MoU, as it is likely to be signed by the Minister for Economy, Science, and Transport, given her portfolio responsibility for energy matters.

WG

The most appropriate contact in EWU is REDACTED INFORMATION, and I have cc'd her into this email.

REDACTED INFORMATION WG

Kind Regards,

REDACTED INFORMATION

REDACTED INFORMATION

} WG

<http://llyw.cymru/amgylcheddachefngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** REDACTED INFORMATION

**Sent:** 15 September 2015 12:47

**To:** REDACTED INFORMATION

**Cc:** REDACTED INFORMATION

**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

WG

TLSB

Thanks REDACTED INFORMATION. REDACTED INFORMATION will note your initial comments and await further comment from your legal team. I knew 25 Sept was somewhat ambitious, so 5 Oct isn't bad!

Enjoy your break.

REDACTED INFORMATION

REDACTED INFORMATION

} TLSB

**From:** REDACTED INFORMATION

WG

**Sent:** 11 September 2015 09:43

**To:** REDACTED INFORMATION

**Cc:** REDACTED INFORMATION

**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

TLSB + WG

TLSB + DLA Piper

REDACTED INFORMATION,

TLSB

Thanks – I will pass this across to our lawyers to look over.

As I am on leave all next week (and will need a bit of time to sort out a Ministerial submission to get agreement to sign the final version of the MoU) can we aim for Monday 5<sup>th</sup> October?

Having had a read of the word document I have the following (without prejudice) comments, and should stress these are without our lawyers input at this stage (and so may change).

4.6 – suggest we need to make it explicit that the MMO is a separate entity. Therefore suggest adding at the end “subject to MMO approval”.

4.7 – Change “consider” to “acknowledge” and add “to meet the timescales of the developer” at the end.

4.8 I believe that the Boundary Commission for Wales is a separate legal entity and therefore I don't think WG can make this statement on their behalf. I would suggest that the reference to BCfW is deleted.

WG will require a clause to state that “nothing in this MoU prejudices the role and function of Welsh Ministers should any of the detailed matters identified in Annex 1 come before them for determination once formally submitted”. I suggest that this could be inserted after 4.13.

I will be in touch again during the week of 21<sup>st</sup> September with any further comments.

Regards,

REDACTED INFORMATION

REDACTED INFORMATION

} WG

<http://llyw.cymru/amgylcheddacheffngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** REDACTED INFORMATION

**Sent:** 10 September 2015 15:14

**To:** REDACTED INFORMATION

TL SB  
WG

**Cc:** REDACTED INFORMATION <sup>TLSB</sup>  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

<sup>WG</sup> REDACTED INFORMATION and <sup>WG</sup> REDACTED INFORMATION,

Please find attached draft MoUs to formalise the matters discussed in the meeting noted below. I hope these reflect your expectations and as such are able to be agreed and signed promptly – work is already underway in line with what was agreed and is set out here. May I suggest we aim for agreement within two weeks of today, so by Friday 25 September?

FYI: A corresponding MoU has also been sent to the LPAs and NRW, establishing the detail of the process.

Kind regards,

REDACTED INFORMATION }  
REDACTED INFORMATION } <sup>TLSB</sup>

**From:** REDACTED INFORMATION **Sent:** 25 August 2015 16:16 <sup>TLSB</sup>  
**To:** REDACTED INFORMATION <sup>WG</sup>  
**Cc:** REDACTED INFORMATION <sup>TLSB + DLA Piper</sup>  
**Subject:** TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

<sup>WG</sup> Dear REDACTED INFORMATION and <sup>WG</sup> REDACTED INFORMATION,

I hope you are well. Please see below a (much delayed) write-up of my notes from the meeting on 23 July. The MoU should be ready and sent to you next week – it is being drafted by DLA Pipers (with reference to the notes below, but with a different purpose and therefore content tailored accordingly). I hope this is useful in the meantime. Please let me know if you have any concerns.

