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WELSH STATUTORY INSTRUMENTS

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**2019 No. 299 (W. 76)**

**TOWN AND COUNTRY PLANNING, WALES**

**The Town and Country Planning (Environmental Impact Assessment) (Wales) (Amendment) Regulations 2019**

<i>Made</i>	- - - -	<i>18 February 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>20 February 2019</i>
<i>Coming into force</i>	- -	<i>1 April 2019</i>

The Welsh Ministers, being designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, insofar as it concerns town and country planning(2), in exercise of the powers conferred by that section and by section 71A of the Town and Country Planning Act 1990(3), make the following Regulations.

**Title, commencement and interpretation**

1.—(1) The title of these Regulations is the Town and Country Planning (Environmental Impact Assessment) (Wales) (Amendment) Regulations 2019.

(2) These Regulations come into force on 1 April 2019.

(3) In these Regulations “the 2017 Regulations” means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017(4).

**Amendment of the 2017 Regulations**

2.—(1) The 2017 Regulations are amended as follows.

(2) In regulation 65—

(a) in paragraph (1), for “(2) to (8)” substitute “(2), (7) and (8)”;

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- (1) 1972 c. 68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
- (2) S.I. 2007/1679. See article 4.
- (3) 1990 c. 8. Section 71A was inserted by section 15 of the Planning and Compensation Act 1991 (c. 34). The functions of the Secretary of State under the Town and Country Planning Act 1990 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for that Act. Those functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant Assembly functions as defined in paragraph 30(2).
- (4) S.I. 2017/567 (W. 136), amended by S.I. 2017/1012 and S.I. 2018/1216 (W. 249).

(b) for paragraphs (2) to (6) substitute—

“(2) The 2016 Regulations continue to have effect where before 16 May 2017—

(a) the applicant or appellant submitted an environmental statement or requested a scoping opinion in respect of the development; or

(b) in respect of—

(i) local development orders;

(ii) section 97 orders;

(iii) section 102 orders; or

(iv) action under section 141 of the 1990 Act,

the local planning authority, the initiating body or the applicant prepared an environmental statement or a scoping opinion or requested a scoping direction in connection with that order or action.”;

(c) in paragraph (9), for “(2) to (8)” substitute “(2), (7) and (8)”.

(3) In paragraph 1 of Schedule 2, in the appropriate place insert—

““electric line” (“*llinell drydan*”) has the meaning given in section 64(1) of the Electricity Act 1989(5).”

(4) In the table in paragraph 2 of Schedule 2, at the end of subject 3 (Energy industry) insert—

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“(k) Transmission of electrical energy by Development to provide an electric line overhead cables.	installed above ground with a nominal voltage of 132 kilovolts.”
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18 February 2019

*Julie James*  
Minister for Housing and Local Government,  
one of the Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations substitute the saving and transitional provisions in paragraphs (2) to (6) of regulation 65 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (“the 2017 Regulations”).

These Regulations also amend Schedule 2 to the 2017 Regulations to add the installation of certain overhead electric lines. The effect of this amendment is that an environmental impact assessment may need to be undertaken in respect of such development before planning permission is granted.

The Welsh Ministers’ Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.