

REFERENCE: P/26/219/NMA

APPLICANT: Cenin Renewables Ltd.

LOCATION: Land to the North of The M4 and West of Heol Y Cyw, Bridgend

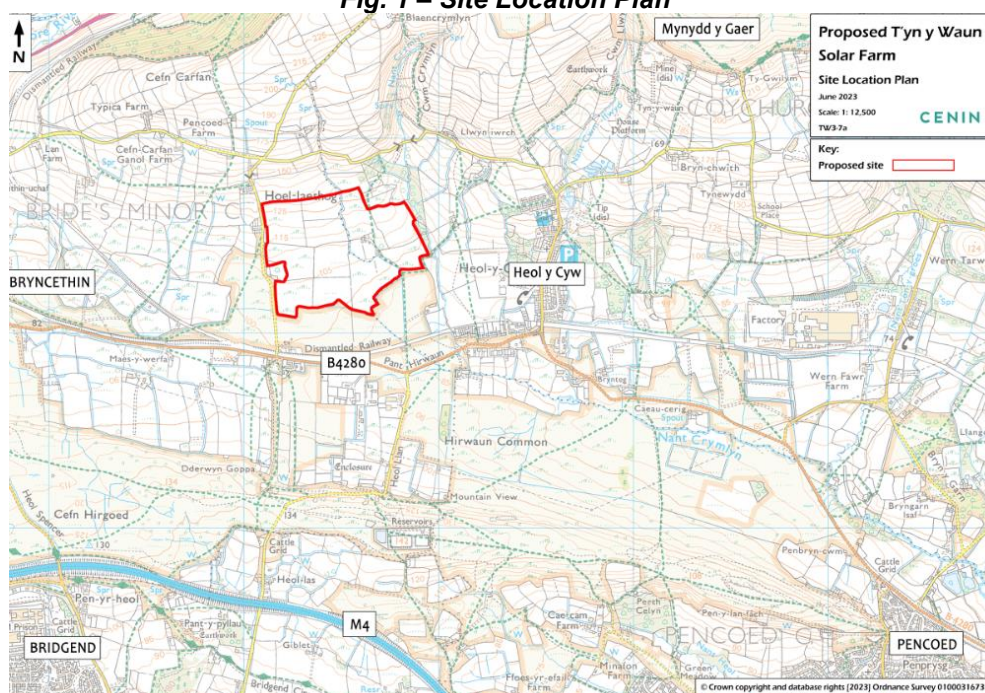
PROPOSAL: Non-material amendment to Condition 1 of DNS/3279521 to extend the time to commence the development from 5 years from the date of the permission to 10 years.

RECEIVED: 27 April 2026

BACKGROUND

On 11 October 2024, Planning and Environment Decisions Wales, on behalf of the Welsh Ministers, granted planning permission under the Development of National Significance (DNS) procedures for a proposed solar farm and ancillary development (Ty'n Y Waun solar) (DNS/3279521) ("Permission") on Land between Heol Laethog and Heol Y Cyw, Bridgend. The original DNS Permission is attached as Appendix 1 to this report.

Fig. 1 – Site Location Plan



The Applicant has confirmed that, subsequent to grant of the permission, programme and *buildability* considerations have necessitated a secondary application to the Local Planning Authority to extend the life of the Permission.

The original planning Permission is subject to a standard time limit condition (Condition 1) which requires the development to be commenced within 5 years of the date of the consent as below:

'The development to which this permission relates shall begin no later than the expiration of five years beginning with the date of this permission.'

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.'

Even though the DNS Permission will not expire until 11 October 2029, since the Permission was issued by the Welsh Government, two factors have resulted in the need to extend the timeframe in which to implement the Permission.

This *Non-Material Minor Amendment (NMA)* Application requires a re-wording of approved

Condition 1 to require the development to be implemented no later than 10 years from the date of the original Permission date (i.e. by 11 October 2034, which is approximately 8 years ahead).

The supporting statement that accompanied this Application confirms that the UK's energy system is undergoing a fundamental transformation and, to achieve the Government's *Clean Power 2030* ambition and to support the transition to net zero, a process of reform to the way projects connect to the electricity network has been introduced.

The National Energy System Operator (**NESO**), working closely with the Government, Ofgem, *Transmission Owners (TOs)*, *Distribution Network Operators (DNOs)*, and Transmission connected *Independent Distribution Network Operators (iDNOs)*, has introduced '*Connections Reform*' to address these challenges.

The Connections Reform, as approved by Ofgem in April 2025, introduces significant changes to the codes and methodologies that govern how projects enter and progress through the connections process. These reforms aim to remove unviable projects from the queue and prioritise those critical to delivering clean power and wider industrial decarbonisation.

A key component of this reform is the introduction of the new *Gate 2 to Whole Queue (G2TWQ)* process which ensures that only projects meeting specific readiness, and *Strategic alignment criteria*, progress through the reformed queue.

In early December 2025, NESO confirmed the latest stage of connections reform with the outcome of the first G2TWQ (Gate 2) criteria. A new grid connection 'queue' has now been formed.

In specific respect of the Ty'n Y Waun Solar development, the Applicant holds a firm grid connection back to Pyle on a 132 line. The scheme has successfully passed Gate 2, but, due to the reform, the Applicant is waiting on a confirmed date of connection. From the Applicant's experience, this can be extremely variable as it is in the hands of NGED as to when that connection date is.

There is a reasonable concern that the connection date could easily be pushed back to a date that would be beyond the five year lifetime of the Permission.

This has, however, meant that there is an opportunity to dovetail the construction of this development (Ty'n y Waun Solar) with the neighbouring *Mynydd y Gaer* Windfarm development which is at a post-submission stage in the Development of National Significance consenting process.

On the Applicant's presumption that the *Mynydd y Gaer* Windfarm will be consented in 2026, the Applicant wishes to avail themselves of the potential for "*buildability*" economies, as well as being able to realise the wider benefits of reducing the impact and disturbance of the construction period.

A 10-year lifetime would give the Applicant the option to co-ordinate the two windfarm builds together and not be timed out by the grid.

This would be in line with some other renewable energy projects due to the uncertainty of these grid reforms. Examples include *Garn Fach* (Ref: DNS/3244499), in Newtown, Powys and *Cil-lonydd Solar* (DNS CAS-02446-R8X8W2), south of Hafodyrynys, Caerphilly.

APPRAISAL

The Application is referred to the Council's Development Control Committee as it has been 'called-in' by Cllr Tim Thomas on the basis that "there has been widespread public interest in this application, it is an unusual application and potentially could have widespread impact to the community."

Section 96a of the Town & Country Planning Act 1990 allows non-material amendments to be made to an existing planning permission.

Four tests are suggested as to whether a change is 'non-material' and these are assessed as follows in respect of this NMA Application:-

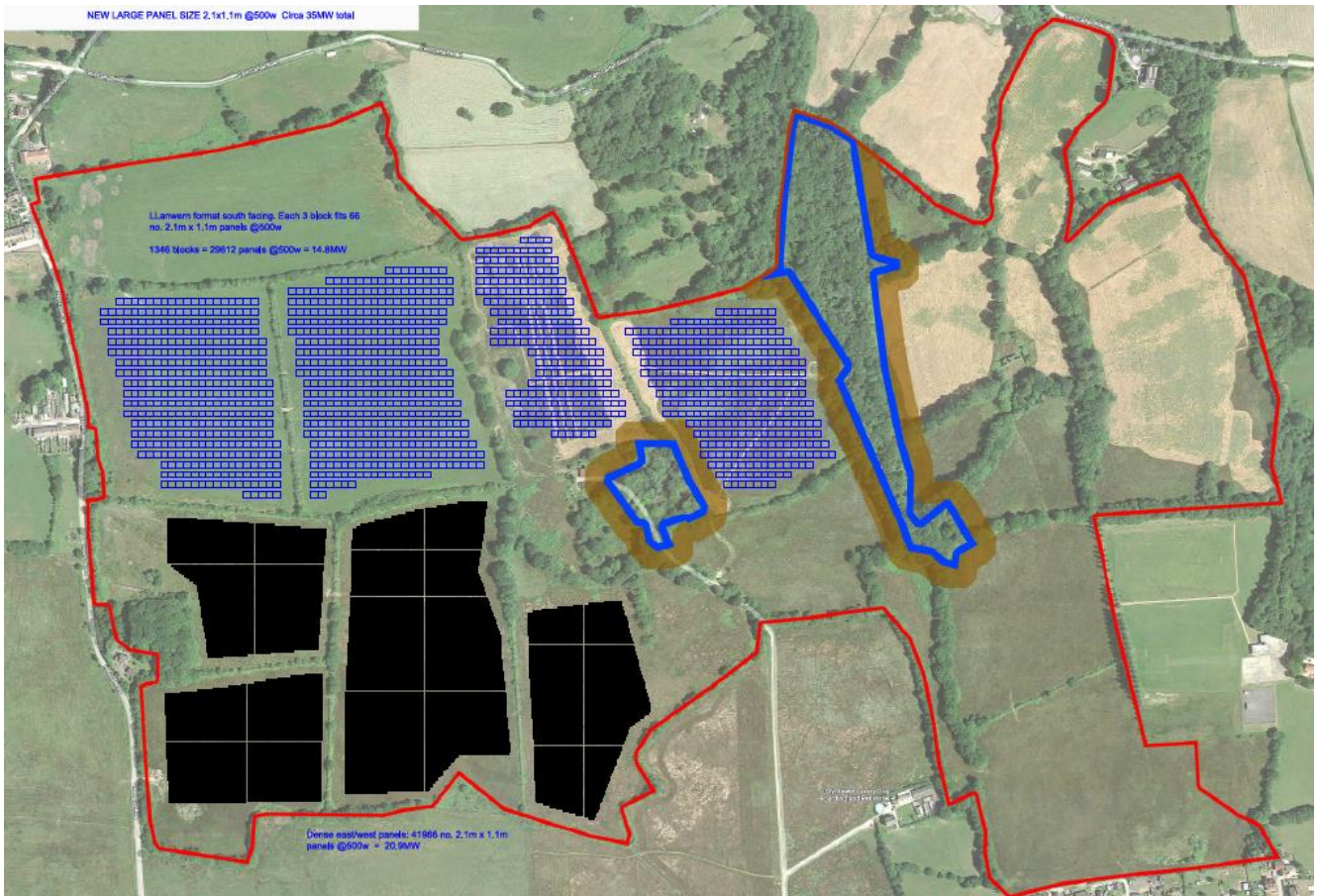
(a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?

