

Busnes a Rhanbarthau - Gogledd Cymru
Grŵp yr Economi, Trysorlys a'r Cyfansoddiad

Business and Regions - North Wales
Economy, Treasury and Constitution Group



Llywodraeth Cymru
Welsh Government

Sent to: awelymor@planninginspectorate.gov.uk

6 February 2023

Dear Planning Inspectorate

**Re: EN010112/EN010112-001149-ExQ2 (Deadline 5)
Awel y Môr, DCO examination questions - Welsh Government Response**

The Welsh Government provided a response to the pre-application consultation on 11 October 2022 as well as a response to the first examination questions. This again, is a coordinated response from across policy areas of Welsh Government including: the Economy team; CADW; Welsh Language; Land Use Policy; Energy Policy; and Highways Department. All comments are based on existing Welsh Government stated policy. A detailed table of responses to specific questions raised is included in ANNEX A.

In relation to grid. Welsh Government wish to ensure minimal disruption to local communities and have met with the proposed developers and National Grid to understand how to minimise this disruption. Welsh Government will continue its discussions with National Grid to gain clarity on future works in the region.

It is a concern that the Community Linguistic Statements (CLS) does not fully understand the aims of the DCC SPG especially in the context of the (paragraph 5.5 of the DCC SPG – Planning and the Welsh language). The statement at paragraph 43 of the CLS states “*that such a project cannot reasonably be expected to arrest the already low and decreasing numbers of Welsh speakers*”. To the contrary the SPG highlights the need to protect the social and cultural use of the language within communities. The Welsh language strategy *Cymraeg 2050: a million Welsh speakers* as well as ‘Future Wales: the national plan 2040’ highlights the importance of safeguarding and putting the right conditions to enable the language to grow - across the whole of Wales. It is therefore expected that all developments considers the effects on the Welsh language as well as how it can help the language to grow.

In relation to the circular economy in Wales, [Future Wales: the national plan 2040](#) contains the national development policy and the [Beyond recycling](#) strategy sets out the circular economy in Wales, with the aim of keeping resources and materials in use for as long as possible and avoiding waste. The supporting documentation does touch on this element. Applying circular economy principles to developments helps to reduce carbon emissions, reverse the decline in biodiversity, and can improve economic and social outcomes. We

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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.

encourage the development of plans which support a circular economy, for example, through maximising use of resource efficient materials in the build; value retention through keeping the infrastructure running as long as possible and planning how to re-purpose at end of use; and effective site waste management, reducing construction waste and recycling as much as possible. The project does cover aspects of the policy and Welsh Government officials would be happy to assist if further information is required.

In anticipation of the hearing sessions, the Welsh Government will field officials (thematic leads) with the most detailed knowledge in respect of the thematic area being examined if requested by the Examination Authority.

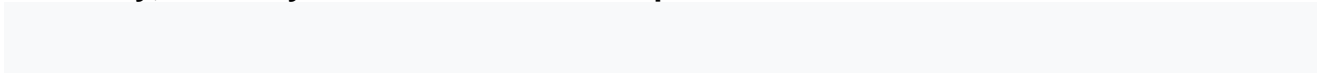
Please find attached a response to specific questions raised by the examination authority at Annex A.

Yours sincerely

Heledd Cressey MRTPI

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ANNEX A

Reference (page number)	Question	Response
ExQ2		
3.13	The Crown Consent is required for provisions in the DCO relating to Crown land or rights benefiting the Crown in accordance with s135(2) of PA2008. The Applicant indicates it is in discussions with all relevant Crown authorities in this respect [REP3-005]. Please confirm when you expect any consent to be forthcoming and whether you envisage any impediment to such consent	This information will be provided directly to the applicant through the relevant ongoing discussions.
8.2	Legal update Please provide an update on the progress of the Historic Environment (Wales) Bill 2023, including a likely date when Royal assent is expected.	The Historic Environment (Wales) Bill is currently making its way through the Senedd Cymru and, if all goes according to plan, Royal Assent is expected in early summer 2023. However, the legislation will not come into force as soon as it receives Royal Assent since a substantial quantity of secondary legislation will need to be made and guidance will need to be updated during an implementation phase.
9.1	Tree Loss Noting the comments made in the Written Representation (WR) on behalf of Mr and Mrs HE Hughes [REP1-101] and the response made by the	For information. The SFS proposes a tree planting requirement which requires all farmers who enter the SFS to have at least 10% tree cover on their farm, if they already have tree cover on their farm, they

