



Department for
Business, Energy
& Industrial Strategy

1 Victoria Street
London SW1H 0ET

T +44 0300 068 5678
E Denise.libretto@beis.gov.uk

www.beis.gov.uk

By email only: ClareW@arcusconsulting.co.uk

Clare Walters MA CENv MRICS
Technical Director
Arcus Consulting Services Ltd
1C Swinegate Court East
3 Swinegate
York YO1 8AJ

12 September 2019

Dear Ms Walters

LLANDINAM WIND FARM REPOWERING, POWYS, MID-WALES

SECTIONS 36C OF THE ELECTRICITY ACT 1989

**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR
VARIATION OF CONSENT) REGULATIONS 2013**

**THE SECRETARY OF STATE'S SCREENING OPINION FOR ENVIRONMENTAL
IMPACT ASSESSMENT ("EIA") IN ACCORDANCE WITH THE ELECTRICITY
WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES)
REGULATIONS 2017**

Thank you for your letter of 18 June 2019 on behalf of Celt Power Ltd ("the Applicant"). The letter presented an application ("the Section 36C application") to the Secretary of State under Section 36C of the Electricity Act 1989 ("the 1989 Act") for a variation of the previously consented Llandinam Wind Farm repowering scheme in Powys, Mid-Wales ("the original consent"). The variation application seeks to extend by five years, the time by which the original consent must be commenced to September 2025.

The Section 36C application did not include an 'EIA Report' as defined by Regulation 17 of The Electricity Works (Environmental Impact Assessment) (England And Wales) Regulations 2017 ("the 2017 Regulations"). In the absence of an EIA Report, the Secretary of State has considered the Section 36C application under Regulation 11(2) of the 2017 Regulations. Regulation 11(2) states that '*If the application is for development referred to in paragraph (1)(a) [i.e. 'development of a description set out in Schedule 2'] and is not accompanied by an EIA Report, the relevant authority*

[i.e. the Secretary of State] *must make a screening decision in respect of the development before further dealing with the application*'.

Consultation

Before screening decisions are given, Regulation 13 of the 2017 Regulations requires the relevant authority to consult every local planning authority for the area of the Section 36C application to obtain its views (if any) on whether or not an environmental impact assessment should be undertaken in respect of the Section 36C application.

Powys Country Council ("PCC") as the relevant local planning authority, were consulted on 20 June 2019. The Secretary of State received PCC's response on 19 July 2019.

In its response PCC considered the Section 36C application to fall within schedule 2, paragraph 1 of the 2017 regulations. By taking this approach, PCC went on to consider the characteristics, location and potential impacts of the development as a whole as originally consented and concluded that this would constitute an EIA development.

A second consultation followed on 13 August 2019 to seek clarification on PCC's screening approach. Specifically, the Secretary of State asked PCC to explain why it did not consider this to be either a change or an extension under paragraph 3 of schedule 2 on the 2017 regulations (i.e. a change or extension where the development has already been authorised).

On 5 September 2019 PCC clarified that it considered a 'change or extension' under paragraph 3 of schedule 2 of the 2017 regulations to relate to physical change or extension and not an extension of time. However, it acknowledged that the impact of the development on the environment remained the same as originally consented, although it could make no comment on any cumulative impact with any associated grid connection.

The Secretary of State has considered the view of PCC. She notes that the 2017 regulations do not explicitly define a 'change or extension', but she has concluded that a 'change or extension' under paragraph 3 of schedule 2 of the 2017 regulations applies equally to a temporal 'change or extension' as it does to a physical 'change or extension'. As such, the Secretary of State has considered whether an EIA is required in accordance with schedule 2, paragraph 3 of the regulations and whether the proposed development, as varied, would result in any new or materially different environmental impacts from those already assessed from the original development and as such would be likely to have a significant effect on the environment.

Screening Opinion

The Secretary of State has considered the documentation provided within the Section 36C application and the views of PCC in considering the screening criteria in Schedule 3 of the 2017 regulations. She has taken the following factors into account in reaching her decision:

- Other than the predicted beneficial effect of carbon saving and changes to the cumulative landscape, no substantive changes to the baseline since 2013 (i.e. the most recent update to the original Environmental Statement) have been identified;

- The Applicant has reported a changed cumulative landscape due to windfarms progressing through development phases, windfarms awaiting appeals, and windfarms withdrawn or refused. Overall, excluding single turbines at more than 5km from the development site, there has been a reduction in the number of cumulative windfarms and in the number of wind turbines within those windfarms since 2013. Whilst the cumulative landscape has changed since 2013, the requested time extension will not materially alter the assessment of cumulative effects undertaken by the original consent and other developments;
- An updated assessment of the effects on climate change and human health (to meet current EIA regulations) demonstrates that there will be no significant adverse effects on the environment in respect of these receptor groups; and
- PCC consider that the Section 36C application impact on the environment remains the same as that of the original consent.

In view of the above, and having assessed the characteristic, location and impact of the proposed variation, the Secretary of State has concluded that the proposed development as varied would not result in any new or materially different environmental impacts from those already assessed from the original development and as such would be unlikely to have a significant effect on the environment.

The Secretary of State can therefore confirm that the proposed development is not EIA development in accordance with regulation 5 of the 2017 regulations.

This screening opinion is provided without prejudice to the outcome of the Secretary of State's determination of the Section 36C application.

A copy of this letter has been sent to Gwilym Davies, Head of Planning, Property & Public Protection, Powys County Council.

Yours sincerely,

Denise Libretto

Denise Libretto

Head of Planning