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Ben Lewis MRTPI  
Renplan Planning Consultants

(via e-mail)

Eich Cyf / Your Ref:

Ein Cyf / Our Ref: 3227364

Dyddiad / Date: 20 December 2019

Dear Mr Lewis

**Town and Country Planning Act 1990  
The Developments of National Significance (Procedure) (Wales) Order 2016  
Town and Country Planning (Environmental Impact Assessment) (Wales)  
Regulations 2017**

**Potential DNS Application**

**Site Address:** Land to the east of the A48 and Land to the south west of Tycroes

**Proposed Development:** Proposed installation of a ground mounted Photo Voltaic (PV) solar farm development, including proposed cable route.

**Updated Screening Direction: This direction supersedes the one dated 12 July 2019.**

On 13 June 2019 the Planning Inspectorate received a request made under regulation 31(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ("the Regulations"), for the Welsh Ministers to make a screening direction as to whether or not the development proposed is "EIA Development" within the meaning of the Regulations. The Direction relating to that request, issued on 12 July 2019, which superseded a previous version, but did not incorporate the now proposed cable route, found that the development as described was not EIA development.

This screening direction relates to a subsequent request, received by the Planning Inspectorate on 5 November 2019. The proposal now includes a cable route for the proposed solar development.

The Planning Inspectorate is authorised by the Welsh Ministers to provide a screening direction following that request.

Further information on a number of potential impacts relating to biodiversity and the use of HDD techniques was requested from the applicant on 26 November 2019 and submitted on 3 December 2019.

The project, as described above, falls within the description at paragraph 3(a) in column 1 of the table in Schedule 2 to the Regulations.

Having taken into account the selection criteria in Schedule 3 to the Regulations and the advice in Welsh Office Circular 11/99: Environmental Impact Assessment on establishing whether EIA is required and advice received from both the Local Planning Authority and Natural Resources Wales, I conclude that:

*Having considered the proposal (which now incorporates a proposed cable route), the additional information provided by the applicant, and consultation responses from the Local Authority ecologist and NRW, on balance I am satisfied that the development as proposed at 5 November 2019 would be unlikely to result in significant environmental effects. However, the potential impacts on the Caeau Mynydd Mawr SAC Marsh Fritillary Metapopulation, which is of both UK and European importance, and other protected species will remain an important issue in determining any future application and the onus will rest with the developer to provide sufficient evidence for the decision maker to make an assessment.*

Therefore, in exercise of the powers conferred by the Regulations and the authority referred to above, the Welsh Ministers hereby direct that the development subject of this application **is not EIA development** within the meaning of the Regulations.

My opinion on the likelihood of this development having significant effects is reached for the purposes of this direction.

### **Advisory RE Habitats Regulation Assessment:**

The developer is advised to ensure that their approach to HRA in relation to the application is consistent with the [CJEU](#) finding that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an AA and that it is **not permissible** to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site when determining whether an AA is required ('screening').

The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded on the basis of objective information, the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.

The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 10: Habitat Regulations Assessment](#) relevant to Nationally Significant Infrastructure Projects may prove useful when considering what information to provide to allow the Welsh Ministers to undertake AA.

This letter will be copied to Carmarthenshire County Council so that this screening direction is placed on Part 1 of the Planning Register in relation to the application in question, in accordance with the Regulations.

I am also attaching the consultation responses received from the LPA and NRW and recommend that the applicant give due consideration to the advice they contain and seek further dialogue with those parties during the preparation of any future application.

Yn gywir / Yours sincerely

*C Sweet*

Mr Christopher Sweet MPlan

Swyddog Cynllunio / Planning Officer  
Tîm Cynllunio a'r Amgylchedd / The Planning & Environment Team  
Yr Arolygiaeth Gynllunio / The Planning Inspectorate