

SL(5)669 – The Environmental Assessments and Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

Background and Purpose

The Environmental Assessments and Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (“the Regulations”) are made using the power conferred by paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018 (“the 2018 Act”) in order to address failures of retained EU law to operate effectively arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to two statutory instruments:

- The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (“the first Brexit SI”).
- The Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (“the second Brexit SI”).

The first Brexit SI and the second Brexit SI made various amendments to legislation dealing with environmental impact assessment and town and country planning to ensure that the statute book remains operable following the UK’s exit from the EU, and addressed deficiencies in domestic legislation arising from EU Exit. The first Brexit SI also made minor amendments to existing legislation deriving from EU requirements.

The amendments made by these Regulations reflect the transition period in Article 127 of the Withdrawal Agreement. References to 31 January 2020, which currently read “exit day”, will be changed to “IP Completion Day” referring to 11pm on 31 December 2020.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd.

The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

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



Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

A draft of these Regulations was laid before the Senedd for sifting in accordance with paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018. The Committee agreed that the negative procedure was the appropriate procedure for these Regulations.

Implications arising from exiting the European Union

None.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

1 December 2020

