



Mr [REDACTED]
Head of Property, Planning and Public Protection
Powys County Council
County Hall
Llandrindod Wells
Powys 1D1 5LG

By email : [REDACTED] and [REDACTED]

Ein Cyf/Our ref: qA1906813
Dyddiad/Date: 14 November 2023

Dear Mr [REDACTED]

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(WALES) REGULATIONS 2017
CONSTRUCTION OF A REVISED ACCESS TRACK BETWEEN TURBINES 5 & 6
(RETROSPECTIVE) AT LAND AT HENDY WIND FARM, BETTWS DISSERTH,
LLANDRINDOD WELLS, POWYS – APPLICATION NO. 23/1178/FUL

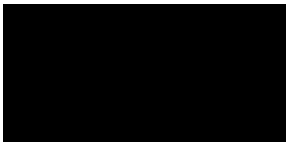
1. The Welsh Ministers have been requested to make a screening direction under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (“the 2017 Regulations”) as to whether or not the development described under application 23/1178/FUL is ‘EIA development’ and whether an environmental statement is required.
2. I am authorised by the Minister for Climate Change to consider and make the screening direction.
3. The works fall within the description of development at paragraph 13(b) of Schedule 2 (“the Schedule”) to the 2017 Regulations and meet the applicable criteria in column 2 of the table in the Schedule as they involve a change to the authorised Hendy Windfarm development. Therefore, I consider the development to comprise “Schedule 2” development within the meaning of the 2017 Regulations.

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.

4. The Environmental Impact Assessment checklist (attached) identifies the key areas which the Welsh Ministers considered when reaching their conclusion.
5. Taking account of the conclusions of the checklist, the selection criteria in Schedule 3 to the 2017 Regulations and the advice in Welsh Office Circular 11/99: Environmental Impact Assessment, I am of the opinion that the scheme is not major development of more than local importance, is not proposed in a particularly environmentally sensitive or vulnerable location and is not likely to give rise to unusually complex and potentially hazardous environmental effects.
6. Accordingly, for the reasons given above and in exercise of the authority referred to in paragraph 2 above, I conclude the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location, and I hereby direct the development is not "EIA development" within the meaning of the 2017 Regulations.
7. You will bear in mind that my opinion on the likelihood of this development having significant environmental effects is reached only for the purposes of this direction.
8. A copy of this letter has been sent to Aaron & Partners LLP, agent for the application.

Yours sincerely



Y Gangen Gwaith Achos Cynllunio I Planning Casework Branch
Y Gyfarwyddiaeth Gynllunio / Planning Directorate

Arwyddwyd o dan awdurdod Y Gweinidog Newid Hinsawdd; un o Weinidogion Cymru.
Signed under authority of the Minister for Climate Change; one of the Welsh Ministers.

STAGE 1 – INITIAL SCREENING ASSESSMENT

1	Case Details
A	Appeal case reference (PINS Only) N/A
B	LPA case reference 23/1178/FUL
C	LPA Powys County Council
D	Appellant/Applicant Hendy Windfarm Limited
E	Site address Hendy Wind Farm, Land Off The A44 To The North Of Llandegley Rhos Common, Llandegley, Llandrindod Wells, Powys
F	Brief description of development Construction of a revised access track between turbines 5 & 6 (retrospective).
G	Site area of development/works/new floorspace (as appropriate), i.e. m2 or hectares (Ha) The track covers approximately 1797m².
H	Approval of reserved matters or conditions? If yes, state which one N/A
I	If Yes, enter the description of development subject of the related planning permission N/A

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.

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J	Is the project located wholly or partly within a 'Sensitive Area' as defined by Regulation 2 of the EIA Regulations? If Yes, state which area below.	Yes	No

