

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

Crown Buildings,
Cathays Park,
Cardiff, CF10 3NQ



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Ein Cyf/Our Ref: DNS/3247619
Dyddiad/Date: 21/01/2022

Statkraft UK Ltd
Cyngor Sir Ddinbych
Cyfoeth Naturiol Cymru
Cadw
Cyd-bwyllgor Bryniau Clwyd a Dyffryn Dyfrdwy
Llywodraeth Cymru - Uned Cynllunio Polisi Pridd a Defnydd Tir Amaethyddol
Llywodraeth Cymru - Adran yr Economi a Seilwaith

(Anfonwyd drwy'r e-bost)

Annwyl Syr/Madam,

Deddf Cynllunio Gwlad a Thref 1990 (fel y'i diwygiwyd) ('Deddf 1990')
Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Cymru) 2016 (fel y'u diwygiwyd)
('Rheoliadau DAC') Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016 (fel y'i diwygiwyd) ('Rheoliadau Gweithdrefn DAC')

Cais gan: Statkraft UK Ltd

Cyfeiriad y safle: Tir ar Fferm Gwernigron, The Roe, Llanelwy, Sir Ddinbych

Mae'r arolygydd penodedig, Melissa Hall BA (Anrh) BTP, MSc, MRTPI, wedi gofyn i mi gysylltu â chi ynglŷn â'r archwiliad Datblygiad o Arwyddocâd Cenedlaethol (DAC) hwn. Mae'r cyfathrebiad hwn yn hysbysiad swyddogol o faterion pwysig yn ymwneud â'r archwiliad DAC hwn. Darllenwch y wybodaeth ganlynol yn ei chyfanrwydd. Os oes unrhyw beth yn aneglur, cysylltwch â ni. Dylid ymdrin â'r llythyr hwn fel:

- 1. Hysbysiad o dan Adran 62L (5) Deddf 1990 y bydd y cyfnod penderfynu yn cael ei atal ymhellach dros dro.**
- 2. Cais ffurfiol am 'wybodaeth bellach' o dan Reoliad 15(2) y Rheoliadau DAC ar gyfer gwybodaeth bellach gan yr ymgeisydd.**

1. Hysbysiad o dan Adran 62L (5) Deddf 1990 y bydd y cyfnod penderfynu yn cael ei atal ymhellach.

Fel y cofiwch, cafodd y cais ei atal dros dro ar 17 Rhagfyr 2021 hyd 21 Chwefror 2022 er mwyn caniatáu digon o amser i baratoi'n briodol a/neu gyfranogi yn sesiynau'r Gwrandawriad, ynghyd â 'Datganiad Dull Adeiladu a Datgomisiynu' wedi'i ddiweddarau a gyflwynwyd gan yr ymgeisydd.

Fodd bynnag, yng ngolau cais pellach yr ymgeisydd ar 12 Ionawr 2022 i gyflwyno gwybodaeth wedi'i diweddarau yn ymwneud â buddion economaidd-gymdeithasol a throsolwg o'r modd y mae'r cyd-destun ynni wedi esblygu ers cyflwyno'r cais hwn (delir â hyn o dan Baragraff 2 isod), mae'r ataliad dros dro presennol ar y cyfnod penderfynu'n cael ei ymestyn drwy hyn. Bydd y cyfnod penderfynu'n ailgychwyn bellach ar **7 Mawrth 2022**.

2. Cais ffurfiol am 'wybodaeth bellach' o dan Reoliad 15(2) y Rheoliadau DAC ar gyfer gwybodaeth bellach gan yr ymgeisydd.

Fel y datganwyd uchod, gwnaeth yr ymgeisydd gais ysgrifenedig ar 12 Ionawr 2022 i gyflwyno gwybodaeth bellach yn ymwneud â'r canlynol:

- Effeithiau economaidd-gymdeithasol y datblygiad yn sgil y pwyslais y mae Llywodraeth Cymru wedi'i roi ar ddiffinio'r buddion hyn yn yr wythnosau a'r misoedd diwethaf, ac ers cyflwyno'r cais.
- Trosolwg o'r modd y mae'r cyd-destun ynni adnewyddadwy yng Nghymru wedi esblygu ers cyflwyno'r cais, gan fod datblygiadau yn y maes hwn wedi bod yn arwyddocaol ac maent yn ystyriaethau pwysig perthnasol.

Fodd bynnag, mae'r ymgeisydd wedi cadarnhau ar ôl hynny na ellir darparu'r wybodaeth hyd nes 2 Chwefror 2022.

Ar ôl adolygu'r cais a gyflwynwyd, mae'r Arolygydd wedi penderfynu y byddai'n fuddiol i'r Archwiliad ofyn am y Wybodaeth Bellach ganlynol o dan Reoliad 15 y Rheoliadau DAC:

- Diweddariad yn ymwneud ag effeithiau economaidd-gymdeithasol y datblygiad.
- Trosolwg o esblygiad y cyd-destun ynni adnewyddadwy ers cyflwyno'r cais.