Kind regards,

REDACTED INFORMATION <sup>TLSB</sup>  
\*\*\*\*\*

**TLSB / Welsh Government post-DCO planning strategy meeting, Cathay's Park, 23 July 2015**

**TLSB attendees:** REDACTED INFORMATION

**WG attendees:** REDACTED INFORMATION

- Attendees agreed that the TLSB DCO creates a problem for start-on-site in that no authority has jurisdiction to discharge DCO requirements offshore; not the LPAs nor NRW-MLT. A solution needs to be found that changes the planning jurisdiction of the LPAs to include the offshore area of the lagoon below MLW such that they can discharge DCO requirements. The Secretary of State's decision letter suggests TLSB uses the Local Government (Democracy) Wales Act 2013 to do so.
- Attendees agreed that TLSB's development timetable and the WG boundary review timetable and process were incompatible and there was no expectation from WG for TLSB to piggy-back the Boundary Commission's work or use the Local

Government (Democracy) Wales Act 2013 to resolve jurisdiction matters arising from the TLSB DCO (irrespective of the Secretary of State's recommendation).

- Attendees agreed that a Harbour Revision Order (HRO) under the Harbours Act 1964 was likely to be a better alternative for TLSB. WG quoted the Milford Haven Harbour Act 2002 as a Welsh precedent for amending a local authority boundary via an HRO.
- TLSB described to WG a proposed two-pronged planning strategy comprising:
  - I. An HRO submitted to the MMO asap to change the jurisdictions of: Swansea Port and Neath Harbour – to exclude the lagoon from their harbour limits; and CCSC and NPTCBC – to give them planning powers for the lagoon below MLW. The application would be supported by the Ports and LPAs just as they supported the changes when applied for via the final draft DCO.
  - II. A 'shadow' discharge of DCO requirements running in parallel, whereby discharge materials would be submitted to the LPAs and considered as pre-application documents irrespective of their current lack of jurisdiction to discharge them. The LPAs would review and comment on the discharge materials accordingly, while the HRO is being determined, in anticipation of success. When the HRO is granted, and planning jurisdiction for the lagoon below MLW has been given to the LPAs, TLSB will formally submit pre-agreed discharge materials for prompt validation and determination. This work would be done under Planning Performance Agreements (PPAs) which are just about to be signed with the LPAs and NRW, meaning no risk or cost for the LPAs/NRW. Risk and cost is all borne by TLSB. NB: the LPAs have no statutory duty to consult on requirement discharge materials except where NRW is specified in the requirement.
- The planning strategy was endorsed by WG and the Boundary Commission. TLSB noted that the same strategy would be presented to the LPAs and NRW the following day, 24 July.
- **ACTION:** TLSB to provide a MoU as an output of the meeting, focussing on the acceptability of jurisdiction change via HRO and the parallel shadow discharge process, and the irrelevance of TLSB to the Boundary Commission's work. NB: MoUs would also be sought with the LPAs and NRW after the meeting on 24 July.
- **ACTION:** James Hooker to investigate sign-off required for such a MoU in advance of receipt, in order to expedite progress thereafter.
- It was agreed that it was likely TLSB would need to submit the HRO before the MoU has been agreed. The MoU would need to progress rapidly however, as it would support a prompt decision on the HRO by the MMO.

REDACTED INFORMATION



REDACTED INFORMATION



} TLSB

On leaving the Government Secure Intranet this email was certified virus free.



Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnrwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.



Fri 27/11/2015 16:54

Hi INFORMATION REDACTED and INFORMATION REDACTED, WG + WG

I hope you are well. Much time has passed since we met to discuss TLSB planning strategy following the DCO being made. A MoU was circulated and yesterday I received a call from Aled Davies apologising and stating that his Minister would not sign the MoU. He indicated he would write to you separately, but it appears that we are back at square one, with an urgent need to find the correct Minister to sign. The MoU is important as it makes clear that the WG is happy with TLSB not following the SoS's advice to make use of the LGDW Act 2013 to change the jurisdictions of the LPAs. Our investors may challenge us if we go against the SoS's advice on such a matter without evidence that others (such as WG) agree with our alternative strategy.