2	EIA Screening Details		
2A	Schedule 1		
(i)	Is the project Schedule 1 development as described in Schedule 1 of the EIA Regulations?	Yes	No
(ii)	<i>If Yes, under which description of development i.e. Nos. 1 -21? Go to Section 8 and tick Recommended Action 8A/B 'EIA Required'. If No, consider whether project is 'Schedule 2' development below in part 2(B).</i>		
2B	Schedule 2		
(i)	Is the project listed as a description of development under Column 1 of the table in Schedule 2 of the EIA Regulations?	Yes	No
	<i>If Yes, note under which description of development i.e. paragraphs 1-12. If No, complete section 3 -5 and then proceed to Section 8 and tick Recommended Action 8L 'EIA Not Required' as the project does not fall within the EIA Regulations i.e. it is not Schedule 2 development and is not EIA development.</i>		
(ii)	Does the project change or extend development described in paragraphs 1 to 12 of Column 1 of schedule 2?	Yes	No
	<i>If Yes, proceed straight to part 2C. If No, proceed to point (iii) below.</i>		
(iii)	Is the project located wholly or partly within a 'Sensitive Area' as defined by Regulation 2 of the EIA Regulations?	Yes	No
	<i>If Yes, state which area and proceed to Section 3 as project is 'Schedule 2 development'. There is no need to consider thresholds/criteria. If No, proceed to point (iv) below.</i>		
(iv)	Are the applicable thresholds/criteria in Column 2 exceeded/met?	Yes	No
	<i>If Yes, note which applicable threshold/criteria and proceed to Section 3 as project is 'Schedule 2 development'. If No, complete section 3-5 and then proceed to Section 8 and tick Recommended Action 8L 'EIA Not Required' as the project does not fall within the EIA Regulations i.e. it is not Schedule 2 development and is not EIA development.</i>		
	Para 13 (b) Column 2 in Schedule 2 to the 2017 Regs		

C	Changes or extensions to Schedule 1 or Schedule 2 development			
(i)	<p>Does the project involve any change to or extension of development of a description listed in Schedule 1 (other than a change of extension falling within paragraph 23 of that Schedule) where that development is already authorised, executed or in the process of being executed and the development as changed or extended may have significant adverse effects on the environment.</p> <p>Or</p> <p>Does the project involve a change or extension of development listed in paragraphs 1 to 12 of Column 1 of the table in Schedule 2, where that development is already authorised, executed or in the process of being executed, and the thresholds and criteria in the corresponding part of Column 2 of the table in Schedule 2 applied to the development as changed or extended are met or exceeded and in such a case the development as changed or extended may have significant adverse effects on the environment.</p> <p><u>Provide reasons for your answer in the space below.</u></p>	<table border="1"> <tr> <td data-bbox="1948 225 2042 268">Yes</td> <td data-bbox="2042 225 2116 268">No</td> </tr> </table>	Yes	No
Yes	No			
<p>The project approved under appeal reference 3176128 comprised EIA development for the purposes of the EIA Regulations.</p> <p>This application for a revised access track between Turbines 5 & 6 represents a change to the project which should be screened under paragraph 13(b) of the table in Schedule 2 of the EIA Regulations.</p>				
<p><i>If Yes indicated above, proceed to Stage 2 as the project is Schedule 2 EIA development.</i></p> <p><i>If No, check if the site is located in a "sensitive area". If not located in a "sensitive area" complete section 3-5 and then proceed to Section 8 and tick Recommended Action 8L 'EIA Not Required' as the project does not fall within the EIA Regulations i.e. is not Schedule 2 development and is not EIA development.</i></p> <p><i>If the project is located in a "sensitive area" and meets the description in either 13 (a) or 13 (b), proceed to Stage 2 as the project is Schedule 2 EIA development.</i></p>				

3	LPA / Welsh Ministers Screening - All Applications Including Reserved Matters/Conditions		
(i)	Has the LPA issued a Screening Opinion (SO)?	Yes	No
(ii)	Have the Welsh Ministers issued a Screening Direction (SD)?	Yes	No
(iii)	If Yes to either, is a copy of the SO/SD on the file? Note which one.	Yes	No
(iv)	If Yes, is the SO/SD positive i.e. EIA is required?	Yes	No
4	Reserved Matters/Conditions Applications Only		
(i)	Was the original planning permission subject to EIA screening?	Yes	No
(ii)	Was a SO/SD issued for the original planning permission?	Yes	No
(iii)	If Yes, is a copy of the SO/SD for the original planning permission on file?	Yes	No
5	Environmental Statement (ES)		
(i)	Has the applicant/appellant supplied an ES for the current or previous application?	Yes	No

