Wales Act 2017

2017 CHAPTER 4

PART 2

LEGISLATIVE AND EXECUTIVE COMPETENCE: FURTHER PROVISION

Planning for electricity generating stations

41 Safety zones around renewable energy installations

(1) Section 95 of the Energy Act 2004 (safety zones around renewable energy installations) is amended as set out in subsections (2) to (5).

(2) In subsection (1A)—

(a) for "means the Scottish Ministers" substitute "means—

(a) the Scottish Ministers";

(b) paragraphs (a) to (c) are renumbered sub-paragraphs (i) to (iii);

(c) in sub-paragraphs (ii) and (iii) (as renumbered), for "paragraph (a)" substitute "sub-paragraph (i)";

(d) before "and otherwise" insert—

"(b) the Welsh Ministers, in relation to a renewable energy installation which has, or will have, a capacity of 350 megawatts or less and—

(i) which is to be or is in an area of Welsh waters, and is not being proposed to be extended outside those areas,

(ii) to which sub-paragraph (i) has ceased to apply because of an extension or proposed extension, if subsection (1D) applies, or

(iii) to the extent that it is to be or is in an area of Welsh waters, if sub-paragraph (i) has ceased to apply because of an extension or proposed extension, and subsection (1D) does not apply,".

(3) After subsection (1C) insert—

"(1D) This subsection applies if there is an agreement in force between the Secretary of State and the Welsh Ministers providing for the Welsh Ministers to be the appropriate Minister in relation to the whole of the installation.

(1E) Where subsection (1D) applies, the Welsh Ministers must consult the Secretary of State about the exercise of their functions as the appropriate Minister."

(4) After subsection (4A) insert—

"(4B) Before issuing a notice under this section which relates, wholly or partly, to Welsh waters, the Secretary of State must consult the Welsh Ministers.

(4C) Before issuing a notice under this section which relates, wholly or partly, to an area outside Welsh waters, the Welsh Ministers must consult the Secretary of State."

(5) In section 96 of that Act (prohibited activities in safety zones), in subsection (8)(a), after "the Secretary of State" insert "or the Welsh Ministers".

(6) In section 104 of that Act (interpretation of Chapter 2 of Part 2), at the end of subsection (1) insert—

""Welsh waters" means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Wales, and the Welsh zone;

"Welsh zone" has the meaning given in section 158 of the Government of Wales Act 2006."