

SL(5)341 – The Electricity Works (Environmental Impact Assessment) (England and Wales) (Amendment) (Wales) Regulations 2019

Background and Purpose

These Regulations amend the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (S.I 2017/580) (the “2017 Regulations”).

Applications made on or after 1 April 2019 under sections 36 and 36C of the Electricity Act 1989 (the “1989 Act”) relating to generating stations (or proposed generating stations) in Welsh waters which have or will have a capacity not exceeding 350 megawatts are to be made to the Welsh Ministers.

These Regulations amend the definition of relevant authority in the 2017 Regulations, to provide that the Welsh Ministers are the relevant authority where an application under section 36 or 36C of the 1989 Act is made (or to be made) by the Welsh Ministers. These Regulations make amendments to provision relating to consultation bodies. The Regulations further amend regulations 22 and 28 to insert reference to the Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Implications arising from exiting the European Union

The 2017 Regulations are made in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 (and in exercise of powers contained in the 1989 Act). As such, the 2017 Regulations will become part of retained EU law on exit day.

Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

11 March 2019