STAGE 2 – DETAILED SCREENING ASSESSMENT

6(A).	Screening Questions			
Part 1 - Questions to be considered	Part 2 – Provide answers to questions in Part 1 (use Yes/No/Not Known) and briefly explain reasoning. If applicable, and/or known, include name of feature and approximate proximity to site	Part 3 – For all ‘Yes’ answers in Part 2, assess whether those interactions (i.e. effects) are likely to be <u>significant</u> by considering them against the ‘Assessment of Significance’ (‘AoS’) Criteria outlined in Section 6(B). Provide detailed reasons for your answers here. Include in your answers a summary of advice from consultees if received. [NB. If answer in Part 2 is ‘No’ use ‘NA’ and proceed to section 7.]	Part 4 – Outline the overall conclusion reached in Part 3 i.e. Unlikely to have a significant effect / Likely to have a significant effect?	
CRITERION 1. CHARACTERISTICS OF DEVELOPMENT				
Question 1(a) Size of the Development				
Will construction, operation or decommissioning of the Project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc.)?	Yes, the access road will cause minor changes to land use.	Not likely to be significant particularly as there is an existing track in the vicinity of the access point.	Unlikely significant effect.	
Question 1(b) Cumulation with Other Development				
(i) Are there any other factors which should be considered such as consequential development which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality?	No.	N/A		
(ii) Are there any plans for future land uses on or around the location which could be affected by the project?	No. This retrospective application relates to the junction and access track,	N/A		

	intended to facilitate the transport of Abnormal Indivisible Loads (AILs) to the Hendy Windfarm site.		
(iii) Is the Project likely to lead to transfrontier effects?	No.	N/A	
Question 1(c) Use of Natural Resources			
Will construction or operation of the Project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?	Yes	Whilst materials will be required in order to construct the junction and access, it is not of a scale which would generate a significant impact in terms of the EIA Regulations.	Unlikely significant effect
Question 1(d) Production of Waste			
Will the Project produce solid wastes during construction or operation or decommissioning?	Yes	Some waste may be produced during construction but not on a significant scale.	Unlikely significant effect
Question 1(e) Pollution and Nuisances			
(i) Will the Project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health?	No.	N/A	
(ii) Will the Project release pollutants or any hazardous, toxic or noxious substances to air?	No	N/A	Unlikely significant effect
(iii) Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation?	Yes, there will be noise during construction and operation. Construction activities generate noise, whether this is through delivery and handling of materials or through	Any construction noise would be limited, in terms of EIA considerations, given the relatively small scale of works proposed. Hours of construction can be controlled through standard planning conditions.	Unlikely significant effect

	implementation of ground works.		
(iv) Will the Project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No.	<p>The application site is within approx.. 1.5km of the River Wye SAC. There are watercourses near the site which appear to flow to the Wye.</p> <p>In its consultation response to Welsh Government of 23 October 2023, Natural Resources Wales provided the following advice:</p> <p><i>“With regards to protected sites and in particular any potential impacts on the River Wye/ Afon Gwy Special Area of Conservation (SAC), we have considered the location of the track.</i></p> <p><i>We have also considered potential direct and indirect impacts and, in our opinion, there are unlikely to be any significant impacts on the SAC and underpinning River Wye (tributaries) Site of Special Scientific Interest (SSSI) designations for the following reasons.</i></p> <p><i>Whilst the overall wind farm site is hydrologically connected to the River Wye approximately 2.5km to the south, we consider there is unlikely to be any direct impact to the interest features of the site because the new route between turbine 5 and 6 is further away from existing watercourses and ditches.</i></p> <p><i>Any potential impacts on water quality in the receiving streams/ditches where appropriate could be negated by ensuring that appropriate</i></p>	Unlikely significant effect.

		<i>mitigation measures are implemented as part of a Construction Environmental Management Plan (CEMP)".</i>	
Question 1(f) Risk of accidents, having regard in particular to substances or technologies used			
Will there be any risk of accidents during construction or operation of the Project which could affect human health or the environment?	Yes.	<p>Possibility of accidents during construction phase but Health and safety requirements and legislation would be the appropriate method for dealing with this issue.</p> <p>It is not considered that the risk of accidents during construction or operation is likely to be significant.</p>	Unlikely significant effect.
CRITERION 2. LOCATION OF DEVELOPMENT			
Question 2(a) Existing Land Use			
(i) Will the Project result in social changes, for example, in demography, traditional lifestyles, employment?	No.	N/A	
(ii) Are there any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?	Yes	There are public rights of way across the main Hendy Windfarm site, including common land. However, having regard to the selection criteria in Schedule 3 to the EIA Regulations, the nature of the potential impact is unlikely to be significant in EIA terms.	Unlikely significant effect.
(iii) Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No.	N/A	
(iv) Is the project located in a previously undeveloped area where there will be loss of greenfield land?	Yes	Relatively small-scale area of land involved.	Unlikely significant effect.

