



Llywodraeth Cymru
Welsh Government

From: [REDACTED]
Planning Directorate
255362

Cleared by: [REDACTED]
Date: 15 January 2024

Cabinet agreed on 1 August that all portfolios should identify savings in-year (23/24), with spending controls now the responsibility of each portfolio. Plans for 24/25 will also need to be constrained. The associated impacts of savings must be considered.

All Ministerial Advice must be set out in this context and provide options for Ministers to identify the level of savings needed. This may require previous funding decisions being reviewed.

The Statement of Assurance must be reviewed by your Group Finance Team and assurance provided that this MA is affordable within this revised context.

MINISTERIAL ADVICE

For decision by: Minister for Education and Welsh Language

Copied to: First Minister

Subject	Redetermination of Development of National Significance (DNS) applications : Wentlooge Solar Farm on the Wentlooge Levels and Rush Wall Solar Farm on land near Redwick, Newport.
100 word summary	The Welsh Ministers’ decisions to refuse planning permission for the DNS proposals were subject to legal challenge. [REDACTED] [REDACTED] [REDACTED] [REDACTED] The courts subsequently quashed the decisions; the court orders require the Welsh Ministers to redetermine the DNS applications.
Timing	Routine
Recommendation	The Minister for Education and Welsh Language is asked to agree:

	<ul style="list-style-type: none">• To issue the letters at Doc 1 and Doc 2. Please return signed, not dated.
Decision report	This decision does not require a Decision Report.

ADVICE

Background

Rush Wall Solar Park (Ref: DNS/3220457)

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

[REDACTED]

Solar Farm on the Wentlooge Levels (Ref: CAS-01772-Z5P5D2)

9. The DNS application seeks planning permission for the erection of a renewable energy hub comprising ground mounted solar panels and battery storage units (160 units) with a combined installed generating capacity of up to 125 MW, underground cabling, grid connection hub, and associated infrastructure for a period of 40 years.
10. The application site extends to 122 hectares and is located on the Wentlooge Levels, to the south east of the village of Marshfield, Newport. The site falls within the St Brides SSSI designation. Immediately to the west lies the Rumney and Peterstone SSSI. The site is located in the Gwent Levels Historic Landscape Area and within the Gwent Levels Historic LOHI. The site is also located in a green wedge, as defined in the Newport Local Development Plan.
11. The proposed development is close to the Severn Estuary Special Protection Area (SPA) and Ramsar site and the Severn Estuary Special Area of Conservation (SAC) which form a European Marine Site (EMS). The SAC and SPA form part of the National Sites Network - sites which were previously protected under European Nature Directives.
12. The application is a resubmission of a similar scheme, which was refused by MRANWT on 10 September 2021 (MA-JJ-2945-21) due to harm to the Gwent Levels LOHI.

Inspector's report

13. The Planning Inspectors appointed to assess the application recommended granting planning permission for the proposed development.
14. The Inspectors' conclusions were that the scheme would not undermine any of the purposes of the green wedge designation and the renewable energy benefits of the proposal comprise very exceptional circumstances that mean the scheme is compliant with green wedge policy. The Inspectors found the scheme's impact on designated sites to be acceptable, subject to planning conditions to secure ecological enhancement.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Statutory Review

18. Both decisions were subject to statutory review by the respective applicants. The cases were referred to Government Legal Department (GLD).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Advice

Redetermination

24. Officials have drafted redetermination letters. The letters seek representations from interested parties on relevant matters, which include updated national planning policy on biodiversity and ecology issued by MCC in October 2023. The letters also seek views on whether a hearing will be necessary to consider the matters identified.

25. Following receipt of representations officials will consider whether the cases should be redetermined by hearing or written representations.

Recommendation

- 26. Officials recommend you issue the redetermination letters at Doc 1 and 2. The deadline date for submission of representations has been left blank and will be inserted once the letters have been signed – a 6 week period will be provided for the submission of representations.

Legal Advice

- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]

Communication and media handling

- 31. There is expected to be some press interest in this submission and we will work with the press office to provide appropriate lines if needed.

Annex 1: ASSURANCE AND COPY RECIPIENTS

CLEARANCE TRACKING

Aspect	Tracking	Yes	No	N/A	Clearance no.
Finance	Financial implications over £50,000?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Cleared by Group Finance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Cleared by Budget & Government Business Division?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	Cleared by Local Government Finance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Legal	Legal issues?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Cleared by relevant lawyers?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Governance	Novel and contentious issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Cleared by Corporate Governance Centre of Excellence?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

DEPUTY DIRECTOR, STATEMENT OF ASSURANCE

In clearing this MA, I confirm that I, [REDACTED], have quality assured this advice, ensuring it is provided on the basis of evidence, accurately presents the options and facts and I am accountable for the recommendations made.

I am satisfied that the recommended decision or action, if agreed, would be lawful, affordable and comply with all relevant statutory obligations. Welsh Government policy priorities and cross portfolio implications have been fully considered in line with delivery of the government objectives.

I have fully considered the statement of assurance contained in the MA guidance to ensure all relevant considerations have been taken into account, appropriate impact assessments have been undertaken and that the actions and decisions take account of regularity, propriety and value for money.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

COPY LIST

All mandatory copy recipients (as indicated in the guidance). Additional copy recipients specifically interested in this advice:

Mandatory CC - MA

- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]
- █ [REDACTED]