OFFERYNNAU STATUDOL CYMRU

2017 Rhif 1197 (Cy. 290)

CYNLLUNIO SEILWAITH

Gorchymyn Fferm Wynt Coedwig Clocaenog (Diwygio) 2017

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Fferm Wynt Coedwig Clocaenog 2014 (y "prif Orchymyn"), a oedd yn rhoi caniatâd datblygu o dan Ddeddf Cynllunio 2008, yn dilyn cais am newid ansylweddol o dan baragraff 2 o Atodlen 6 i'r Ddeddf honno.

Mae'r Gorchymyn hwn yn awdurdodi newidiadau i'r cynlluniau gwaith i adlewyrchu newidiadau yn nherfynau'r gwyro ac i fannau cychwyn a therfynu'r traciau mynediad ac ychwanegu'r gwaith o adeiladu mannau troi yng Ngwaith Rhif 3.

Rhaid cyflwyno'r cynlluniau gwaith coed diwygiedig i Weinidogion Cymru er mwyn iddynt eu hardystio o dan erthygl 36(1A) newydd y prif Orchymyn. Mae gofyniad 7 yn Rhan 3 o Atodlen 1 i'r prif Orchymyn yn ei gwneud yn ofynnol i'r datblygiad awdurdodedig gael ei gyflawni'n unol â'r cynlluniau a ardystiwyd o dan erthygl 36.

WELSH STATUTORY INSTRUMENTS

2017 No. 1197 (W. 290)

INFRASTRUCTURE PLANNING

The Clocaenog Forest Wind Farm (Amendment) Order 2017

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Clocaenog Forest Wind Farm Order 2014 (the "principal Order"), which granted development consent under the Planning Act 2008, following an application for a non-material change under paragraph 2 of Schedule 6 to that Act.

This Order authorises changes to the works plans to reflect changes in the limits of deviation and to the commencement and termination points of access tracks and the addition of the construction of turning heads in Work No. 3.

The revised work plans and felling plans must be submitted to the Welsh Ministers for certification under new article 36(1A) of the principal Order. Requirement 7 in Part 3 of Schedule 1 to the principal Order requires the authorised development to be carried out in accordance with plans certified under article 36.

OFFERYNNAU STATUDOL CYMRU

2017 Rhif 1197 (Cy. 290)

CYNLLUNIO SEILWAITH

Gorchymyn Fferm Wynt Coedwig Clocaenog (Diwygio) 2017

Gwnaed	*29 Tachwedd 2017*
Yn dod i rym	*8 Rhagfyr 2017*

Mae Innogy Renewables UK Limited(**1**) wedi cyflwyno cais i Weinidogion Cymru o dan baragraff 2(4) o Atodlen 6 i Ddeddf Cynllunio 2008(**2**) ar gyfer newidiadau i Orchymyn Fferm Wynt Coedwig Clocaenog 2014(**3**) nad ydynt yn sylweddol.

Mae Gweinidogion Cymru wedi ystyried effaith y newidiadau ar Orchymyn Fferm Wynt Coedwig Clocaenog 2014 fel y'i gwnaed yn wreiddiol, ac maent yn fodlon nad yw'r newidiadau'n sylweddol.

Ar ôl ystyried y cais, yr ymatebion i'r cyhoeddusrwydd a'r ymgynghori a oedd yn ofynnol yn unol â rheoliadau 6 a 7 o Reoliadau Cynllunio Seilwaith (Newid a Dirymu Gorchmynion Cydsyniad i Ddatblygiad) 2011(**4**), mae Gweinidogion Cymru wedi penderfynu gwneud y newidiadau ar delerau nad ydynt yn sylweddol wahanol i'r rheini a gynigiwyd yn y cais gwreiddiol, ym marn Gweinidogion Cymru.

Yn unol â hynny, wrth arfer y pwerau ym mharagraff 2(1) a (9) o Atodlen 6 i Ddeddf Cynllunio 2008, mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn—

(**1**) Cwmni rhif: 2550622, Innogy Renewables UK Limited (RWE Innogy UK Limited gynt) yw'r person sydd wedi cyflwyno cais ar gyfer Gorchymyn Fferm Wynt Coedwig Clocaenog 2014.
(**2**) 2008 p. 29. Diwygiwyd paragraff 2 o Atodlen 6 gan baragraff 4 o Atodlen 8 i Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23); gan baragraff 72 o Atodlen 13 a chan Atodlen 25 o Ddeddf Lleoliaeth 2011 (p. 20); gan adran 28 o Ddeddf Seilwaith 2015 (p. 7); a chan baragraff 8(3) o Atodlen 7 i Ddeddf Cymru 2017 (p. 4).
(**3**) O.S. 2014/2441.
(**4**) O.S. 2011/2055. Diwygiwyd rheoliadau 6 a 7 gan O.S. 2012/635 a 2015/760.