(v) Are there existing land uses on or around the location e.g. homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying which could be affected by the project?	No.	N/A	
(vi) Are there any areas on or around the location which are occupied by sensitive land uses e.g. hospitals, schools, places of worship, community facilities, which could be affected by the project?	No.	N/A	
Question 2(b) Relative Abundance, Quality and Regenerative Capacity of Natural Resources in the Area			
Are there any areas on or around the location which contain important, high quality or scarce resources e.g. groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?	No.	See the advice provided by Natural Resources Wales at 1e (iv) above.	Unlikely significant effect.
Question 2(c) Absorption Capacity of the Natural Environment			
(i) Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value (i.e. historical), which could be affected by the project?	Yes. The application site is within approx.. 1,5 km of the River Wye/ Afon Gwy SAC	<p>See the advice provided by Natural Resources Wales at 1e (iv) above.</p> <p>Cadw was consulted, regarding a previous EIA screening for this site (Application no. 19/1709/FUL). In its response, received 16 July 2020, it confirmed a number of historic assets within 3km of the development are potentially affected by the proposal. However, Cadw noted <i>“apart from listed building 9313 Larch Grove, intervening topography, buildings and vegetation block all views between them. Consequently the proposed development will have no impact on the setting of these designated historic assets.”</i></p>	Unlikely significant effect.

		In terms of Larch Grove, Cadw concluded, <i>“The proposed junction will be visible from Larch Grove with the removal of roadside trees making it more obvious. This will slightly alter the understanding of the location of the former inn on the A44 by adding a new road junction to the historic straight open road, but given that the change of use of the building (from roadside inn) has already had an impact on how it is understood, this alteration will only cause a slight additional impact on the way Larch Grove is experienced, understood and appreciated. Consequently, it is my opinion that the proposed development will not have a significant impact on the setting of listed building 9313, Larch Grove and therefore an EIA is not required to accompany the planning application.”</i>	
(ii) Are there any other areas on or around the location which are important or sensitive for reasons of their ecology e.g. wetlands, watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands, which could be affected by the project?	See the advice provided by Natural Resources Wales at 1e (iv) above.		Unlikely significant effect.
(iii) Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora e.g. for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the project?	See the advice provided by Natural Resources Wales at 1e (iv) above.		Unlikely significant effect.
(iv) Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?	No.	N/A	

(v) Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project, but which are not protected sites? (see 2(c)(i) if located in or near to a protected site)	No.	The relatively small-scale nature of the access works proposed would result in limited visual impact in terms of EIA considerations.	Unlikely significant effect.
(vi) Is the project in a location where it is likely to be highly visible to many people?	No.	N/A	
(vii) Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project, but which are not designated as historical assets? (see 2(c)(i) if located in or near to designated historical assets)	No.	N/A	
(viii) Are there any areas on or around the location which are densely populated or built-up, which could be affected by the project?	No.	N/A	
(ix) Are there any areas on or around the location which are already subject to pollution or environmental damage e.g. where existing legal environmental standards are exceeded, which could be affected by the project?	No.	N/A	
(x) Is the project location susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?	No.	N/A	

6(B).	Assessment of Significance (AoS) Criteria [TO BE USED ONLY IF ANSWERS IN PART 2 (COLUMN 2) OF SECTION 6(A) ARE 'YES']
1.	Will there be a large change in environmental conditions?
2.	Will new features be out-of-scale with the existing environment?
3.	Will the effect be unusual in the area or particularly complex?
4.	Will the effect extend over a large area?
5.	Will there be any potential for transfrontier impact?
6.	Will many people be affected?
7.	Will many receptors of other types (fauna and flora, businesses, facilities) be affected?
8.	Will valuable or scarce features or resources be affected?
9.	Is there a risk that environmental standards will be breached?
10.	Is there a risk that protected sites, areas, features will be affected?
11.	Is there a high probability of the effect occurring?
12.	Will the effect continue for a long time?
13.	Will the effect be permanent rather than temporary?
14.	Will the impact be continuous rather than intermittent?
15.	If it is intermittent will it be frequent rather than rare?
16.	Will the impact be irreversible?
17.	Will it be difficult to avoid, or reduce or repair or compensate for the effect?