No. The scheme itself is not going to change in any way. This Application relates solely to the period of time allowed to implement the already consented development. There is also the opportunity for betterment in terms of a shortened construction period impact, and subsequent disturbance, by dovetailing (co-ordinate) the project with the *Mynydd y Gaer Wind Farm* project.

(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

There would be no detrimental impact either visually or in terms of local amenity as the scheme itself is not going to change in any way and the alignment of the construction periods will be to the benefit of local residents.

Fig. 2 – Site Layout Plan as approved under DNS/3279521



(b) would the interests of any third party or body be disadvantaged in Planning terms?

The proposed change to the implementation period would not disadvantage any third party/body in Planning terms as it does not go to the heart of the Permission.

(c) would the proposed change conflict with National or development plan policies?

The proposed change would not alter the development which remains compliant with National and development plan policies, including *Future Wales: The National Plan 2040*. There are other examples where renewable energy schemes have been granted the extended 10 year implementation timeframe.

CONCLUSION

This Application has been considered under Section 96A of the Town and Country Planning Act 1990, and, for the reasons as outlined above, including having assessed against the four tests, it is concluded that this Application should be approved as a non-material amendment, solely to condition 1 of the original Permission. All other conditions attached to the original Permission endure unchanged.

RECOMMENDATION

R83 – NMA Conditional Consent

a) That condition 1 of the original consent (ref: DNS/3279521) be re-worded as follows:

1. *'The development to which this permission relates shall begin no later than the expiration of **ten** years beginning with the date of this permission.*

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.'

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None.

Rebecca Evans AS/MS
Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: DNS/3279521 - qA1986560

Mr Damian Barry
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E-bost: [REDACTED]

11 o Hydref 2024

Annwyl Mr Barry,

**DEDDF CYNLLUNIO GWLAD A THREF 1990 – ADRAN 62D
RHEOLIADAU DATBLYGIADAU O ARWYDDOCÂD CENEDLAETHOL (CYMRU) 2016
CAIS GAN CENIN RENEWABLES CYFYNGEDIG AR GYFER DATBLYGIAD
ARFAETHEDIG FFERM SOLAR GYDA CHYFLEUSTER BATRIS STORIO, LLAWR
CALED CYSYLLTIEDIG A DATBLYGIAD ATODOL AR DIR I'R GOGLEDD O'R M4 AC
I'R GORLLEWIN O HEOL Y CYW, PEN-Y-BONT AR OGWR
CYFEIRNOD Y CAIS: DNS/3279521**

1. Rhoddwyd ystyriaeth i adroddiad yr Arolygydd a archwiliodd y cais cynllunio Datblygiad o Arwyddocâd Cenedlaethol (DNS).
2. Yn unol ag adran 62D Deddf Cynllunio Gwlad a Thref 1990 a Rheoliad 3 Rheoliadau Datblygiadau o Arwyddocâd Cenedlaethol (Meini Prawf Penodedig a Chydsyniadau Eilaidd Rhagnodedig) (Cymru) 2016, cyflwynwyd y cais i Weinidogion Cymru ar gyfer penderfyniad.
3. Mae copi o adroddiad yr Arolygydd (IR) wedi'i amgáu. Mae'r holl gyfeiriadau at rifau paragraffau yn ymwneud ag adroddiad yr Arolygydd, oni nodir yn wahanol.

Y Prif Ystyriaethau

4. Cytunaf mai'r prif ystyriaethau yw'r rhai hynny a amlinellir yn IR 101:
 - effaith y cynnig ar ecoleg yr ardal a rhywogaethau a warchodir,
 - yr effaith ar gymeriad y dirwedd ac amwynder gweledol yr ardal,
 - yr effaith ar ddiogelwch cerddwyr a diogelwch ar y priffyrdd, a
 - ph'un a yw unrhyw niwed a amlygir o ran yr ystyriaethau uchod yn cael ei wrthbwysu gan fuddion y cynllun, ei gyfraniad at gynhyrchu ynni adnewyddadwy a mynd i'r afael ag effeithiau'r newid yn yr hinsawdd.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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.

Ecoleg

Dynodiadau

5. Nid yw'r safle o fewn safle ecolegol a ddynodwyd yn genedlaethol nac yn rhyngwladol. Mae Cyfoeth Naturiol Cymru (CNC) wedi nodi bod y datblygiad arfaethedig yn annhebygol o gael unrhyw effeithiau ar safleoedd a warchodir. Mae'r Arolygydd yn fodlon na fyddai unrhyw effeithiau niweidiol ar safleoedd dynodedig. (IR 102 – 105)
6. Mae'r Arolygydd yn fodlon y byddai'r llain glustogi 15 metr arfaethedig yn sicrhau na fyddai unrhyw dresmasu ar gynefin Coetir Hynafol a Safle o Bwysigrwydd Cadwraeth Natur (SINC) Dre-Fach. Mae'r SINC yn cynnwys dwy lain o Goetir Hynafol. (IR 106, 109, 110)
7. Byddai mesurau lliniaru ar y safle ac oddi ar y safle yn cael eu sicrhau trwy gytundeb adran 106 (A106) ac amodau cynllunio. Mae'r cytundeb A106 yn ymwneud â rheoli ardaloedd lliniaru ar gyfer adar sy'n bridio. Byddai amodau cynllunio argymelledig cyn dechrau yn sicrhau Cynllun Rheoli Tirwedd ac Amgylcheddol (LEMP) a Chynllun Rheoli Amgylcheddol Adeiladu (CEMP) sy'n darparu mesurau lliniaru manwl. (IR 107)

Defnyddio'r ymagwedd fesul cam

8. Mae'r Arolygydd wedi ystyried yr angen i gydymffurfio â'r ymagwedd fesul cam at ddethol safle a amlinellir ym Mholisi Cynllunio Cymru (PPW), y ddyletswydd adran 6 ar fioamrywiaeth a chadernid ecosystemau yn Neddf yr Amgylchedd (Cymru) 2016 (y ddyletswydd adran 6) a'r fframwaith DECCA.
9. Mae'r Arolygydd yn fodlon bod yr ymagwedd fesul cam wedi cael ei harddangos ac y gellir sicrhau mesurau lliniaru a gwella trwy'r cytundeb A106 ac amodau argymelledig.
10. Gan fod y Datganiad Amgylcheddol wedi amlygu effaith arwyddocaol niweidiol fach a ragfynegir ar ehedyddion a chornchwiglod, darperir ar gyfer digolledu oddi ar y safle. Mae'r Arolygydd yn nodi bod CNC yn fodlon ar yr ardal ddigolledu mewn egwyddor, yn ogystal â'r mesurau rheoli arfaethedig. Mae'r Arolygydd yn fodlon bod yr ardaloedd lliniaru/digolledu yn bodloni'r ddyletswydd adran 6 a'r fframwaith DECCA. Mae'r awdurdod cynllunio lleol yn cytuno â'r darpariaethau, hefyd. (IR 112 – 128)