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	<p>Applicant at [REP2-002], are you satisfied that the Proposed Development would not impact on the required level of tree coverage to qualify for the proposed Welsh Government Sustainable Farming scheme?</p>	<p>will be required to manage it in line with the UKFS otherwise, they will need to plant trees to make up the 10%, they'll have five years to do so.</p> <p>We acknowledge that some farmers will be restricted in tree planting opportunities due to priority habitats or conditions attached to farm tenancies. We are exploring what exemptions or variations are appropriate. We do not have the information available for this landowner currently so cannot comment if this would apply.</p> <p>A link to the Outline Scheme Publication: Sustainable Farming Scheme (gov.wales)</p> <p>There is a final consultation on SFS design later in 2023 and final decisions on scheme design will not be made until that consultation has concluded.</p> <p>When scheme rules are finalised we will need to consider scenarios under Force Majeure where developments are outside of the control of the individual scheme participants.</p>
9.5	<p>Soil Resources Noting your comments made in respect of ExQ1.9.1 and ExQ1.9.8 [REP1-097], the Applicant responded at [REP2-003] stating that “the Post 1988 Agricultural Land Classification (Wales) Surveys show there have been extensive surveys undertaken to the south and east of Rhyl, to the northwest of Bodelwyddan and around St Asaph Business Park. The ALC determined by these surveys is reflected in the Predictive ALC data and the Applicant considers this represents sufficient information to inform the EIA with permanent loss of up to 5Ha of land predicted to be BMV associated with the OnSS.” Please confirm whether this approach satisfies your concerns?</p>	<p>The ALC Survey Report (Ref: 2094/1, Soils and Agricultural Quality of Land at Faenol-Bropor, St Asaph – 13th January 2023) can be accepted by the Examining Authority as an accurate reflection of the agricultural land quality on the OsSS site. The proposed red-line boundary of the OsSS includes an area of 1.5ha of Best and Most Versatile (BMV) agricultural land. The Department does not consider this loss of BMV a matter in the national agricultural interest. It would therefore be a matter for the Examining Authority to take a view, in the light of the evidence before them, regarding compliance with Policy 9 of Future Wales: The National Plan 2040 and Planning Policy Wales (PPW) paragraph 3.58 and 3.59 in respect of BMV agricultural land.</p>
9.7	<p>Outline Soil Management Plan (oSMP) In response to ExQ1.9.9, 9.10, 9.11, 9.13, 9.14, 9.15 and 9.17 [REP1-</p>	<p>It is welcomed that there is a clear commitment from the applicant to undertake the ALC and Soil Physical Characteristics surveys prior to</p>

	<p>097], concerns were raised by the Welsh Government regarding the content of the oSMP. Revisions to the oSMP have been made by the Applicant and submitted into the Examination at Deadline 2 [REP2-033]. Do the amendments satisfy your concerns?</p>	<p>undertaking any work on site to inform the baseline and the final Soil Management Plan (SMP). The Department remains available to validate survey reports commissioned. The Department also welcomes the opportunity to be a consultee on the final SMP.</p>
<p>18.1</p>	<p>Local Content In response to ExQ1.18.26 [REP1-007] the Applicant stated they “would have significant concern about a proportion of local content being secured through the DCO”. Noting this response and the requirement of the Applicant to submit a Supply Chain Plan in order to be eligible to apply for a Contract for Difference, do you still consider it necessary to secure a percentage of local content for jobs from within the North Wales region during the construction and/or operational phase? If so, please provide a realistic target figure and how this could be secured.</p>	<p>For local communities in North Wales and Wales to benefit from the opportunity of hosting such developments, it is necessary to at least understand the proportion of work coming to local supply chains. It is not possible for Welsh Government to indicate a realistic figure as the work on supply chain is yet to be completed.</p> <p>Welsh Government has funded the Offshore Energy Alliance to carry out such work so that we have a better understanding of what is realistic for North Wales, including what other opportunities might exist. This piece of work should provide a better understanding of what could be secured.</p> <p>Currently, the Supply Chain Plan does not provide the detail of ‘local content’ and therefore it is difficult to secure such opportunities for local communities hosting major infrastructure.</p>
<p>18.5</p>	<p>Community Linguistic Statement Noting the reply by the Applicant to the Welsh Government response to ExQ1.18.12 [REP2-003], are you satisfied that the Community Linguistic Statement has adopted an appropriate and proportionate approach? If not, please provide further detail.</p>	<p>Within the document tracker deadline 4, dated 30 January 2023 there seems to be no response to the points raised by the Welsh Government on how the Community Linguistic Statement could be strengthened. The Community Linguistic Statement has therefore not been revised in response to these issues.</p> <p>It is a concern that the Community Linguistic Statements (CLS) does not fully understand the aims of the DCC SPG especially in regard to the context of the (paragraph 5.5 of the DCC SPG – Planning and the Welsh language). The statement at paragraph 43 of the CLS states “<i>that such a project cannot reasonably be expected to arrest the already low and decreasing numbers of Welsh speakers</i>”. To the contrary the SPG highlights the need to protect the social and cultural use of the language within communities. The Welsh language strategy <i>Cymraeg 2050: a million Welsh speakers</i> as well as ‘Future Wales:</p>

		<p>the national plan 2040' highlights the importance of safeguarding and putting the right conditions to enable the language to grow - across the whole of Wales. It is therefore expected that all developments consider the effects on the Welsh language as well as how it can help the language to grow.</p>
18.6	<p>Equalities Impact Report Please confirm whether you are satisfied with the assessment approach adopted and conclusions as detailed within the Equalities Impact Report [REP3-010]. If not, please explain your reasons.</p>	<p>The applicant seems to have followed the process for the equality impact assessment, engaged with stakeholders and considered mitigations where these were/are needed.</p>