WELSH STATUTORY INSTRUMENTS

2017 No. 1197 (W. 290)

INFRASTRUCTURE PLANNING

The Clocaenog Forest Wind Farm (Amendment) Order 2017

Made	*29 November 2017*
Coming into force	*8 December 2017*

Innogy Renewables UK Limited(**1**) has made an application to the Welsh Ministers under paragraph 2(4) of Schedule 6 to the Planning Act 2008(**2**) for changes to the Clocaenog Forest Wind Farm Order 2014(**3**) that are not material.

The Welsh Ministers have had regard to the effect of the changes on the Clocaenog Forest Wind Farm Order 2014 as originally made and are satisfied that the changes are not material.

The Welsh Ministers, having considered the application, the responses to the publicity and consultation required by regulations 6 and 7 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(**4**) have decided to make the changes on terms that in the opinion of the Welsh Ministers are not materially different from those proposed in the original application.

Accordingly, the Welsh Ministers, in exercise of the powers in paragraph 2(1) and (9) of Schedule 6 to the Planning Act 2008, make the following Order—

(**1**) Company number 2550622 Innogy Renewables UK Limited (formerly RWE Innogy UK Limited) is the person who applied for the Clocaenog Forest Wind Farm Order 2014.
(**2**) 2008 c. 29. Paragraph 2 of Schedule 6 was amended by paragraph 4 of Schedule 8 to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 72 of Schedule 13 and by Schedule 25 to the Localism Act 2011 (c. 20); by section 28 of the Infrastructure Act 2015 (c. 7); and by paragraph 8(3) of Schedule 7 to the Wales Act 2017 (c. 4).
(**3**) S.I. 2014/2441.
(**4**) S.I. 2011/2055. Regulations 6 and 7 were both amended by S.I. 2012/635 and 2015/760.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Fferm Wynt Coedwig Clocaenog (Diwygio) 2017 a daw i rym ar 8 Rhagfyr 2017.

Diwygio Gorchymyn Fferm Wynt Coedwig Clocaenog 2014

2. Mae Gorchymyn Fferm Wynt Coedwig Clocaenog 2014 wedi ei ddiwygio yn unol ag erthyglau 3 i 5.

Diwygio erthygl 2 (dehongli)

3.—(1) Mae erthygl 2 wedi ei diwygio fel a ganlyn.

(2) Ym mharagraff (1), yn lle'r diffiniad o "the works plan" rhodder y diffiniad a ganlyn—

> ""the works plan" means the revised works plan submitted with the application dated 23 Awst 2017 for a non-material change to this Order under paragraph 2 of Schedule 6 to the 2008 Act and certified by the Welsh Ministers in accordance with article 36(1A). "

Diwygio erthygl 36 (ardystio cynlluniau etc)

4.—(1) Mae erthygl 36 wedi ei diwygio fel a ganlyn.

(2) Mewnosoder y paragraff a ganlyn ar ôl paragraff (1)—

> "(1A) The undertaker must, as soon as practicable after the coming into force of the Clocaenog Forest Wind Farm (Amendment) Order 2017, submit to the Welsh Ministers a copy of the works plan for certification that it is a true copy."

Diwygio Atodlen 1 (prosiect awdurdodedig)

5.—(1) Yn y cyfeiriad at Waith Rhif 3 yn Rhan 1 (datblygiad awdurdodedig) o Atodlen 1, yn lle'r geiriau "A series of new tracks, existing tracks subject to improvement and widening and public roads subject to widening" rhodder "A series of new tracks, existing tracks subject to improvement and widening, public roads subject to widening and a series of turning heads located adjacent to tracks".

(2) Mae'r tablau sy'n ymwneud â Gwaith Rhif 3 yn Rhan 1 (datblygiad awdurdodedig) o Atodlen 1 wedi eu diwygio fel a ganlyn.