7	Conclusion		
(i)	Summary of features of project and of its location		
	a	Characteristics of development	
		Formation of a new access junction onto A44, new access track and all associated works (retrospective)	
	b	Location of development	
		Hendy Wind Farm, Land Off The A44 To The North Of Llandegley Rhos Common, Llandegley Llandrindod Wells, Powys	
	c	Characteristics of the potential impact	
		<p>I have considered the EC guidance, “Interpretation of definitions of certain project categories of annex I and annex II of the EIA Directive” and am satisfied the proposed change to the approved project falls within the description of development in paragraph 13 (b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the “EIA Regulations”) and meets the applicable criteria in column 2. Therefore, the development comprises Schedule 2 development for the purposes of the EIA Regulations.</p> <p>In considering this case I have had regard to the selection criteria in Schedule 3 of the 2017 Regulations and the general advice contained in Welsh Office Circular 11/99: Environmental Impact Assessment (“Circular 11/99”).</p> <p>It is my overall opinion and recommendation that, based on the information available, the development would not be likely to have significant effects on the environment and EIA is, therefore, not required.</p>	
(ii)	If a SO/SD has been provided do you agree with it? The LPA has not adopted a screening opinion		Yes No
(iii)	Is EIA required?		Yes No

8	Options		
	Assessment	Recommended Action	✓
	Schedule 1 development	8A. Issue direction stating EIA Required	
	Schedule 1 development – appeal is at an advanced stage (PINS ONLY)	8B. Issue direction stating EIA Required	
	Schedule 2 development – threshold exceeded/ criterion met or Sensitive Area and likely to have significant effects	8C. Issue direction stating EIA Required	
	Schedule 2 development – appeal is at an advanced stage - threshold exceeded/ criterion met or Sensitive Area and likely to have significant effects (PINS ONLY)	8D. Issue direction stating EIA Required	
	Schedule 2 development – not likely to have significant effects on the environment	8E. Issue direction stating EIA Not Required	✓
	Schedule 2 development – appeal is at an advanced stage - not likely to have significant effects on the environment (PINS ONLY)	8F. Issue direction stating EIA Not Required	
	Schedule 2 development but effects not clear at this stage – file to be reviewed at a later stage	8G. No action – review when appropriate i.e. on receipt of new information/case progress	
	Schedule 2 development – negative (i.e. EIA not required) LPA screening/Welsh Ministers screening direction issued – PINS agrees (PINS ONLY)	8H. EIA Not Required	
	Schedule 2 development but not EIA development – negative screening opinion – Welsh Ministers agree	8I. EIA Not Required	
	Schedule 2 development but not EIA development – positive screening opinion – Welsh Ministers disagree	8J. EIA Not Required	
	Schedule 2 development – positive (i.e. EIA not required) LPA screening/Welsh Ministers screening direction issued – PINS disagrees (PINS ONLY)	8K. EIA Not Required	
	Project does not fall within the EIA Regulations as either: (a) it is listed within the descriptions of development Column 1 of Schedule 2 of the EIA Regs but does not meet relevant threshold/criterion; or (b) it does not fall within the categories of development in Column 1 of Schedule 2 of the EIA Regs.	8L. EIA Not Required - Issue direction stating either: (A) project listed within descriptions of development in Column 1 of Schedule 2 of the EIA Regs but does not meet relevant threshold/criterion; or (B) project does not fall within the categories of development in Column 1 of Schedule 2 of the EIA Regs.	

Name and Job Title of Assessor	██████████, Planning Casework Branch, Planning Directorate, Welsh Government
Date of Assessment	7/11/23

9A		Sign-off
Name and Job Title of Countersigning Officer	██████████, Decisions Branch, Planning Division, Welsh Government	
Comments of Countersigning Officer¹	I agree with the assessments made above and the conclusion that EIA is not required for the development.	
Signature	██████████	
Date	8/11/2023	

¹ Comments should reflect whether conclusions/ recommended action of assessor are agreed with.