Two HROs have been submitted to the MMO today – one covering Swansea (CCSC and ABP) and one covering Neath (NPTCBC and NPA).

I hope you are able to assist in resolving this matter promptly. I am out of the office on Monday next week, but otherwise catchable.

Have a good weekend.

INFORMATION REDACTED } TLSB  
INFORMATION REDACTED }

From: INFORMATION REDACTED TLSB  
Sent: 26 November 2015 15:01  
To: INFORMATION REDACTED WG  
Subject: RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi INFORMATION REDACTED, WG

FYI, we intend to submit the HRO tomorrow, Friday (not Tuesday as I erroneously wrote below) 27 November, with notices running on Monday 30 November. Please can you advise if any progress has been made at WG?

Many thanks, INFORMATION REDACTED TLSB

INFORMATION REDACTED

From: INFORMATION REDACTED WG  
Sent: 16 November 2015 14:44  
To: INFORMATION REDACTED TLSB  
Subject: RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi INFORMATION REDACTED WG

Apologies I have been on leave. I have requested a response as a matter of urgency.

Kind regards

INFORMATION REDACTED WG

**From:** INFORMATION REDACTED TLSB  
**Sent:** 09 November 2015 14:50  
**To:** INFORMATION REDACTED WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi INFORMATION REDACTED, WG

Sorry to chase again, but do you have any update on the MoU with WG?

Many thanks, INFORMATION REDACTED TLSB

**From:** INFORMATION REDACTED TLSB  
**Sent:** 20 October 2015 09:27  
**To:** INFORMATION REDACTED WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi INFORMATION REDACTED, WG

FYI, we intend to submit the HRO by Tuesday 27 November. It would be helpful to have the MoU agreed by then, but we will submit regardless as we must get the formal process moving.

Kind regards, INFORMATION REDACTED TLSB

INFORMATION REDACTED

**From:** INFORMATION REDACTED TLSB  
**Sent:** 14 October 2015 14:53  
**To:** INFORMATION REDACTED WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi INFORMATION REDACTED, WG

Sorry to chase, but please could you update me on progress with the MoU?

Many thanks, INFORMATION REDACTED TLSB

INFORMATION REDACTED

**From:** INFORMATION REDACTED TLSB  
**Sent:** 30 September 2015 14:22  
WG **To:** INFORMATION REDACTED **Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Hi INFORMATION REDACTED, WG

I just stumbled over this email thread and noted James' target for 5 October, now approaching fast. I wondered how things are progressing?

Kin regards, INFORMATION REDACTED TLSB

INFORMATION REDACTED

**From:** INFORMATION REDACTED TLSB  
**Sent:** 21 September 2015 12:14  
**To:** INFORMATION REDACTED WG  
**Cc:** INFORMATION REDACTED WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

Thanks INFORMATION REDACTED. WG  
\_\_\_\_\_ WG

Hi INFORMATION REDACTED, I hope you are well!

INFORMATION REDACTED TLSB

INFORMATION REDACTED

**From:** INFORMATION REDACTED WG  
**Sent:** 21 September 2015 11:07  
**To:** INFORMATION REDACTED TLSB + WG  
**Cc:** INFORMATION REDACTED TLSB, DLAPiper + WG  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

INFORMATION REDACTED, TLSB

Our colleagues in the Energy Wales Unit (EWU) will be taking forward progressing the MoU, as it is likely to be signed by the Minister for Economy, Science, and Transport, given her portfolio responsibility for energy matters.

