

SL(6)556 – The Developments of National Significance (Wales) (Amendment) Regulations 2024

Background and Purpose

Section 62D of the Town and Country Planning Act 1990 (“the 1990 Act”) provides that applications for planning permission for a development of national significance are to be made to the Welsh Ministers instead of to the local planning authority.

Paragraph 1 of Schedule 4D to the 1990 Act provides that, unless a direction is given otherwise under paragraph 9, specified functions of the Welsh Ministers in respect of an application (or a proposed application) for planning permission for a development of national significance are to be exercised by a person appointed to do so on their behalf.

The specified functions are prescribed in the Developments of National Significance (Wales) Regulations 2016 (“the 2016 Regulations”). In particular, regulation 11A of the 2016 Regulations prescribes specified functions in respect of the determination of applications for the installation of overhead electric lines.

The Developments of National Significance (Wales) (Amendment) Regulations 2024 (“the Regulations”) amend regulation 11A of the 2016 Regulations so that the functions prescribed in that regulation are also exercised by an appointed person in relation to the determination of applications for the construction, alteration or extension of electricity generating stations, where the installed generating capacity, or the increase in installed generating capacity, is expected to be below 50 megawatts.

The Regulations also make consequential and transitional provision.

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.

These Regulations are linked to [the Developments of National Significance \(Fees\) \(Wales\) \(Amendment\) Regulations 2024](#) (“the 2024 Fees Regulations”), which were debated and approved by the Senedd on 10 December 2024.

The Committee’s [report](#) on the 2024 Fees Regulations noted, among other matters, that scrutiny was made more difficult because both sets of Regulations had not been laid before the Senedd at the same time. The Welsh Government had provided a composite Explanatory Memorandum for both sets of Regulations, explaining that these Regulations would only be made and laid after the Senedd had approved the 2024 Fees Regulations.

In response to the Committee’s report, the Welsh Government laid these Regulations earlier than originally intended, and in advance of the Senedd debate on the 2024 Fees Regulations.

The Welsh Government also withdrew and re-laid the composite Explanatory Memorandum, which now provides at paragraph 2.1:

In response to the Legislation, Justice and Constitution Committee's report on the Developments of National Significance (Fees) (Wales) (Amendment) Regulations 2024, the Developments of National Significance (Wales) (Amendment) Regulations 2024 have been laid earlier than originally intended. It is the intention that both sets of Regulations will be come into force on 6 January 2025.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

16 December 2024