Rhywogaethau a Warchodir

11. Mae'r Arolygydd yn fodlon bod effaith y cynllun ar adar sy'n bridio wedi cael ei hystyried ac mae'n fodlon y byddai'r ardaloedd digolledu a ddarperir trwy'r cytundeb A106 ac amodau cynllunio yn sicrhau mesurau lliniaru a gwella priodol. (IR 129 – 131)
12. Er y byddai cam gweithredol y datblygiad yn lleihau ardaloedd bwydo ar gyfer adar sy'n gaeafu, mae'r Arolygydd o'r farn pan fydd mesurau lliniaru wedi'u sefydlu, y byddai'r ardaloedd lliniaru oddi ar y safle yn darparu buddion net cyffredinol i rywogaethau adar sy'n gaeafu. (IR 132 – 133)
13. Mae'r Arolygydd yn nodi bod CNC yn fodlon ar yr arolygon a gynhaliwyd ar gyfer Madfallod. (IR 134-136)
14. O ran ystlumod a phathewod, mae'r Arolygydd yn nodi bod CNC yn fodlon ar y mesurau ychwanegol i warchod y rhywogaethau hyn. Mae CNC hefyd yn nodi yr ystyrir bod lleiniau clustogi a llystyfiant a gedwir ar y safle'n addas i chwilota am fwyd, pe byddai'r safle'n cael ei ddefnyddio gan Dylluanod Gwynion. (IR 137 – 138)

15. Mae'r Arolygydd yn datgan, o ran y rhywogaethau a aseswyd, nad yw'r Datganiad Amgylcheddol yn canfod y byddai unrhyw effaith niweidiol arwyddocaol. (IR 140)
16. O ran cornchwiglod ac ehedyddion, mae'r Arolygydd yn fodlon y byddai'r tir lliniaru/digolledu yn gwella cyfleoedd i chwilota am fwyd a fyddai, yn ei dro, yn fuddiol i adar sy'n bridio ac yn gaeafu. (IR 141-142)
17. O ran y mater hwn, mae'r Arolygydd o'r farn na fyddai'r effeithiau a amlygwyd yn annerbyniol o niweidiol. (IR 143)

Materion ecolegol eraill

18. Mae'r Arolygydd o'r farn y byddai'r datblygiad arfaethedig yn cael effaith gadarnhaol ar fuddiannau ecolegol a'i fod yn cyd-fynd â PPW a pholisïau perthnasol yng Nghymru'r Dyfodol a Chynllun Datblygu Lleol (CDLI) Bwrdeistref Sirol Pen-y-bont ar Ogwr. (IR 144 – 151)

Cymeriad y dirwedd ac amwynder gweledol

Y dirwedd

19. Mae'r Arolygydd wedi cynnal ei asesiad ei hun o'r effaith ar y dirwedd a'r effaith weledol, a lywiwyd gan ei arsylwadau ar y safle ac ystyried y cynlluniau a'r Asesiad o'r Effaith ar y Dirwedd a'r Effaith Weledol (LVIA) a gyflwynwyd. Mae'r Arolygydd yn nodi barn gyffredinol gadarnhaol y Cyngor am y datblygiad arfaethedig o safbwynt tirwedd a gweledol. (IR 152-153)
20. Gan y byddai'r datblygiad arfaethedig i'w weld yn glir ac yn amlwg o ochr ddeheuol y dyffryn ac o rai Hawliau Tramwy Cyhoeddus (PRoWau), mae'r Arolygydd o'r farn y byddai'n cael effaith niweidiol gymedrol ar gymeriad y dirwedd yn gyffredinol. Fodd bynnag, mae'n ystyried y byddai'r effaith yn lleihau'n sylweddol pan fydd y strategaeth dirweddu'n aeddfedu. (IR 154 – 167)

Amwynder gweledol

21. Mae'r Arolygydd yn cydnabod y byddai'r ardal yn edrych yn wahanol iawn o rai golygfannau. Byddai effaith arwyddocaol o'r PRoWau yng ngolygfannau 1 a 6, ond byddai'r effaith yn lleihau dros amser wrth i'r tirweddu aeddfedu. (IR 168)
22. Mae'r Arolygydd yn nodi y byddai effaith arwyddocaol pellter byr i'r de o is-ffordd Heol Llan i'r cronfeydd dŵr lle mae sawl PRoW yn croesi'r Tir Comin. Mae'r Arolygydd o'r farn na fyddai'r effaith yn lleihau yn ystod oes weithredol y datblygiad gan na ellid ei lliniaru gan dirweddu. (IR 169)
23. Mae'r Arolygydd yn cytuno â chanfyddiadau'r Datganiad Amgylcheddol y byddai'r effaith ar feicwyr a cheir sy'n mynd trwy'r ardal yn fach yn y flwyddyn gyntaf ac yn ddibwys ym mlwyddyn 15 wrth i'r tirweddu arfaethedig aeddfedu. (IR 170)
24. Mae'r Arolygydd hefyd yn cytuno na fyddai unrhyw effaith ar olygfeydd preifat o anheddau yn gwneud y cartrefi'n fannau annymunol i fyw. (IR 171)

Effaith gronnol

25. Nid yw'r Arolygydd o'r farn y byddai effaith gronnol niweidiol arwyddocaol ar y dirwedd nac yn weledol. (IR 172-175)

Casgliad cyffredinol ynglŷn â'r dirwedd ac amwynder gweledol a'r effaith gronnol

26. Mae'r Arolygydd yn fodlon na fyddai effeithiau'r datblygiad arfaethedig ar gymeriad ac amwynder gweledol y dirwedd yn arwain at effaith niweidiol annerbyniol ar y dirwedd amgylchynol. Fel y cyfryw, mae'r cynnig yn cyd-fynd â Pholisi 18 Cymru'r Dyfodol a pholisïau perthnasol y CDLI. (IR 176)

Diogelwch ar y Priffyrdd

27. Mae'r Arolygydd yn fodlon na fyddai'r cynnig, ar y cam adeiladu a gweithredol, yn arwain at unrhyw broblemau o ran diogelwch cerddwyr neu ddiogelwch ar y priffyrdd, ac felly ei fod yn cydymffurfio â pholisïau perthnasol y cynllun datblygu. (IR 177 – 181)

Buddion

28. Mae'r Arolygydd yn cydnabod bod Polisi 17 Cymru'r Dyfodol yn mynnu bod penderfynwyr yn rhoi pwys sylweddol i'r angen i fodloni targedau cynhyrchu ynni adnewyddadwy er mwyn mynd i'r afael â'r argyfwng newid yn yr hinsawdd.
29. Yn y cyd-destun hwn, mae'r Arolygydd o'r farn bod y cynllun yn cyd-fynd â pholisi'r cynllun datblygu a rhoddir pwys sylweddol i'r mater hwn. (IR 182 – 190)

Materion Eraill

Asedau Hanesyddol

30. Mae'r Arolygydd yn nodi bod y Datganiad Amgylcheddol yn amlygu bod effaith ddibwys/fach iawn ar leoliad heneb gofrestredig GM356 Gwersyll yng Nghwm Llwyd, ond nad oes effeithiau arwyddocaol ar unrhyw asedau hanesyddol dynodedig. Mae Cadw'n cytuno â'r casgliadau hyn. Mae'r Arolygydd yn fodlon bod y datblygiad arfaethedig yn cyd-fynd â pholisïau'r cynllun datblygu. (IR 191 – 193)

Sŵn

31. Mae'r Arolygydd yn fodlon ar ganfyddiadau Asesiad Sŵn yr ymgeisydd, na fyddai'r lefel sŵn ragfynedig o'r datblygiad yn achosi effaith niweidiol amlwg.
32. Yn ddarostyngedig i'r amodau cynllunio argymelledig, mae'r Arolygydd o'r farn na fyddai'r cynnig yn cael effaith arwyddocaol ar amodau byw meddianwyr cyfagos a bod y cynllun yn cydymffurfio â pholisi'r cynllun datblygu o ran y mater hwn. (IR 194 – 198)

Dosbarthiad tir amaethyddol

33. Nid yw safle'r cais yn cynnwys tir amaethyddol Gorau a Mwyaf Amlbwrpas (BMV). (IR 199)

Llifogydd

34. Mae'r Arolygydd yn fodlon bod y datblygiad arfaethedig yn cydymffurfio â pholisïau perthnasol y CDLI. (IR 200-203)

Adnodd Mwynau

35. Mae'r Arolygydd yn fodlon na fyddai gwrthdaro â pholisi'r CDLI yn ymwneud â pharthau diogelu mwynau. (IR 204)

Hawliau Tramwy Cyhoeddus

36. Bydd y cynnig i ddargyfeirio'r llwybr troed yn cael ei ystyried o dan ddeddfwriaeth ar wahân ac felly ni phenderfynir arno yn rhan o'r cais DNS. Fodd bynnag, mae'r Arolygydd yn fodlon y gellir cynnal darpariaeth addas ar gyfer llwybrau troed ar ffurf addas ar draws y safle o dan reolaethau deddfwriaethol ar wahân. (IR 205 – 207)

Llygredd golau o gerbydau ar gyfer meddianwyr Railway Terrace

37. Mae'r Arolygydd wedi ystyried y mater hwn ac mae'n fodlon y byddai llygredd golau o draffig yn nodwedd dros dro. (IR 208)