The most appropriate contact in EWU is INFORMATION REDACTED, and I have cc'd her into this email. WG

INFORMATION REDACTED WG

Kind Regards,

INFORMATION REDACTED } WG  
INFORMATION REDACTED

<http://llyw.cymru/amgylcheddachefngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** INFORMATION REDACTED *TLSB*  
**Sent:** 15 September 2015 12:47  
**To:** INFORMATION REDACTED *WG*  
**Cc:** INFORMATION REDACTED *TLSB + DLA Piper*  
**Subject:** RE: *WG* TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015 *TLSB*

Thanks INFORMATION REDACTED. INFORMATION REDACTED will note your initial comments and await further comment from your legal team. I knew 25 Sept was somewhat ambitious, so 5 Oct isn't bad!

Enjoy your break.

INFORMATION REDACTED *TLSB*

INFORMATION REDACTED

**From:** INFORMATION REDACTED *WG*  
**Sent:** 11 September 2015 09:43  
**To:** INFORMATION REDACTED *TLSB + WG*  
**Cc:** INFORMATION REDACTED *TLSB + DLA Piper*  
**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

INFORMATION REDACTED *TLSB*

Thanks – I will pass this across to our lawyers to look over.

As I am on leave all next week (and will need a bit of time to sort out a Ministerial submission to get agreement to sign the final version of the MoU) can we aim for Monday 5<sup>th</sup> October?

Having had a read of the word document I have the following (without prejudice) comments, and should stress these are without our lawyers input at this stage (and so may change).

4.6 – suggest we need to make it explicit that the MMO is a separate entity. Therefore suggest adding at the end "subject to MMO approval".

4.7 – Change "consider" to "acknowledge" and add "to meet the timescales of the developer" at the end.

4.8 I believe that the Boundary Commission for Wales is a separate legal entity and therefore I don't think WG can make this statement on their behalf. I would suggest that the reference to BCfW is deleted.

WG will require a clause to state that "nothing in this MoU prejudices the role and function of Welsh Ministers should any of the detailed matters identified in Annex 1 come before them for determination once formally submitted". I suggest that this could be inserted after 4.13.

I will be in touch again during the week of 21<sup>st</sup> September with any further comments.

Regards,

INFORMATION REDACTED

} WG

INFORMATION REDACTED

<http://llyw.cymru/amgylcheddachefngwlad> / <http://gov.wales/environmentandcountryside>

*"Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Government, any constituent part or connected body."*

"Dylai unrhyw ddatganiadau neu sylwadau a wneir uchod gael eu hystyried yn rhai personol ac nid yn rhai gan Lywodraeth Cymru, unrhyw ran ohoni neu unrhyw gorff sy'n gysylltiedig â hi."

**From:** INFORMATION REDACTED

TLSB

**Sent:** 10 September 2015 15:14

**To:** INFORMATION REDACTED

WG

**Cc:** INFORMATION REDACTED

TLSB + DLAP; per

**Subject:** RE: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

WG

WG

INFORMATION REDACTED and INFORMATION REDACTED,

Please find attached draft MoUs to formalise the matters discussed in the meeting noted below. I hope these reflect your expectations and as such are able to be agreed and signed promptly – work is already underway in line with what was agreed and is set out here. May I suggest we aim for agreement within two weeks of today, so by Friday 25 September?

FYI: A corresponding MoU has also been sent to the LPAs and NRW, establishing the detail of the process.

Kind regards,

INFORMATION REDACTED

} TLSB

INFORMATION REDACTED

From: INFORMATION REDACTED

TLSB

Sent: 25 August 2015 16:16

To: INFORMATION REDACTED

WG

Cc: INFORMATION REDACTED

TLSB + DLA Piper

Subject: TLSB/WG post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

WG

WG

Dear INFORMATION REDACTED and INFORMATION REDACTED,

I hope you are well. Please see below a (much delayed) write-up of my notes from the meeting on 23 July. The MoU should be ready and sent to you next week – it is being drafted by DLA Pipers (with reference to the notes below, but with a different purpose and therefore content tailored accordingly). I hope this is useful in the meantime. Please let me know if you have any concerns.

