

# Statutory Instruments with Clear Reports

04 February 2019

## SL(5)306 – The Developments of National Significance (Specified Criteria, Fees and Fees for Deemed Applications) (Wales) (Amendment) Regulations 2019

### Procedure: Affirmative

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As a result of the Wales Act 2017, the function of granting consent in respect of the following has been devolved to the Welsh Ministers (“newly devolved projects”):

- (a) The consenting of generating stations both on and offshore with a capacity of 350MW or less; and
- (b) The consenting of overhead lines with a nominal voltage of 132KV or less, where they are associated with a devolved generating station.

#### *Onshore generating stations*

Currently, the default position is that the consenting of newly devolved projects will require planning permission from the Local Planning Authority (“LPA”). This creates a perverse situation whereby already devolved smaller scale projects are consented by the Welsh Ministers, whereas larger scale generating stations are consented at the local level by LPAs. These Regulations alter this anomaly by ensuring a proportionate consenting procedure is in place.

#### *Overhead electric lines*

The default position following the Wales Act 2017 is that the consenting overhead electric lines up to and including 132KV which are associated with a devolved generating station is the responsibility of the LPA at local level. These Regulations transfer the responsibility to the Welsh Ministers for the decision to be made at a national level.



### *Electricity storage*

These Regulations remove small scale electricity storage projects from the current Developments of National Significance (DNS) process, for decisions to be taken by LPAs at a local level. Hydroelectric storage schemes are retained within the DNS process.

### *Changes to fees for deemed applications*

These Regulations also make changes to the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 to allow for a fee to be payable to the LPA in respect of a deemed application in certain circumstances where the application would otherwise have been made to the Welsh Ministers.

**Parent Act:** Town and Country Planning Act 1990

**Date Made:**

**Date Laid:**

**Coming into force date:**

