

# P-06-1395 Halt significant new development on the Gwent Levels SSSIs

Y Pwyllgor Deisebau | 18 Mawrth 2024  
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Reference: SR24/7850-1

Petition Number: P-06-1395

Petition title: Halt significant new development on the Gwent Levels SSSIs

**Text of petition:** The Gwent Levels is an ancient landscape, rich in culture and important for biodiversity, recreation, flood alleviation, carbon storage and food production. It is now facing multiple, adjacent, enormous solar proposals amongst other development proposals. The Welsh planning system in its present form is unable to control development, and the destruction which these will cause under present arrangements would mean the end of this beautiful, fragile and complex wetland.

There is growing pressure for further, vastly accelerated solar and other development (such as business parks) on the Gwent Levels SSSIs and a systemic and longstanding failure to control it. For example, efforts to remove or even mitigate for serious damage from the only constructed solar farm there (Llanwern), via the use of planning conditions, have failed. Pollution levels in and near the site may well have increased. Lapwing, a scarce and declining breeding bird in Wales have been driven to extinction there. Climate change is the main threat to biodiversity globally. Concerted action is needed in all policy areas, including renewable energy – but this mustn't



come at the expense of biodiversity. SSSIs are jewels in our nature crown: UK-nationally important sites, statutorily designated for wildlife. Covering just 12% of Wales, they should not be targeted for major built developments, when thousands of hectares of land and rooftops throughout Gwent and Wales are much more suitable.

## 1. Background

Natural Resources Wales (NRW) states that SSSIs are “the most important sites for Wales’ natural heritage”. These sites are described by NRW as being “highly protected to safeguard the range, quality and variety of habitats, species and geological features” found within them.

Each SSSI has a site management statement which sets out why a site is special and how it should be managed.

### The Gwent Levels

The Gwent Levels is the collective name given to a number of different SSSIs situated to the south of Newport, lying north of the Severn Estuary. The petitioner calls for no further significant developments to take place on the Levels and suggests that current planning policy is unable to control such development.

Perhaps the most high profile development proposal relating to the Gwent Levels was the M4 relief road scheme. In this case, in 2019 the First Minister, Mark Drakeford MS decided against the scheme, despite the independent inspector’s recommendation to proceed with it. The First Minister stated:

I attach very significant weight to the fact that the Project would have a substantial adverse impact on the Gwent Levels.

In 2021 the Minister for Climate Change, Julie James MS issued a written statement on action to better protect and manage the Gwent Levels. The statement referred to the M4 relief road decision and outlined Welsh Government action to protect the Levels including that a Gwent Levels working group has been established. The statement outlined key priorities identified by the group.

## Planning policy

Planning applications are determined in accordance with national and local planning policy unless material considerations indicate otherwise.

The Welsh Government's **national planning policy framework** consists of **Planning Policy Wales** (PPW), the National Development Framework (NDF) – **Future Wales**, and a series of **Technical Advice Notes (TANs)**. There are a number of policies aimed at protecting SSSIs.

**Section 6 of PPW**, was updated in October 2023 and states:

Development in a SSSI which is not necessary for the management of the site must be avoided...What may be necessary for the management of a site will need to be considered on a case by case basis but it is likely to be limited to activities needed to meet its conservation objectives...

...There is a presumption against all other forms of development in a SSSI as a matter of principle and this presumption should be appropriately reflected in development plans and development management decisions. There is also a presumption against development not within a SSSI but likely to damage a SSSI...

...In wholly exceptional circumstances and only where development is considered to be appropriate and is not likely to damage a SSSI and there is broad and clear agreement for mitigation and enhancement as part of a development plan should development be proposed.

In her letter to the Chair dated 4 March the Minister for Climate Change makes clear that planning decisions and planning policy development relating to the Gwent Levels must adhere to the above principles.

In addition to PPW, **policy 9 of the NDF** specifically refers to the Gwent Levels. The NDF sits alongside PPW and sets out a 20 year land use framework. It has development plan status.

Policy 9 of the NDF identifies national natural resource areas including the Gwent Levels. It states that “planning authorities should include these areas...in their development plan strategies and policies in order to promote and safeguard the functions and opportunities they provide”.

## Developments of National Significance (DNS)

The campaign group [Friends of the Gwent Levels](#) says it is “currently fighting” a number of [Developments of National Significance \(DNS\)](#) proposed on the Levels.

Certain categories of development are [classified as DNS](#) and are consented by the Welsh Ministers as opposed to the local planning authority (LPA). The petitioner specifically refers to solar farms. The construction, extension or alteration of an electricity generating station (other than an onshore wind generating station) expected to have capacity (or increase of capacity) of 10 – 350MW falls within the DNS regime.

Solar projects with a capacity under 10MW would be decided by the LPA whereas projects over 350MW would be decided by the UK Government under the [Nationally Significant Infrastructure Project \(NSIP\) regime](#). There is no such upper limit for onshore wind projects – all projects over 10MW are decided by the Welsh Ministers.

If passed, the [Infrastructure \(Wales\) Bill](#) currently making its way through the Senedd would introduce a new unified consenting regime known as an Infrastructure Consent for ‘Significant Infrastructure Projects’. This would replace the existing DNS regime and other consents.

The Bill would also change the threshold for energy generating stations (other than onshore wind generating stations) to 50-350MW meaning some projects under 50MW that would have previously fallen into the DNS regime would return to the LPA.

Senedd research has [published a range of resources on the Bill](#).

## 2. Welsh Government action

In her letter to the Chair dated 4 March the Minister for Climate Change highlights changes to national planning policy in relation to SSSIs outlined above. The Minister says the changes “will directly influence any proposed future development on the Levels”. In relation to policy 9 of the NDF (see above), the Minister says she has:

...approved the development of further planning guidance specifically for the Levels to help put this national policy into practice...Work on scoping the delivery of this guidance has now commenced with specific staff resources secured as of late 2023 to bring forward this guidance.

### 3. Welsh Parliament action

In June 2022 the Minister for Climate Change gave a statement to the Senedd updating on action being taken to protect the Gwent Levels.

The Climate Change, Environment and Infrastructure Committee undertook stage 1 and stage 2 scrutiny of the Infrastructure (Wales) Bill. During scrutiny the Committee heard evidence from the Welsh Government that it was working with Arup to look “at post-construction monitoring on the Gwent levels”. It outlined that:

...on the Gwent levels, there has been a solar farm and other developments. [We’re looking at] has that enhancement that has been put in as part of those schemes actually happened or not?

Stage 3 proceedings are due to take place in Plenary on 19 March.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.