(3) Yn y tabl sydd â'r pennawd "New tracks"—

(a) yn y rhes sydd ag "N7" fel y cofnod cyntaf—

(i) yn lle "300779" rhodder "300704"; a

(ii) yn lle "357705" rhodder "357556"; a

Title and commencement

1. The title of this Order is the Clocaenog Forest Wind Farm (Amendment) Order 2017 and it comes into force on 8 December 2017.

Clocaenog Forest Wind Farm Order 2014 amended

2. The Clocaenog Forest Wind Farm Order 2014 is amended in accordance with articles 3 to 5.

Article 2 (interpretation) amended

3.—(1) Article 2 is amended as follows.

(2) In paragraph (1), for the definition of "the works plan" substitute the following definition—

> ""the works plan" means the revised works plan submitted with the application dated 23 August 2017 for a non-material change to this Order under paragraph 2 of Schedule 6 to the 2008 Act and certified by the Welsh Ministers in accordance with article 36(1A). "

Article 36 (certification of plans etc) amended

4.—(1) Article 36 is amended as follows.

(2) Insert the following paragraph after paragraph (1)—

> "(1A) The undertaker must, as soon as practicable after the coming into force of the Clocaenog Forest Wind Farm (Amendment) Order 2017, submit to the Welsh Ministers a copy of the works plan for certification that it is a true copy."

Schedule 1 (authorised project) amended

5.—(1) In the reference to Work No. 3 in Part 1 (authorised development) of Schedule 1, for the words "A series of new tracks, existing tracks subject to improvement and widening and public roads subject to widening" substitute "A series of new tracks, existing tracks subject to improvement and widening, public roads subject to widening and a series of turning heads located adjacent to tracks".

(2) The tables relating to Work No. 3 in Part 1 (authorised development) of Schedule 1 are amended as follows.

(3) In the table with the heading "New tracks"—

(a) in the row whose first entry is "N7"—

(i) for "300779" substitute "300704"; and

(ii) for "357705" substitute "357556"; and

(b) mewnosoder y canlynol ar ôl y rhes sydd ag “N4” fel y cofnod cyntaf—

“N25	300509	357483	300277	357467
N26	300596	357354	300614	357029
N27	301133	355580	300866	355375
N28	300784	355332	300534	355065”.

(4) Yn y tabl sydd â’r pennawd “Existing tracks subject to improvement and widening”, yn y rhes sydd ag “E6” fel y cofnod cyntaf—

(a) yn lle “300635” rhodder “300614”; a

(b) yn lle “357032” rhodder “357029”.

(5) Mewnosoder y tabl canlynol ar ôl y tabl sydd â’r pennawd “Public roads subject to widening”—

“**Turning Heads**

	Grid reference	
Turning head number	*Easting*	*Northing*
TH1 (at T3)	301166	357866
TH2 (between T7 and T9)	300226	356920
TH3 (at T10)	301344	356350
TH4 (at T13)	301221	355570
TH5 (at T15)	301436	355089
TH6 (at T17)	301501	354506
TH7 (at T18)	301833	354061
TH8 (at T24)	300672	352492
TH9 (at T25)	301854	352484
TH10 (at T28)	300817	352143
TH11 (at T30)	301367	351613
TH12 (at T31)	300989	350791
TH13 (at T32)	301314	350614”.

(b) insert the following after the row whose first entry is “N4”—

“N25	300509	357483	300277	357467
N26	300596	357354	300614	357029
N27	301133	355580	300866	355375
N28	300784	355332	300534	355065”.

(4) In the table with the heading “Existing tracks subject to improvement and widening”, in the row whose first entry is “E6”—

(a) for “300635” substitute “300614”; and

(b) for “357032” substitute “357029”.

(5) Insert the following table after the table with the heading “Public roads subject to widening”—

“**Turning Heads**

	Grid reference	
Turning head number	*Easting*	*Northing*
TH1 (at T3)	301166	357866
TH2 (between T7 and T9)	300226	356920
TH3 (at T10)	301344	356350
TH4 (at T13	301221	355570
TH5 (at T15)	301436	355089
TH6 (at T17)	301501	354506
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TH10 (at T28)	300817	352143
TH11 (at T30)	301367	351613
TH12 (at T31)	300989	350791
TH13 (at T32)	301314	350614”.

Lesley Griffiths

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru
29 Tachwedd 2017

Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers
29 November 2017

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