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WELSH STATUTORY INSTRUMENTS

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**2016 No. 53**

**The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016**

**PART 2**

Developments of national significance: specified criteria

**Railways**

**9.—(1)** The construction of a railway is within regulation 3(1)(f) only if the railway (when constructed)—

- (a) is wholly or partly in Wales (subject to paragraph (2)),
- (b) is part of a network operated by an approved operator, and
- (c) includes a stretch of track that is a continuous length of more than two kilometres;

subject to paragraph (5).

(2) In the case of a railway that (when constructed) is partly in Wales, the construction of the railway is within regulation 3(1)(f) only to the extent that a continuous length of more than two kilometres of track is in Wales.

(3) The alteration of a railway is within regulation 3(1)(f) only if —

- (a) the part of the railway to be altered is wholly or partly in Wales (subject to paragraph (4)),
- (b) the railway is part of a network operated by an approved operator, and
- (c) the alteration of the railway includes laying a stretch of track that is of a continuous length of more than two kilometres;

subject to paragraph (5).

(4) In the case of a railway that (when altered) is partly in Wales the alteration of the railway is within regulation 3(1)(f) only to the extent that the length of the altered track in Wales is of a continuous length of more than two kilometres.

(5) Construction or alteration of a railway is not within regulation 3(1)(f) to the extent that the railway forms part (or will when constructed form part) of a rail freight interchange.

(6) In this regulation—

“altered track” (“*trac addasedig*”) includes additional, replacement or deviated track;

“approved operator” (“*gweithredwr cymeradwy*”) means a person who—

- (a) is authorised to be the operator of a network by a licence granted under section 8 of the Railways Act 1993(1) (licences for operation of railway assets), or
- (b) is a wholly-owned subsidiary of a company which is such a person.

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(1) 1993 c. 43. Section 8 was amended by: section 216 of, and paragraphs 1 and 4 of Schedule 17 to, the Transport Act 2000 (c. 38); section 16 of, and paragraphs 1 and 3 of Schedule 2 to, the Railways and Transport Safety Act 2003 (c. 20); and by sections 1 and 59 of, and paragraph 3 of Part 1 of Schedule 1, and Part 1 of Schedule 13 to, the Railways Act 2005 (c. 14).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“network” (“*rhwydwaith*”) has the meaning given by section 83(1) of the Railways Act 1993<sup>(2)</sup>;

“railway” means—

- (a) a railway;
- (b) a tramway; or
- (c) a transport system which uses another mode of guided transport but which is not a trolley vehicle system;

“wholly-owned subsidiary” (“*is-gwmni ym mherchnogaeth lwyr*”) has the meaning given by the Companies Act 2006<sup>(3)</sup>.

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(2) There are amendments to section 83(1) not relevant to this regulation.  
(3) 2006 c. 46. See section 1159.