Diffyg budd cymunedol o'r cynnig

38. Mae'r Arolygydd yn nodi nad yw hyn yn ystyriaeth berthnasol wrth asesu ceisiadau cynllunio.

Amodau a rhwymedigaethau

39. Amlinellir ystyriaeth yr Arolygydd o'r amodau cynllunio argymelledig yn IR 210 – 218. Rwyf yn fodlon bod yr amodau argymelledig yn bodloni'r profion perthnasol a amlinellir yng Nghylchlythyr 016/2014 Llywodraeth Cymru "Defnyddio amodau cynllunio i reoli datblygu".
40. Mae'r ymgeisydd wedi cyflwyno cytundeb cynllunio o dan adran 106 Deddf 1990 (A106), a gytunwyd ac a lofnodwyd gan yr Awdurdod Cynllunio Lleol, y tiffeddiannwr a'r datblygwr. Byddai'r cytundeb A106 yn darparu ardaloedd lliniaru oddi ar y safle ar gyfer ehedyddion a chornchwiglod, rheolaeth ecolegol coetir oddi ar y safle ac ar y safle a lleiniau clustogi a ddarperir trwy amod cynllunio trwy'r cynllun rheoli tirwedd ac amgylcheddol (LEMP). Mae'r Arolygydd yn fodlon bod y cytundeb A106 yn bodloni'r profion perthnasol yn Adran 122(2) Rheoliadau Ardoll Seilwaith Cymunedol 2010 a Chylchlythyr 13/97: Rhwymedigaethau Cynllunio; mae'r Arolygydd yn rhoi pwys sylweddol i'r rhwymedigaeth wrth benderfynu ar y cais. Nid oes gennyf reswm i anghytuno â'r Arolygydd ac rwyf wedi ystyried y cytundeb A106 wrth bwysu a mesur y cais.

Casgliadau

41. Mae'r Arolygydd yn rhoi pwys sylweddol i fuddion y cynnig yn y cydbwysedd cynllunio o ystyried cydymffurfedd y datblygiad â Pholisi 17 Cymru'r Dyfodol. Mae'r cynnig yn

cyd-fynd â'r angen i gynhyrchu mwy o ynni adnewyddadwy mewn ffordd sy'n taro cydbwysedd â gwarchod buddiannau eraill perthnasol.

42. Mae'r Arolygydd wedi rhoi sylw i'r holl ystyriaethau perthnasol ac mae'n dod i'r casgliad fod y cynnig yn cyd-fynd â'r cynllun datblygu. (IR 220-223)

Argymhelliad

43. Mae'r Arolygydd yn argymhell bod caniatâd cynllunio'n cael ei roi, yn ddarostyngedig i amodau. (IR 224-225)

Penderfyniad

44. Cytunaf ag arfarniad yr Arolygydd o'r prif ystyriaethau, casgliadau'r IR a'r rhesymeg sy'n sail iddynt, a derbynaf yr argymhelliad. Felly, rhoddaf ganiatâd cynllunio drwy hyn ar gyfer DNS/3279521, yn ddarostyngedig i'r amodau yn yr Atodiad i'r llythyr penderfyniad hwn.

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (y Ddeddf WFG)

45. Mae'n rhaid i Weinidogion Cymru, yn unol â'r Ddeddf WFG, gynnal datblygu cynaliadwy. Mae hyn yn cynnwys cymryd pob cam rhesymol i fodloni eu hamcanion llesiant.
46. Rwyf wedi ystyried i ba raddau y mae rhoi caniatâd cynllunio yn bodloni amcanion llesiant Llywodraeth Cymru. Cydnabyddaf y bydd rhai effeithiau negyddol dros dro ar yr amgylchedd yn ystod y camau adeiladu a datgomisiynu. Er y byddai'r effeithiau hyn yn cael eu lliniaru trwy'r Cynllun Rheoli Amgylchedd Adeiladu (CEMP), byddent yn cael effaith negyddol gyfyngedig ar yr amcan o wneud ein dinasoedd, ein trefi a'n pentrefi yn lleoedd gwell fyth i fyw a gweithio ynddynt.
47. At ei gilydd, byddai'r penderfyniad yn cael effaith gadarnhaol ar yr amcanion i "Adeiladu economi ar sail egwyddorion gwaith teg, cynaliadwyedd a diwydiannau a gwasanaethau'r dyfodol", "Adeiladu economi gryfach a gwyrddach wrth i ni ddatgarboneiddio cymaint â phosibl" ac "Ymgorffori ein hymateb i'r argyfwng hinsawdd a natur ym mhopeth a wnawn". Mae effaith y penderfyniad hwn ar yr amcanion eraill yn niwtral.
48. Wrth wneud fy mhenderfyniad ar y cais, rwyf wedi ystyried y ffyrdd o weithio a amlinellir yn adran 5(2) y Ddeddf WFG ac 'SPSF1: Canllawiau Craidd, Rhannu Pwrpas: Rhannu Dyfodol – Canllawiau Statudol ar y Ddeddf WFG'.

Edrych tuag at yr hirdymor

49. Mae'r penderfyniad yn ystyried amcan ac ymrwymiad tymor hir targed Llywodraeth Cymru o gynhyrchu 70% o'r trydan a ddefnyddir trwy ddulliau adnewyddadwy erbyn 2030 er mwyn mynd i'r afael â'r argyfwng hinsawdd.

Cynnwys pobl/Cydweithio ag eraill

50. O fewn fframwaith proses benderfynu statudol, a lywodraethir gan weithdrefnau rhagnodedig, roedd y cais yn destun cyhoeddusrwydd ac ymgynghori, a roddodd gyfle i ymgysylltu â'r cyhoedd a rhanddeiliaid. Mae sylwadau a dderbyniwyd trwy'r gweithdrefnau hyn wedi cael eu hystyried wrth benderfynu ar y cais hwn.

Defnyddio ymagwedd integredig

51. Mae'r penderfyniad wedi ystyried y cynllun datblygu a'r ffordd y mae'n integreiddio meysydd economaidd, cymdeithasol ac amgylcheddol ar draws graddfeydd gofodol. Mae hefyd wedi ystyried amcanion y sefydliadau sector cyhoeddus hynny a fu'n ymwneud â'r broses ymgynghori sy'n dilyn eu hamcanion llesiant eu hunain o dan y Ddeddf WFG, fel Cyfoeth Naturiol Cymru (CNC).

Atal

52. Mae'r penderfyniad yn ystyried yr angen i gynhyrchu mwy o ynni adnewyddadwy a mynd i'r afael â'r argyfwng hinsawdd, yn ogystal â chynyddu diogeledd ynni.

Camau rhesymol

53. Rwyf wedi ystyried p'un a fyddai'n rhesymol gwneud penderfyniad gwahanol, o ystyried dyletswydd llesiant Gweinidogion Cymru. Nodaf mai'r penderfyniad arall fyddai gwrthod rhoi caniatâd cynllunio i'r datblygiad. Byddai hyn yn cael effaith negyddol ar yr amcanion i "Adeiladu economi ar sail egwyddorion gwaith teg, cynaliadwyedd a diwydiannau a gwasanaethau'r dyfodol", "Adeiladu economi gryfach a gwyrddach wrth i ni ddatgarboneiddio cymaint â phosibl" ac "Ymgorffori ein hymateb i'r argyfwng hinsawdd a natur ym mhopeth a wnawn". Byddai effaith y penderfyniad arall hwn ar yr amcanion eraill yn niwtral. O ganlyniad, ystyriaf fod y penderfyniad i roi caniatâd cynllunio yn ddarostyngedig i amodau yn gam rhesymol tuag at gyflawni amcanion llesiant Gweinidogion Cymru.

Gwybodaeth Amgylcheddol

54. Rwyf wedi ystyried y Datganiad Amgylcheddol a'r holl wybodaeth amgylcheddol arall a ddarparwyd wrth bwysu a mesur y cais hwn, fel sy'n ofynnol gan Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) 2017.

Yn gywir,



Rebecca Evans AS/MS

Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

Atodiad – Amodau ynghlwm wrth DNS/3279521

1. Bydd y datblygiad y mae'r caniatâd hwn yn berthnasol iddo yn dechrau cyn pen pum mlynedd yn dechrau ar ddyddiad y caniatâd hwn.

Rheswm: I gydymffurfio ag Adran 91 Deddf Cynllunio Gwlad a Thref 1990.