Ni chaiff y wybodaeth bellach ei chyflwyno ddim hwyrach na **Dydd Mercher 2 Chwefror 2022**. Dylai eglurhad o'r modd y mae'r Wybodaeth Bellach hon yn effeithio ar y wybodaeth a gyflwynwyd eisoes i'r Archwiliad hwn gyd-fynd â hi.

Rwyf yn cydnabod hefyd fod cyflwyniadau'r ymgeisydd ar 14 Ionawr 2022 yn cynnwys gwybodaeth ychwanegol yn ymwneud â Datganiad Sefyllfa ar Bridd wedi'i ddiweddarau, a'r sefyllfa'n ymwneud â'r Hawliau Tramwy Cyhoeddus, na ofynnwyd amdano gan yr Arolygydd. Serch hynny, gan fod y materion hyn yn llywio'r asesiad o'r cais, cânt eu derbyn yn y cam hwn.

Gan dybio y bydd yr archwiliad yn mynd rhagddo yn y modd yr amlinellwyd uchod, ac nad oes unrhyw geisiadau pellach am gyflwyno gwybodaeth ychwanegol (delir â hyn o dan Baragraff 3 isod), eir ati i gyhoeddi ac ymgynghori ar y Wybodaeth Bellach h.y. y wybodaeth a gyflwynwyd ar 14 Ionawr 2022 ac erbyn 2 Chwefror 2022, ar ôl hynny. Er eglurder, bydd

hyn yn cynnwys:

- Y Datganiad Dull Adeiladu a Datgomisiynu wedi'i ddiweddarau.
- Ymateb yr ymgeisydd i bryderon a godwyd gan Dŵr Cymru, gan gynnwys agosrwydd cydrannau amrywiol o'r datblygiad at asedau Dŵr Cymru, a'r camau y mae angen ymgymryd â nhw o ganlyniad i hynny
- Y Datganiad Sefyllfa ar Bridd wedi'i ddiweddarau
- Y sefyllfa'n ymwneud â'r Hawliau Tramwy Cyhoeddus
- Y diweddariad yn ymwneud ag effeithiau economaidd-gymdeithasol y datblygiad.
- Y trosolwg o esblygiad y cyd-destun ynni adnewyddadwy.

Trefnir bod y Wybodaeth Bellach a gyflwynwyd gan yr ymgeisydd ar gael drwy'r ddolen ganlynol:

<https://llyw.cymru/cais-datblygiad-o-arwyddocad-cenedlaethol-ynni-solar-elwy>

Gall yr Awdurdod Cynllunio Lleol (ACLI), Ymgygoreion Arbenigol a phartïon eraill â buddiant wneud sylwadau ar y wybodaeth hon os dymunant. Pe baech eisiau gwneud sylwadau ar y wybodaeth ychwanegol, rhaid derbyn eich sylw erbyn **4 Mawrth 2022**. Bydd yr holl sylwadau'n cael eu cyhoeddi ar wefan llyw.cymru.

Er y gallai partïon fod eisiau ymateb i'r Wybodaeth Bellach a gyflwynwyd yn eu Datganiad Gwrandawriad yn y dull amgen, mae'n bwysig nodi na fydd yr holl sesiynau Gwrandawriad a nodwyd yn Atodiad A i'r llythyr dyddiedig 10 Awst 2021 yn cael eu cynnal pe bai'r wybodaeth ysgrifenedig ychwanegol wedi mynd i'r afael â'r materion heb eu datrys o ran pwnc penodol.

3. Materion eraill

Nodaf fod yr ymgeisydd, ers y cyflwyniad gwreiddiol, wedi gofyn am gael cyflwyno gwybodaeth bellach ar nifer o achlysuron ar wahân. Dywedwyd yn glir y dylai'r holl wybodaeth ategol yr ystyria'r ymgeisydd ei bod yn angenrheidiol adeg cyflwyno'r cais gyd-fynd â'r cais DAC, ac nad yw ceisiadau i ddarparu gwybodaeth ychwanegol 'fesul tipyn' o gymorth i'r broses o gwbl.

Dylai'r ymgeisydd, felly, egluro gyda throad y post nad oes bwriad i ofyn am gael cyflwyno unrhyw wybodaeth bellach y tu hwnt i hynny a drafodwyd eisoes yn y llythyr hwn, fel bod yr ymgynghoriad yn gallu mynd rhagddo fel y nodwyd uchod. Mae ymestyn y weithdrefn ond yn ychwanegu cymhlethdod ac oedi i'r broses, sy'n groes i ysbryd y Rheoliadau DAC sy'n ceisio ymdrin â cheisiadau o'r fath yn brydlon.

