



Ein cyf/Our ref JJ/05143/24

Jack Sargeant MS  
Chair - Petitions committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN

01 May 2024

Dear Jack,

Thank you for your letter of 11 April regarding the petition P-06-1395 which calls for a Halt regarding significant development on the Gwent Levels.

I provide further clarification as requested with regards the questions raised by the Committee as set out in your letter. I also include further responses to the proposals set out by the petitioners. For ease of reference I have highlighted, in brackets, each of the petitioners' proposals as numbered in the petition.

1. The request for further guidance in relation to PPW Chapter 6 (a request from the Committee and Proposal 1 of the petition)

To reiterate my previous advice, Planning Policy Wales provides a clear and robust position on SSSIs. Whilst the stepwise approach itself is a means of ensuring a net benefit for biodiversity can be achieved in all circumstances, it both incorporates and works alongside specific and additional elements of policy which are relevant for SSSIs. The general starting point is criterion 1a) which says that avoiding harm is the first priority and planning authorities will need to be satisfied that any reasonable alternatives which would result in less harm, no harm or benefit have been fully considered. Further, criterion 1b) specifically states that development in protected sites is, as a matter of principle, unacceptable and should be avoided and it would be wholly exceptional for development to be justifiable in such circumstances. Criterion 1b) includes an explanation of the rationale for this position, whilst paragraphs 6.4.26 and 6.4.27 specifically state in relation to SSSIs that there is a presumption against all forms of development (other than those covered by paragraph 6.4.25) as a matter of principle and that wholly exceptional circumstances in relation to development on SSSIs rely on an agreed position on relevant matters being established in a development plan.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

It is not considered that this policy position requires clarification at this time. It was first introduced in the letter of 11 October 2023 and only incorporated into PPW in February and, as stated above, provides a robust policy position on SSSIs. The commitment to further guidance was outlined as part of the consultation exercise on the proposed updates to PPW in 2023 and was to develop a common approach to securing a net benefit for biodiversity on site, incorporating the attributes of ecosystem resilience set out in the Section 6 duty (Environment Act 2016). These are known as the DECCA attributes (diversity, extent, condition, connectivity and adaptation) and are outlined in section 6.4 of PPW. The preparation of the guidance is commencing, and it is my intention that it will be made available as soon as practicable.

2. The request to release the Post Construction Monitoring Report (a request from the Committee and Proposal 2 of the Petition)

Work on the post construction monitoring study is nearing completion and is due to be finalised shortly. Once I have received the report, I will be able to better advise with regards its release.

3. Clarification as to what protections exist within the Infrastructure Bill to protect SSSIs in the future, to ensure that they are not overdeveloped and negatively impacted in terms of ecology (a question from the Committee)

The Infrastructure (Wales) Bill will establish the process for the consenting of significant infrastructure in Wales. The Bill does not contain policy on SSSIs, or any other policy matter. Section 56 and 57 of the Bill set out the relevant policy statement, framework or plan which applications for infrastructure consent must be decided in accordance with, and in making that decision, what matters the decision maker must have regard to. It is not appropriate or necessary therefore for the Bill itself to contain policy. Future Wales and Planning Policy Wales provide a clear and robust position on policy requirements in relation to SSSIs.

4. Policy 18 of Future Wales: a request for a change of wording in relation to SSSIs (Proposal 3.1 of the Petition)

Future Wales is a spatial plan. Planning Policy Wales is a key component of national planning policy, setting out non-spatial policy and is material to the consideration of all planning proposals. The Welsh Government sought not to duplicate policy across Future Wales and PPW and both should be read together. PPW and the recently updated Chapter 6 provides clear and comprehensive guidance on SSSIs, as I explain under point 1 above.

Future Wales and Planning Policy Wales should be considered in their entirety, with all aspects of relevant policy considered and addressed through the decision-making process. Future Wales policies 17 and 18 provide strong support for the development of renewable energy across Wales. Policy 9 provides strong support for enhancing biodiversity, strengthening the resilience of ecosystems and providing green infrastructure. Indeed, the identification of the Gwent Levels as a national natural resource underpins the work currently underway on the Levels led by the Welsh Government. It is important policies relating to renewable energy are not presented in isolation from the wider policy framework. With the recently updated Chapter 6 of PPW in place providing clear and comprehensive guidance on SSSIs, it is not therefore necessary to amend Future Wales.

5. Request for reinstatement of the pre-assessed areas for solar as included in the 2019 draft version of Future Wales (Proposal 3.2 of the Petition)

Future Wales is a development plan. The process for its preparation is defined in legislation. In common with all development plans, Future Wales emerged from an extensive programme of engagement, consultation, assessment, evidence gathering and scrutiny. Development plans deliver long term change and provide long term certainty on how development will be managed.

The 2019 version of the National Development Framework was a draft plan published for consultation. The 2020 version was submitted to the Senedd for scrutiny. These versions were amended by the processes they progressed through, which included public consultation, extensive assessment and Senedd scrutiny. Whilst the comments on these earlier versions are noted, their status is limited and it is the completion of the statutory development plan process and final publication, that gives the final development plan its weight. Extensive reports were prepared across the process explaining why and how the plan changed and the assessment these changes were subject to.

Changes to Future Wales will emerge from a similar process to that which led to its original publication in 2021. This would again involve extensive engagement, assessment, consultation and evidence gathering. There is no mechanism to quickly change Future Wales. All the issues raised by the petitioners could be considered through the process to review Future Wales.

6. That Welsh Government prevent Local Planning Authorities from including any development allocations in their emerging LDPs where they are located on a SSSI (Proposal 4 of the Petition)

The Welsh Government already make written representations to statutory development plan consultations, scrutinising and highlighting any conflicts with national policy / procedures.

7. Request to raise the threshold for determining large solar applications so that they are retained for determination in Wales rather than as NSIPs at UK level (Proposal 5 of the Petition)

Welsh Government maintains the position that decisions on all energy developments should be devolved, consistent with the devolved powers on climate change, economic prosperity and environmental protection, and with the development of a much more agile, distributed and renewables-based energy system. Decisions on onshore wind are wholly within the remit of Welsh Ministers and we support the proposal that all other technologies should be devolved in line with this. Such devolution would require the consent of UK Ministers.

I trust that this response addresses the questions raised by both the Committee and the petitioners.

Yours sincerely,



**Julie James AS/MS**

Ysgrifennydd y Cabinet dros Lywodraeth Leol, Tai a Chynllunio  
Cabinet Secretary for Housing, Local Government and Planning