2. Yn ddarostyngedig i ofynion amodau eraill sydd ynghlwm wrth y caniatâd hwn, bydd y datblygiad arfaethedig yn cael ei gynnal yn unol â'r cynlluniau canlynol:
 - (a) ES Ffigur 1.1 Cynllun Lleoliad Safle
 - (b) ES Ffigur 2.1 Cynllun Gosodiad Safle
 - (c) 2023-06-29 - APP - JSL3757_700A-703A Cynllun Cyfyngiadau Coed ac Atodlen Arolwg Coed

Rheswm: I sicrhau bod y datblygiad yn cael ei gynnal yn unol â'r manylion a gyflwynwyd ac yn unol â Pholisiâu 17 a 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisi SP3 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

3. Bydd y caniatâd a roddir drwy hyn yn parhau am gyfnod o 50 mlynedd o'r dyddiad pan fydd pŵer trydanol yn cael ei allforio gyntaf (y dyddiad allforio cyntaf) o'r fferm solar i'r rhwydwaith grid trydan. Bydd cadarnhad ysgrifenedig o'r dyddiad allforio cyntaf yn cael ei anfon at yr awdurdod cynllunio lleol o fewn 28 niwrnod o'r dyddiad allforio cyntaf.

Rheswm: I ddiogelu cymeriad a golwg yr ardal yn unol â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisiâu SP3 ac SP13 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

4. O fewn 6 mis o'r dyddiad dod i ben 50 mlynedd, neu ar ôl i gynhyrchu trydan o'r fferm ynni solar a ganiateir drwy hyn ddod i ben am gyfnod parhaus o 6 mis (pa un bynnag sy'n digwydd gyntaf), bydd yr holl adeiladau, cyfarpar/ offer/ peiriannau yn cael eu symud ymaith a bydd y tir yn cael ei adfer i ddefnydd amaethyddol yn unol â chynllun adfer ac ôl-ofal, a fydd yn cynnwys mesurau diogelu coed, a gyflwynwyd i'r awdurdod cynllunio lleol ac a gymeradwywyd ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy. Bydd unrhyw goed, gwrychoedd neu blanhigion a blennir yn rhan o'r cynllun adfer ac ôl-ofal cymeradwy sy'n marw, yn cael eu symud ymaith neu'n cael eu difrodi'n ddifrifol neu'n mynd yn ddifrifol afiach o fewn 5 mlynedd o gwblhau'r cynllun cymeradwy yn cael eu hamnewid â rhai eraill o faint tebyg a rhywogaeth debyg yn ystod y tymor plannu nesaf, oni chytunir fel arall gyda'r awdurdod cynllunio lleol.

Rheswm: I ddiogelu cymeriad a golwg yr ardal yn unol â Pholisiâu SP3 ac SP13 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

5. Er gwaethaf Amod 2, ni cheir codi unrhyw ran o'r araeau solar, yr is-orsaf, y ffens a'r seilwaith cysylltiedig ar y safle hyd nes bod manylion uchderau a lleoliad pob arâe solar, manylion a gorffeniadau deunydd yr is-orsaf, y ffens a'r seilwaith atodol/cysylltiedig wedi cael eu cyflwyno i'r awdurdod cynllunio lleol a'u cymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn amwynder gweledol ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisi SP3 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

6. Er gwaethaf Amod 2, ni cheir codi unrhyw ran o'r strwythurau batris storio ynni hyd nes bod manylion a gorffeniadau deunydd y system batris storio ynni wedi cael eu cyflwyno i'r awdurdod cynllunio lleol a'u cymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn amwynder gweledol ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisi SP3 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

7. Ni chaiff gwaith adeiladu a datgomisiynu ddigwydd y tu allan i 08:00 o'r gloch tan 19:00 o'r gloch o ddydd Llun i ddydd Gwener a 08:00 o'r gloch tan 13:00 o'r gloch ddydd Sadwrn, a dim o gwbl ar ddydd Sul a Gwyliau Cyhoeddus.

Rheswm: Er mwyn amwynder preswyl ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3 a DNP9 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2023.

8. Ni chaiff unrhyw waith clirio safle nac adeiladu ddigwydd hyd nes bod Cynllun Rheoli Amgylcheddol Adeiladu (CEMP) wedi cael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd y CEMP yn cynnwys:
- (a) Cynllun gosodiad safle adeiladu/datgomisiynu sy'n dangos lleoliad cyfadeiladau adeiladu/dymchwel y safle, ardaloedd storio, trefniadau ar gyfer parcio cerbydau gweithwyr y safle ac ymwelwyr, lleoliad ardaloedd a ddynodwyd ar gyfer llwytho, dadlwytho, a storio offer a deunyddiau, manylion swyddfa/unedau lles y safle a gwaredu dŵr budr cysylltiedig.
 - (b) Manylion unrhyw balisau neu ffensys diogelwch o amgylch y safle.
 - (c) Mesurau atal a rheoli llygredd, gan gynnwys mesurau i reoli allyriadau llwch a baw, ac i atal llygru cyrsiau dŵr.
 - (ch) Cyfleusterau golchi olwynion a mesurau i osgoi dyddodi mwd, llwch, neu falurion eraill ar y briffordd.
 - (d) Cynllun ar gyfer ailgylchu/gwaredu gwastraff sy'n deillio o gloddio, gwaith adeiladu a datgomisiynu.
 - (dd) Manylion mesurau gwarchod rhywogaethau sydd i'w defnyddio yn ystod camau adeiladu a datgomisiynu'r datblygiad, rheoli rhywogaethau goresgynnol, manylion rheoli pridd ar gyfer tynnu uwchbridd, ei storio a'i wella er mwyn ei aildefnyddio.
 - (e) Manylion goleuadau arfaethedig sydd i'w defnyddio yn ystod y camau adeiladu, gweithredol a datgomisiynu, gan gynnwys mesurau lliniaru, a fydd yn sicrhau bod cynefin pathewod newydd ac a gedwir yn cael ei warchod rhag gollyngiad golau.
 - (f) Manylion cynllun ymchwilio ysgrifenedig, sy'n amlinellu strategaeth samplu, adrodd ac archifo paleo-amgylcheddol, dulliau ac amseriad gwaith yn unol â'r Safonau a'r Canllawiau perthnasol a osodwyd gan Sefydliad Siartredig yr Archaeolegwyr, ac anfon copi o'r adroddiad canlyniadol at yr awdurdod cynllunio lleol ac Ymddiriedolaeth Archaeolegol Morgannwg Gwent.
 - (ff) Manylion offer sydd i'w defnyddio, gweithrediadau sydd i'w cyflawni, lefelau sŵn a dirgryniad rhagfynedig wrth y derbynyddion agosaf sy'n sensitif i sŵn, yn unol â BS5228 (Cod Ymarfer ar gyfer rheoli sŵn a dirgryniad ar safleoedd adeiladu ac agored) ac unrhyw fesurau lliniaru sy'n ofynnol i leihau sŵn wrth dderbynyddion cyfagos sy'n sensitif i sŵn.

Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn bioamrywiaeth ac amwynder preswyl yn unol â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3, SP13, SP17, DNP6 a DNP8 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018- 2033.

9. Ni chaiff unrhyw waith clirio safle nac adeiladu ddigwydd hyd nes bod Cynllun Rheoli Traffig Adeiladu wedi cael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn diogelwch ar y priffyrdd ac yn unol â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3 ac SP5 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

10. Ni chaiff unrhyw ddatblygiad ddigwydd hyd nes bod Cynllun Rheoli Tirwedd ac Ecoleg (LEMP) wedi cael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd yr LEMP yn cynnwys:
- (a) Cynllun sy'n dangos yr holl ardaloedd lliniaru a gwella ecolegol, gan gynnwys cynefin pathewod sydd i'w gollu, ei gadw, a'i greu, ac ardaloedd lliniaru oddi ar y safle ar gyfer cornchwiglod ac ehedyddion. Bydd y cynllun yn amlygu'r maint a'r lleoliad wrth raddfa briodol.
 - (b) Manylion amseriad, cyfnodau, a hyd mesurau cadwraeth rhywogaethau (gan gynnwys pathewod, cornchwiglod, ac ehedyddion) a chynefinoedd.
 - (c) Manylion cynigion i wella cynefinoedd a gedwir, gan gynnwys cymysgeddau a manylebau plannu, cynllun gofal pridd, adfer (ar gyfer ardaloedd lliniaru oddi ar y safle a strategaeth bori a lefelau stocio).
 - (ch) Manylion ôl-ofal cychwynnol a rheoli a chynnal a chadw tymor hir.
 - (d) Archwiliad Cydymffurfedd Ecolegol, gan gynnwys dangosyddion perfformiad allweddol.
 - (dd) Unigolion sy'n gyfrifol am wneud y gwaith.
 - (e) Manylion mesurau i atal neu leihau dal neu ladd yn ddamweiniol.
 - (f) Cynigion ar gyfer monitro cyflwr cynefin a gedwir ac unrhyw gynefin newydd, i lywio'r broses o reoli cynefin yn barhaus.
 - (ff) Monitro ac adolygu mesurau rheoli cynefin yn barhaus sydd i'w cynnal yn unol ag adroddiad sydd i'w gyflwyno i'r awdurdod cynllunio lleol bob 5 mlynedd.

Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn lliniaru a gwella ecolegol ac i gyd-fynd â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3, SP4, SP13 a DNP6 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

11. Ni chaiff unrhyw ddatblygiad ddigwydd hyd nes bod manylion cynllun ar gyfer mynedfa adeiladu dros dro oddi ar Heol Laethog, sy'n cynnwys lleiniau gwelededd, amseriad gwaith, ac adfer y fynedfa ar ôl adeiladu, wedi cael eu cyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn diogelwch ar y priffyrdd ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3 ac SP5 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

12. Er gwaethaf Amod 2, ni chaiff unrhyw waith clirio safle nac adeiladu ddigwydd hyd nes bod Strategaeth Dirwedd wedi cael ei chyflwyno i'r awdurdod cynllunio lleol a'i chymeradwyo ganddo'n ysgrifenedig. Bydd y Strategaeth Dirwedd yn cynnwys:

- (a) Amserlen plannu coed a gwrychoedd newydd sy'n rhoi manylion ynglŷn â maint a nifer y rhywogaethau.
- (b) Manylion coed a gwrychoedd presennol sydd i'w cadw.
- (c) Manylion ac amseriad mesurau gwarchod coed a lleoliad rhwystrau gwarchod coed yn ystod adeiladu'r datblygiad.

Bydd y Strategaeth Dirwedd gymeradwy yn cael ei chynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn amwynder gweledol ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3, SP17 a DNP8 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

13. Bydd yr holl blannu sydd wedi'i gynnwys yn y Strategaeth Dirwedd gymeradwy yn cael ei wneud yn ystod y tymor plannu a hau cyntaf ar ôl i'r datblygiad gael ei gwblhau fan bellaf, a bydd unrhyw goed neu blanhigion sy'n marw, yn cael eu symud ymaith neu'n cael eu difrodi'n ddifrifol neu'n mynd yn ddifrifol afiach o fewn 5 mlynedd o gwblhau'r datblygiad yn cael eu hamnewid â rhai eraill o faint tebyg a rhywogaeth debyg yn ystod y tymor plannu nesaf.

Rheswm: Er mwyn amwynder gweledol ac i gydymffurfio â Pholisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3, SP13, SP17 a DNP8 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

14. Ni chaiff unrhyw ddatblygiad ddigwydd hyd nes bod manylion gweithgarwch mwyngloddio blaenorol ar y safle, dyluniad a lleoliad unrhyw orsafoedd/strwythurau arâe solar yr effeithir arnynt gan fynedfeydd mwynglawdd, a'r mesurau unioni sy'n angenrheidiol i sicrhau sefydlogrwydd ac amseriad y gwaith, wedi cael eu cyflwyno i'r awdurdod cynllunio lleol a'u cymeradwyo ganddo'n ysgrifenedig. Bydd y datblygiad yn cael ei gynnal yn unol â'r manylion cymeradwy.

Rheswm: Er mwyn iechyd a diogelwch ac i gydymffurfio â Pholisïau SP3 a DNP9 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

15. Ni chaiff lefelau sŵn y safle wrth yr eiddo preswyl agosaf nad yw'n gysylltiedig yn ariannol (mewn amodau maes rhydd) sy'n bodoli'n gyfreithlon ar adeg y caniatâd cynllunio hwn fynd yn fwy na 4dB yn uwch na'r lefel sŵn cefndir gynrychioliadol (sŵn cefndir a fesurir yn nhermau LA90). Bydd yr ymgeisydd yn cyflwyno cadarnhad i'r awdurdod cynllunio lleol bod y terfyn sŵn uchod yn cael ei gyflawni o fewn 2 fis yn dilyn amodau gweithredu arferol y safle. Os bydd y wybodaeth yn cadarnhau bod y terfyn sŵn yn cael ei dorri, bydd y gweithredwr yn cynnig ac yn gweithredu mesurau i liniaru'r sŵn er mwyn sicrhau y cydymffurfir â'r terfyn lefel sŵn uchod. Bydd mesuriadau ac asesiadau'n cael eu gwneud yn unol â BS 4142: 2014 +A1: 2019 'Dulliau ar gyfer graddio ac asesu sŵn diwydiannol a masnachol'. Bydd lefel sŵn y safle'n cael ei mynegi fel LAeq 1 awr yn ystod y dydd (h.y. rhwng 0700 a 2300 o'r gloch) ac fel LAeq 15 munud yn ystod y nos (h.y. rhwng 2300 a 0700 o'r gloch).

Rheswm: Er mwyn amwynder yr ardal, yn unol â gofynion perthnasol Polisi 18 Cymru'r Dyfodol: Y Cynllun Cenedlaethol 2040 a Pholisïau SP3 a DNP9 Cynllun Datblygu Lleol Bwrdeistref Sirol Pen-y-bont ar Ogwr 2018-2033.

Hysbysiad am ddechrau datblygiad ac arddangos hysbysiad

Mae'n rhaid i chi gydymffurfio â'ch dyletswyddau yn adran 71ZB (hysbysiad am ddechrau datblygiad ac arddangos hysbysiad: Cymru) Deddf Cynllunio Gwlad a Thref 1990. Mae'r dyletswyddau'n cynnwys y canlynol:

Hysbysiad am ddechrau datblygiad

Cyn dechrau unrhyw ddatblygiad y mae'r caniatâd cynllunio hwn yn ymwneud ag ef, mae'n rhaid hysbysu'r awdurdod cynllunio lleol ar y ffurf a amlinellir yn Atodlen 5A Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 neu ar ffurf sylweddol debyg. Mae'r ffurf yn amlinellu'r manylion y mae'n rhaid eu rhoi i'r awdurdod cynllunio lleol er mwyn cydymffurfio â'r ddyletswydd hon.

Arddangos hysbysiad

Mae'n rhaid i'r sawl sy'n cynnal datblygiad y mae'r caniatâd cynllunio hwn yn ymwneud ag ef arddangos, yn y man lle mae'r datblygiad yn cael ei gynnal neu'n agos iddo, bob amser tra'i fod yn cael ei gynnal, hysbysiad o'r caniatâd cynllunio hwn ar y ffurf a amlinellir yn Atodlen 5B Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 neu ar ffurf sylweddol debyg. Mae'r ffurf yn amlinellu'r manylion y mae'n rhaid i'r sawl sy'n cynnal y datblygiad eu harddangos i gydymffurfio â'r ddyletswydd hon.

Mae'n rhaid i'r sawl sy'n cynnal y datblygiad sicrhau bod yr hysbysiad:

- a) yn cael ei osod yn sownd a'i arddangos mewn man amlwg yn y man lle mae'r datblygiad yn cael ei gynnal neu'n agos iddo;
- b) yn ddarllenadwy ac yn hawdd i'r cyhoedd ei weld heb orfod mynd i mewn i'r safle; ac
- c) yn cael ei argraffu ar ddeunydd gwydn. Dylai'r sawl sy'n cynnal y datblygiad gymryd camau rhesymol i ddiogelu'r hysbysiad (rhag cael ei symud ymaith, ei guddio neu ei ddifwyno) ac, os bydd angen, ei amnewid.

Rebecca Evans AS/MS
Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Ein cyf/Our ref: DNS/3279521 - qA1986560

Llywodraeth Cymru
Welsh Government

Mr Damian Barry
RPS Consulting Services
2 Callaghan Square
Cardiff
CF10 5AZ

E-mail: [REDACTED]

11 October 2024

Dear Mr Barry,

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 62D
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016
APPLICATION BY CENIN RENEWABLES LIMITED FOR A PROPOSED DEVELOPMENT
OF A SOLAR FARM WITH BATTERY STORAGE FACILITY AND ASSOCIATED
HARDSTANDING AND ANCILLARY DEVELOPMENT AT LAND TO THE NORTH OF
THE M4 AND WEST OF HEOL Y CYW, BRIDGEND
APPLICATION REF: DNS/3279521**

1. Consideration has been given to the report of the Inspector who examined the Developments of National Significance (DNS) planning application.
2. In accordance with section 62D of the Town and Country Planning Act 1990 and Regulation 3 of The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, the application was made to the Welsh Ministers for determination.
3. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.

Main Considerations

4. I agree the main considerations are those set out in IR 101:
 - the impact of the proposal on the ecology of the area and protected species,
 - the effect on the landscape character and visual amenity of the area,
 - the effect on pedestrian and highway safety, and
 - whether any harm identified in relation to the foregoing considerations is outweighed by the benefits of the scheme, its contribution to renewable energy generation and combating the effects of climate change.

