

# SL(5)348 – The Developments of National Significance (Wales) (Amendment) Regulations 2019

## Background and Purpose

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These Regulations amend the Developments of National Significance (Wales) Regulations 2016 (the “2016 Regulations”), in relation to the determination of applications for planning permission for the installation of overhead electric lines.

The installation of overhead lines with a nominal voltage of 132KV or less and which are associated with devolved Welsh generating station constitutes development of national significance (“DNS”), by virtue of the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (S.I. 2016/53, W.23) (the “2016 Regulations”), as amended.

Paragraph 1 of Schedule 4D to the Town and Country Planning Act 1990 allows specified functions of the Welsh Ministers, in relation to DNS, to be undertaken by an appointed person.

Regulation 2(3) inserts a new regulation 11A into the 2016 Regulations, to prescribe specified functions in respect of overhead electric lines.

Regulation 2(5) inserts a new regulation 18A, which makes provision for a report by the appointed person after an application is considered on the basis of written representations. This new regulation also allows a hearing or inquiry to be held if the appointed person has considered new evidence or matters of fact.

Regulation 2(6) inserts a new regulation 28A, which makes provision for applications considered by way of a hearing, and also applies to applications dealt with by way of an inquiry.

These Regulations also make further consequential amendments to the 2016 Regulations.

## Procedure

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Negative.

## Technical Scrutiny

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One point is identified for reporting under Standing Order 21.2 in respect of this instrument.

### **Standing order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts**

Regulation 2(13)(b) of the Regulations inserts a new paragraph 8A into Schedule 1 of the 2016 Regulations. The Welsh text of the Regulations provides should read “fel petai” in new paragraph 8A instead of “fel a ganlyn”. The English text reads “as if”.

The same issue occurs again in Regulation 2(14)(b), which inserts a new paragraph (8) into Schedule 8 of the 2016 Regulations. In new paragraph (8) again, “fel a ganlyn” should read “fel petai”. The English text reads “as if”.

## Merits Scrutiny

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No points are identified for reporting under Standing Order 21.3 in respect of this instrument.



## Implications arising from exiting the European Union

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No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

### Government Response

As stated in the Committee's report, regulation 2(13)(b) inserts a new paragraph 8A into Schedule 1 of the Developments of National Significance (Wales) Regulations 2016. The wording used in the new paragraph 8A mirrors that used in Schedule 1, where "fel a ganlyn" has been used in the Welsh text to convey "as if" in the English text, where appropriate.

Similarly, regulation 2(14)(b) inserts a new paragraph (8) into Schedule 8 of the 2016 Regulations. The wording used in the new paragraph (8) mirrors that used in Schedule 8, where "fel a ganlyn" has been used in the Welsh text to convey "as if" in the English text, where appropriate.

Although "fel a ganlyn" is not a literal translation of "as if", it performs the same function in context, and has been used in these instances for the sake of consistency and ease of expression.

For these reasons, the reporting point is not accepted.

### Committee Consideration

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The Committee considered the instrument along with the Government response at its meeting on 18 March and reports to the Assembly in line with the technical reporting points identified.