Kind regards,

INFORMATION REDACTED

TLSB

\*\*\*\*\*

#### TLSB / Welsh Government post-DCO planning strategy meeting, Cathay's Park, 23 July 2015

TLSB attendees: INFORMATION REDACTED

WG attendees: INFORMATION REDACTED

- Attendees agreed that the TLSB DCO creates a problem for start-on-site in that no authority has jurisdiction to discharge DCO requirements offshore; not the LPAs nor NRW-MLT. A solution needs to be found that changes the planning jurisdiction of the LPAs to include the offshore area of the lagoon below MLW such that they can discharge DCO requirements. The Secretary of State's decision letter suggests TLSB uses the Local Government (Democracy) Wales Act 2013 to do so.
- Attendees agreed that TLSB's development timetable and the WG boundary review timetable and process were incompatible and there was no expectation from WG for TLSB to piggy-back the Boundary Commission's work or use the Local Government (Democracy) Wales Act 2013 to resolve jurisdiction matters arising from the TLSB DCO (irrespective of the Secretary of State's recommendation).
- Attendees agreed that a Harbour Revision Order (HRO) under the Harbours Act 1964 was likely to be a better alternative for TLSB. WG quoted the Milford Haven Harbour Act 2002 as a Welsh precedent for amending a local authority boundary via an HRO.
- TLSB described to WG a proposed two-pronged planning strategy comprising:
  - I. An HRO submitted to the MMO asap to change the jurisdictions of: Swansea Port and Neath Harbour – to exclude the lagoon from their harbour limits; and CCSC and NPTCBC – to give them planning powers for the lagoon below MLW. The application would be supported by the Ports and LPAs just as they supported the changes when applied for via the final draft DCO.
  - II. A 'shadow' discharge of DCO requirements running in parallel, whereby discharge materials would be submitted to the LPAs and considered as pre-application documents irrespective of their current lack of jurisdiction to discharge them. The LPAs would review and comment on the discharge materials accordingly, while the HRO is being determined, in



anticipation of success. When the HRO is granted, and planning jurisdiction for the lagoon below MLW has been given to the LPAs, TLSB will formally submit pre-agreed discharge materials for prompt validation and determination. This work would be done under Planning Performance Agreements (PPAs) which are just about to be signed with the LPAs and NRW, meaning no risk or cost for the LPAs/NRW. Risk and cost is all borne by TLSB. NB: the LPAs have no statutory duty to consult on requirement discharge materials except where NRW is specified in the requirement.

- The planning strategy was endorsed by WG and the Boundary Commission. TLSB noted that the same strategy would be presented to the LPAs and NRW the following day, 24 July.
- ACTION: TLSB to provide a MoU as an output of the meeting, focussing on the acceptability of jurisdiction change via HRO and the parallel shadow discharge process, and the irrelevance of TLSB to the Boundary Commission's work. NB: MoUs would also be sought with the LPAs and NRW after the meeting on 24 July.
- ACTION: INFORMATION REDACTED to investigate sign-off required for such a MoU in advance of receipt, in order to expedite progress thereafter.
- It was agreed that it was likely TLSB would need to submit the HRO before the MoU has been agreed. The MoU would need to progress rapidly however, as it would support a prompt decision on the HRO by the MMO.

INFORMATION REDACTED

TLSB



INFORMATION REDACTED



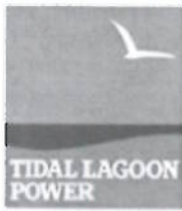
On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

INFORMATION REDACTED



INFORMATION REDACTED

On leaving the Government Secure Intranet this email was certified virus free. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Wrth adael Mewnwyd Ddiogel y Llywodraeth nid oedd unrhyw feirws yn gysylltiedig â'r neges hon. Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSi yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.