Ecology

Designations

5. The application site is not within a national or internationally designated ecological site. NRW has indicated the proposed development is unlikely to have any effects on protected sites. The Inspector is satisfied there would be no adverse effects on designated sites. (IR 102 – 105)
6. The Inspector is satisfied the proposed 15 metre buffer zone would ensure no infringement of Ancient Woodland habitat and the Dre-Fach Site of Importance for Nature Conservation (SINC). The SINC comprises two parcels of Ancient Woodland. (IR 106, 109, 110)
7. The delivery of on-site and off-site mitigation would be secured by a section 106 agreement (S106) and planning conditions. The S106 relates to the management of mitigation areas for breeding birds. Recommended pre-commencement planning conditions would secure a Landscape and Environmental Management Plan (LEMP) and a Construction Environmental Management Plan (CEMP) which provide detailed mitigation measures. (IR 107)

Applying the step-wise approach

8. The Inspector has considered the need for compliance with the step wise approach to site selection set out in Planning Policy Wales (PPW), the section 6 biodiversity and resilience of ecosystems duty in the Environment (Wales) Act 2016 (section 6 duty) and the DECCA framework.
9. The Inspector is satisfied the step wise approach has been demonstrated and that mitigation and enhancement measures can be secured through the S106 and recommended conditions.
10. As the ES identified a predicted minor adverse significant effect on skylark and lapwing, off-site compensation is provided for. The Inspector notes NRW is content with the compensation area in principle and with the proposed management measures. The Inspector is content the mitigation/compensation areas meet the section 6 duty and the DECCA framework. The local planning authority also agrees with the provisions. (IR 112 – 128)

Protected Species

11. The Inspector is satisfied the impact and effect of the scheme on breeding birds has been considered and is content the compensation areas delivered through the S106 and planning conditions would secure appropriate mitigation and enhancement. (IR 129 – 131)
12. Whilst the operational phase of the development would reduce feeding areas for wintering birds, the Inspector considers that once mitigation measures have been established, the off-site mitigation areas would provide overall net benefits to wintering bird species. (IR 132 – 133)
13. The Inspector notes NRW is satisfied with the surveys undertaken for Great Crested Newts, otters and water vole and the assessment of effects on Marsh Fritillary butterflies. (IR 134-136)

14. Regarding bats and dormice, the Inspector notes NRW is satisfied with the additional measures to protect these species. NRW also note the retention of buffer zones and vegetation on site are considered suitable for foraging, should the site be used by Barn Owls. (IR 137 – 138)
15. The Inspector states in relation to the species that have been assessed, the ES does not find that there would be any significant adverse effect. (IR 140)
16. In relation to lapwing and skylark the Inspector is satisfied the mitigation/compensation land would enhance foraging opportunities which in turn would have benefits for breeding and wintering birds. (IR 141-142)
17. On this matter the Inspector finds the identified effects would not be unacceptably harmful. (IR 143)

Other ecological matters

18. The Inspector finds the proposed development would have a positive effect on ecological interests and aligns with PPW and relevant policies in Future Wales (FW) and the Bridgend County Borough Local Development Plan (LDP). (IR 144 – 151)

Landscape Character and visual amenity

Landscape

19. The Inspector has made their own assessment of the landscape and visual impact, informed by their observations on site and taking account of the submitted plans and Landscape and Visual Impact Assessment (LVIA). The Inspector notes the Council's overall positive view of the proposed development from a landscape and visual perspective. (IR 152-153)
20. The Inspector considers, as the proposed development would be clearly noticeable and obvious from the south side of the valley and from certain Public Rights of Way (PRoWs), it would have a moderate adverse effect overall on landscape character. However, they consider the effect would reduce significantly once the landscape strategy mature. (IR 154 – 167)

Visual amenity

21. The Inspector recognises there would be a marked change on the visual appearance of the area from certain viewpoints. There would be significant effect from the PRoWs at viewpoints 1 and 6, however the impact would diminish over time as landscaping matures. (IR 168)
22. The Inspector notes there would be a significant effect a short distance south of Heol Llan minor road to the reservoirs where several PRoWs cross the Common. The Inspector considers the effect would not diminish during the operational life of the development as it could not be mitigated by landscaping. (IR 169)
23. The Inspector agrees with the findings of the ES that the effect on cyclists and cars passing through the area would be small in the first year and negligible in year 15 due to the proposed landscaping maturing. (IR 170)
24. The Inspector also agrees that any impact on private views from dwellings would not make the homes unpleasant places to live. (IR 171)

Cumulative impact

25. The Inspector does not consider there would be a significant adverse cumulative landscape or visual impact. (IR 172-175)

Overall conclusion on landscape and visual amenity and cumulative impact

26. The Inspector is satisfied the effects of the proposed development on the character and visual amenity of the landscape would not result in an unacceptable adverse impact on the surrounding landscape. As such the proposal aligns with FW Policy 18 and relevant LDP policies. (IR 176)

Highway Safety

27. The Inspector is content the proposal, at both construction and operational stage, would not result in any pedestrian or highway safety issues and, therefore, complies with relevant development plan policies. (IR 177 – 181)

Benefits

28. The Inspector recognises that FW Policy 17 requires decision makers to give significant weight to the need to meet renewable energy generation targets in order to combat the climate change emergency.
29. In this context the Inspector considers the scheme aligns with development plan policy and this matter is afforded considerable weight. (IR 182 – 190)

Other Matters

Historic Assets

30. The Inspector notes the ES identifies a negligible/very slight impact on the setting of scheduled monument GM356 Camp at Cwm Llwyd but no significant impacts on any designated historic assets, Cadw agrees with these conclusions. The Inspector is satisfied the proposed development accords with development plan policies. (IR 191 – 193)

Noise

31. The Inspector is satisfied with the findings of the applicant's Noise Assessment, that the predicted noise level from the development would cause no observed adverse effect.
32. Subject to recommended planning conditions, the Inspector considers the proposal would not have a significant impact on living conditions of neighbouring occupiers and, on this matter, the scheme complies with development plan policy. (IR 194 – 198)

Agricultural land classification

33. The application site does not contain Best and Most Versatile (BMV) agricultural land. (IR 199)

Flooding

34. The Inspector is satisfied the proposed development complies with relevant LDP policies. (IR 200-203)

Mineral Resource

35. The Inspector is content there would be no conflict with LDP policy relating to mineral safeguarding zones. (IR 204)

Public Rights of Way

36. The proposed diversion of the footpath will be considered under separate legislation and is therefore not to be determined as part of the DNS application. However, the Inspector is satisfied that suitable provision for footpaths can be maintained in a suitable form across the site under the separate legislative controls. (IR 205 – 207)

Light pollution from vehicles for occupiers of Railway Terrace

37. This matter has been considered by the Inspector and they are satisfied that light pollution from traffic would be a temporary feature. (IR 208)

Lack of community benefit from the proposal

38. The Inspector notes this is not a material consideration in the assessment of planning applications.

Conditions and obligations

39. The Inspector's consideration of the recommended planning conditions is set out in IR 210 – 218. I am satisfied the recommended conditions meet the relevant tests set out in Welsh Government Circular 016/2014 "The use of planning conditions for development management.
40. The applicant has submitted a planning agreement under section 106 of the 1990 Act (S106), agreed and signed by the LPA, landowner and developer. The S106 would deliver off-site mitigation areas for skylark and lapwing, future off-site and on-site ecological management of woodland and buffer areas provided by planning condition through the landscape and environmental management plan (LEMP). The Inspector is satisfied the S106 meets the relevant tests in Section 122(2) of the Community Infrastructure Levy Regulations 2010 and Circular 13/97: Planning Obligations; the Inspector gives the obligation significant weight in the determination of the application. I have no reason to disagree with the Inspector and have taken the S106 into account in my consideration of the application.

Conclusions

41. The Inspector gives the benefits of the proposal considerable weight in the planning balance having regard to the development's compliance with FW Policy 17. The

proposal aligns with the need to increase production of renewable energy in a way that strikes a balance with the protection of other relevant interests.

42. The Inspector has considered all material considerations and concludes the proposal accords with the development plan. (IR 220-223)

Recommendation

43. The Inspector recommends planning permission is granted, subject to conditions. (IR 224-225)

Decision

44. I agree with the Inspector's appraisal of the main considerations, the conclusions of the IR and the reasoning behind them, and I accept the recommendation. Therefore, I hereby grant planning permission for DNS/3279521, subject to the conditions in the Annex to this decision letter.

Well-being of Future Generations (Wales) Act 2015 (WFG Act)

45. The Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. This includes taking all reasonable steps to meet their well-being objectives.
46. I have considered the extent to which granting planning permission meets the Welsh Government's well-being objectives. I recognise there will be some temporary negative environmental effects during construction and decommissioning phases. Although these impacts would be mitigated through the Construction Environment Management Plan (CEMP) they would have a limited negative effect on the objective of making our cities, towns and villages even better places in which to live and work.
47. Overall the decision would have a positive effect on the objectives to "Build an economy based on the principles of fair work, sustainability and the industries and services of the future", "Build a stronger, greener economy as we make maximum progress towards decarbonisation" and "Embed our response to the climate and nature emergency in everything we do". The effect of this decision on the other objectives is neutral.
48. In reaching my decision on the application, I have taken into account the ways of working set out in section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'.

Looking to the long-term

49. The decision takes account of the long-term objective and commitment of Welsh Government's target to generate 70% of consumed electricity by renewable means by 2030 to combat the climate emergency.

