

Adeilad y Goron,
Parc Cathays, Caerdydd,
CF10 3NQ

Crown Buildings,
Cathays Park,
Cardiff, CF10 3NQ



[Penderfyniadau Cynllunio ac Amgylchedd Cymru | LLYW.CYMRU](http://LLYW.CYMRU)
[Planning and Environment Decisions Wales | GOV.WALES](http://GOV.WALES)

Ffôn/tel: 03000 253 341
Ebost/email: PEDW.Infrastructure@gov.wales

Ein Cyf/Our Ref: DNS/3247619
Dyddiad/Date: 16/12/2021

Statkraft UK Ltd
Denbighshire County Council
Natural Resources Wales
Cadw
The Clwydian Range and Dee Valley Joint Committee
Welsh Government - Soil Policy & Agricultural Land Use Planning Unit
Welsh Government – Department for Economy and Infrastructure

(Sent via e-mail)

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended) ('The 1990 Act') The Developments of National Significance (Wales) Regulations 2016 (as amended) ('The DNS Regulations') The Developments of National Significance (Procedure) (Wales) Order 2016 (as amended) ('The DNS Procedure Order')

Application by: Statkraft UK Ltd

Site address: Land at Gwernigron Farm, The Roe, St Asaph, Denbighshire

The appointed Inspector, Melissa Hall BA (Hons), BTP, MSc, MRTPI, has asked me to contact you regarding this Development of National Significance (DNS) examination. This communication constitutes official notification of important matters related to this DNS examination. Please read the following information in its entirety. If anything is unclear, please contact us. This letter should be treated as:

- 1. Notice under Section 62L (5) of the 1990 Act that the determination period shall be further suspended.**
- 2. A formal request for 'further information' under Regulation 15(2) of the DNS Regulations for further information from the applicant.**

1. Notice under Section 62L (5) of the 1990 Act that the determination period shall be further suspended.

As you will recall the application was suspended on 27 October 2021 until 17 December 2021 to allow sufficient time for publicity and consultation on the Further Information submitted in response to the Inspector's request and the Notification of Intention to Vary Development of National Significance.

Taking into account the availability limitations faced both by the applicant's consultants and the Welsh Government - Soil Policy & Agricultural Land Use Planning Unit which would affect proper preparation and/or participation, together with the applicant's request of 9 November 2021 to submit an update to the 'Construction Method and Decommissioning Statement' previously issued on 21 September (this is dealt with under paragraph 2 below), the current suspension of the determination period is hereby extended. The determination period will now resume on **21 February 2022**.

2. A formal request for 'further information' under Regulation 15(2) of the DNS Regulations for further information from the applicant.

As stated above, the applicant made a request on 9 November 2021 to submit an update to the Construction Method and Decommissioning Statement, which incorporates technical advice provided by Land Research Associates to further address comments made by Welsh Government in respect of the impact of the proposal on Best and Most Versatile Agricultural Land, mitigation proposed and reversibility of the associated impacts.

However, the applicant has subsequently confirmed that the information cannot be provided until mid January 2022. I am also aware that the applicant intends to address concerns raised by Welsh Water in its letter dated 8 December 2021, which responds to the consultation on the Further Information.

After reviewing the submitted request, the Inspector has determined that it would be helpful to the Examination to request the following Further Information under Regulation 15 of the DNS Regulations:

- An updated Construction Method and Decommissioning Statement.
- A response to the concerns raised by Welsh Water; (i) querying whether the battery storage compound and the adjoining swale and attenuation basin would be located within the protection zone of the public rising main when measured 3 metres either side of the centerline and (ii) advising that native hedge planting and a native woodland should not be proposed on top or within the protection zones of the public rising main and foul sewer or within the easements of the public water mains crossing the site.

The updated Construction Method and Decommissioning Statement together with clarification of the proximity of various components of the development to Welsh Water's assets (including any measures that would need to be implemented as a consequence) must be submitted no later than **Friday 14 January 2022**. It should be accompanied by an explanation of how this Further Information affects information already submitted to this Examination.

The Further Information submitted by the applicant will be made available on the following

link:

<https://gov.wales/development-national-significance-dns-application-elwy-solar-energy>

The Local Planning Authority (LPA), Specialist Consultees and other interested parties may make representations on this information if they wish. Should you wish to comment on the additional information, your representation must be received by **18 February 2022**. All representations will be published to the gov.wales website. Alternatively, parties may wish to respond to the submitted Further Information in their Hearing Statement.

The Inspector notes that the applicant indicated an intention to submit the update to the Construction Method and Decommissioning Statement as a Technical Appendix to the Hearing Statement. However, such a course of action would not be considered appropriate given the lack of opportunity for consultation at this stage without potentially resulting in additional delay or a further suspension. Such a position would be undesirable for all parties.

3. Other matters

The Inspector reminds parties that the letter of 10 August 2021 setting out the procedure by which this examination will proceed, remains valid with the exception of the dates of the hearings. We will be in contact regarding the dates of and arrangements for the hearing sessions closer to the time, but anticipate that they will be held no earlier than 21 March 2022 and no later than 1 April 2022.

In the event that the Inspector proceeds with the topic specific hearing sessions as detailed in Annex A to the letter of 10 August 2021, a note setting out the matters for discussion in more detail will be issued in due course. Those participating in a hearing will be formally invited to submit a hearing statement in response to matters and issues identified by the appointed Inspector, should they wish to do so. Such invitations will be sent out at the same time as the full confirmation of the hearing details and **must be submitted to PEDW two weeks prior to the relevant hearing session.**

Please contact us if you have any queries.

Yours sincerely

Rhys Spencer

Rhys Spencer

Case Officer