Mae'r Arolygydd yn atgoffa partïon bod y llythyr dyddiedig 10 Awst 2021 yn amlinellu'r weithdrefn ar gyfer cynnal yr archwiliad hwn, yn parhau'n ddilys ac eithrio dyddiadau'r gwrandawriadau. Byddwn yn cysylltu ynglŷn â'r dyddiadau a'r trefniadau ar gyfer sesiynau'r gwrandawriad yn nes at yr amser, ond rhagwelwn na fyddant yn cael eu cynnal yn ddim cynharach na 4 Ebrill 2022 a dim hwyrach na 15 Ebrill 2022.

Pe bai'r Arolygydd yn bwrw ymlaen â'r sesiynau gwrandawriad penodol i bwnc fel y manylir yn Atodiad A i'r llythyr dyddiedig 10 Awst 2021, bydd nodyn yn amlinellu'r materion i'w trafod yn fanylach yn cael ei gyhoeddi, maes o law. Bydd y rheiny sy'n cyfranogi mewn gwrandawriad yn cael eu gwahodd yn ffurfiol i gyflwyno datganiad gwrandawriad i ymateb i

faterion ac ystyriaethau a nodwyd gan yr Arolygydd penodedig, pe baent yn dymuno gwneud hynny. Bydd y cyfryw wahoddiadau yn cael eu hanfon allan ar yr un pryd â'r cadarnhad llaw o fanylion y gwrandawriad a **rhaid eu cyflwyno i PEDW bythefnos cyn y sesiwn gwrandawriad berthnasol.**

Cysylltwch â ni os oes unrhyw ymholiadau gennych.

Yn gywir

Rhys Spencer

Rhys Spencer

Swyddog Achos

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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 Gwernigrn 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 17 December 2021 until 21 February 2022 to allow sufficient time for proper preparation and/or participation in the Hearing sessions, together with the applicant's submission of an updated 'Construction Method and Decommissioning Statement'.

However, in light of the applicant's further request of 12 January 2022 to submit updated information in relation to socio-economic benefits and an overview of how the energy context has evolved since the submission of the application (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 **7 March 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 written request on 12 January 2022 to submit further information regarding:

- The socio-economic effects of the development due to the emphasis that the Welsh Government has placed on defining these benefits in recent weeks and months and since the submission of the application.
- An overview of how the renewable energy context in Wales has evolved since the time of submission of the application as developments in this area have been significant and are relevant material considerations.

However, the applicant has subsequently confirmed that the information cannot be provided until 2 February 2022.

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 update in relation to the socio-economic effects of the development.
- An overview of the evolution of the renewable energy context since the submission of the application.

The further information shall be submitted no later than **Wednesday 2 February 2022**. It should be accompanied by an explanation of how this Further Information affects information already submitted to this Examination.

I also acknowledge that the applicant's submissions of 14 January 2022 included additional information in relation to an updated Soil Position Statement and the position regarding the Public Rights of Way, which was not requested by the Inspector. Nevertheless, as these matters inform the assessment of the application, they will be accepted at this stage.

Assuming that the examination proceeds in the manner outline above, and there are no further requests for the submission of additional information (this is dealt with under Paragraph 3 below), the publication and consultation of the Further Information i.e. that submitted on 14 January 2022 and by 2 February 2022 will be undertaken thereafter. For clarity, this will comprise:

- The updated Construction Method and Decommissioning Statement.
- The applicant's response to the concerns raised by Welsh Water, including the proximity of various components of the development to Welsh Water's assets and the measures that need to be taken as a consequence.
- The updated Soil Position Statement.
- The position regarding the Public Rights of Way.
- The update in relation to the socio-economic effects of the development.
- The overview of the evolution of the renewable energy context.

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 **4 March 2022**. All representations will be published to the gov.wales website.

Whilst parties may wish to respond to the submitted Further Information in their Hearing Statement in the alternative, it is important to note that not all the Hearing sessions detailed in Annex A to the letter of 10 August 2021 will take place in the event that the additional written information has addressed the outstanding issues in relation to a specific topic.

3. Other matters

I note that since the original submission, the applicant has requested to submit further information on a number of separate occasions. It has been made clear that a DNS application should be accompanied by all the supporting information that the applicant considers is necessary at the time of submission and that requests to 'drip feed' additional information is not helpful to the process.

The applicant should therefore clarify by return that there is no intention to request to submit any further information beyond that already discussed in this letter, so that the consultation can proceed as set out above. Prolonging the procedure only adds complexity and delay to the process, which is contrary to the spirit of the DNS Regulations which seek to expeditiously deal with such applications.

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 4 April 2022 and no later than 15 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