Involving people/Collaborating with others

50. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Taking an integrated approach

51. The decision has taken account of the development plan and its integration of economic, social and environmental strands across spatial scales. It has also taken account of the objectives of those public sector organisations involved in the consultation process which are pursuing their own well-being objectives under the WFG Act such as NRW.

Prevention

52. The decision takes account of the need to increase renewable energy production and combat the climate emergency, as well as increasing energy security.

Reasonable steps

53. I have considered whether, having regard to the Welsh Ministers' wellbeing duty, it would be reasonable to take a different decision. I note the alternative decision would be to refuse planning permission for the development. This would negatively impact on the objective to "Build an economy based on the principles of fair work, sustainability and the industries and services of the future", "Build a stronger, greener economy as we make maximum progress towards decarbonisation" and "Embed our response to the climate and nature emergency in everything we do". The effect of this alternative decision on the other objectives would be neutral. Consequently, I consider the decision to grant planning permission subject to conditions is a reasonable step in meeting the Welsh Ministers' well-being objectives.

Environmental Information

54. I have taken the Environmental Statement and all other environmental information provided into account in the consideration of this application, as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

Yours sincerely,



Rebecca Evans AS/MS

Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

Annex – Conditions attached to DNS/3279521

1. The development to which this permission relates shall begin no later than the expiration of five years beginning with the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Subject to the requirements of other conditions attached to this permission, the proposed development shall be carried out in accordance with the following plans:
 - (a) ES Figure 1.1 Site Location Plan
 - (b) ES Figure 2.1 Site Layout Plan
 - (c) 2023-06-29 - APP - JSL3757_700A-703A Tree Constraints Plan and Tree Survey Schedule

Reason: To ensure development is carried out within the submitted details and in compliance with Policies 17 and 18 of Future Wales: The National Plan 2040 and Policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033.

3. This permission hereby granted shall endure for a period of 50 years from the date when electrical power is first exported (first export date) from the solar farm to the electricity grid network. Written confirmation of the first export date shall be sent to the local planning authority within 28 days of the first export date.

Reason: To safeguard the character and appearance of the area in accordance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and SP13 of the Bridgend County Borough Local Development Plan 2018-2033.

4. Within 6 months of the 50 year expiration date or following the cessation of the generation of electricity from the solar energy farm hereby permitted for a continuous period of 6 months (whichever is the sooner), all buildings, equipment/ plant/ machinery/ shall be removed and the land restored to agricultural use in accordance with a restoration and aftercare scheme, to include tree protection measures, that has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Any trees, hedges or plants planted as part of the approved restoration and aftercare scheme which within a period of 5 years from the date of the completion of the approved scheme die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed with the local planning authority.

Reason: To safeguard the character and appearance of the area in accordance with Policies SP3 and SP13 of the Bridgend County Borough Local Development Plan 2018-2033.

5. Notwithstanding Condition 2, no part of the solar arrays, substation, fencing and associated infrastructure shall be erected on the site until details of the heights and location of each solar array, the details and material finishes of the substation, fencing and ancillary/associated infrastructure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033.

6. Notwithstanding Condition 2 no part of the battery energy storage structures shall be erected until details and material finishes of the battery energy storage system have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policy SP3 of the Bridgend County Borough Local Development Plan 2018-2033.

7. Construction and decommissioning works shall not take place outside the hours of 08:00 hours to 19:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason: In the interests of residential amenity and to accord with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and DNP9 of the Bridgend County Borough Local Development Plan 2018-2023.

8. No site clearance or construction work shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include:
 - (a) A construction/decommissioning site layout plan with the location of site construction/demolition compounds, storage areas, arrangements for parking of vehicles of site operatives and visitors, the location of areas designated for the loading, unloading, and storage of plant and materials, details of the site office/welfare units and associated foul water disposal.
 - (b) Details of any security fencing or hoardings around the site.
 - (c) Pollution prevention and control measures, including measures to control the emission of dust and dirt, and to prevent pollution of watercourses.
 - (d) Wheel washing facilities and measures to avoid depositing mud, dust, or other debris onto the highway.
 - (e) A scheme for recycling/disposing of waste resulting from excavation, construction works and decommissioning.
 - (f) Details of species protection measures to be employed during the construction and decommissioning phases of the development, invasive species management, soil management details of topsoil strip, storage and amelioration for re-use.
 - (g) Details of proposed lighting to be used during the construction, operational and decommissioning phases, including mitigation measures, which shall ensure that new and retained dormouse habitat is protected from light spill.
 - (h) Details of a written scheme of investigation, outlining a paleo-environmental sampling, reporting, archiving strategy, method and timing of implementation of works in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists with a copy of the resulting report submitted to the local planning authority and the Glamorgan and Gwent Archaeological Trust.
 - (i) Details of equipment to be employed, operations to be carried out, predicted noise and vibration levels at the closest noise sensitive receptors, in accordance with BS5228 (Code of Practice for noise and vibration control on construction and open sites) and any required mitigation measures to reduce noise on nearby noise sensitive receptors.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and residential amenity in accordance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP13, SP17, DNP6 and DNP8 of the Bridgend County Borough Local Development Plan 2018-2033.

9. No site clearance or construction work shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, and SP5 of the Bridgend County Borough Local Development Plan 2018-2033.

10. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by, the local planning authority. The LEMP shall include:
- (a) A plan showing all ecological mitigation and enhancements areas, including dormouse habitat to be lost, retained, and created, and off-site lapwing and skylark mitigation areas. The plan shall identify the extent and location to an appropriate scale.
 - (b) Details of timing, phasing, and duration of species (including dormouse, lapwing, and skylark) and habitat conservation measures.
 - (c) Details of proposals to enhance retained habitats, including planting mixes and specifications, soil care plan restoration (for off-site mitigation areas and grazing strategy and stocking rates).
 - (d) Details of initial aftercare and long-term management and maintenance.
 - (e) Ecological Compliance Audit, including key performance indicators,
 - (f) Persons responsible for implementing the works.
 - (g) Details of measures to prevent or reduce incidental capture or killing,
 - (h) Proposals for monitoring the condition of retained and any new habitat, to inform ongoing habitat management.
 - (i) Monitoring and review measures of ongoing habitat management to be carried out in accordance with a report to be submitted in writing to the local planning authority every 5 years.

Development shall be carried out in accordance with the approved details.

Reason: In the interests of ecological mitigation and enhancement and to accord with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP4, SP13 and DNP6 of the Bridgend County Borough Local Development Plan 2018-2033.

11. No development shall take place until details of a scheme for a temporary construction access off Hoel Laethog with visibility splays, the timing of works, and restoration of the access post construction have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and SP5 of the Bridgend County Borough Local Development Plan 2018-2033.

12. Notwithstanding Condition 2, no site clearance or construction work shall take place until a Landscape Strategy has been submitted to and approved in writing by the local planning authority. The Landscape Strategy shall include:

- (a) A new tree and hedgerow planting schedule providing details of the size and number of species.
- (b) Details of existing trees and hedgerows to be retained.
- (c) Details and timing of tree protection measures and location of tree protection barriers during the construction of the development.

The approved Landscape Strategy shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP17 and DNP8 of the Bridgend County Borough Local Development Plan 2018-2033.

13. All planting comprised in the approved Landscaping Strategy shall be carried out no later than the first planting and seeding season following the completion of development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity and in compliance with Policy 18 of Future Wales: The National Plan 2040 and Policies SP3, SP13, SP17 and DNP8 of the Bridgend County Borough Local Development Plan 2018-2033.

14. No development shall take place until details of past coal mining activity on the site, the design and location of any solar array stations/structures affected by mine entries, and the remedial measures necessary to ensure stability and the timing of the works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of health and safety and in compliance with Policies SP3 and DNP9 of the Bridgend County Borough Local Development Plan 2018-2033.

15. Site 'rating' noise levels at the nearest non-financially involved residential property (in free field conditions) lawfully existing at the time of this planning permission shall not exceed 4dB above the representative background sound level (background measured in terms of LA90). The applicant shall submit to the local planning authority confirmation that the above noise limit is being achieved within 2 months following normal site operating conditions. In the event that the information confirms that the noise limit is being exceeded the operator shall propose and implement measures to mitigate the noise to ensure compliance with the above noise level limit. Measurements and assessments shall be made in accordance with BS 4142: 2014 +A1: 2019 'Methods for rating and assessing industrial and commercial sound'. Where the site rating level shall be expressed as a LAeq 1hr during the daytime period (i.e. between 0700 to 2300 hours) and as a LAeq 15mins during the night-time period (i.e. 2300 to 0700 hours).

Reason: In the interests of the amenity of the area, in compliance with the relevant requirements of Policy 18 of Future Wales: The National Plan 2040 and Policies SP3 and DNP9 of the Bridgend County Borough Local Development Plan 2018-2033.

Notification of initiation of development and display of notice

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include the following:

Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out development must ensure the notice is:

- (a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.