

**2024 No. 1256 (W. 210)**

**TOWN AND COUNTRY  
PLANNING, WALES**

**The Developments of National  
Significance (Wales) (Amendment)  
Regulations 2024**

**EXPLANATORY NOTE**

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

Paragraph 1 of Schedule 4D to the Town and Country Planning Act 1990 enables specified functions of the Welsh Ministers in respect of an application (or proposed application) for planning permission for development of national significance to be undertaken by a person appointed to do so on their behalf (“an appointed person”).

Regulation 11 of the Developments of National Significance (Wales) Regulations 2016 prescribes specified functions to be undertaken by an appointed person.

Regulation 11A of the same Regulations prescribes additional specified functions to be undertaken by an appointed person in respect of the determination of applications for the installation of overhead electric lines.

These Regulations amend regulation 11A so that the additional functions prescribed in that regulation are also exercised 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.

These Regulations also make consequential amendments and include transitional provision.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these

Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

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*Made* 28 November 2024

*Laid before Senedd Cymru* 2 December 2024

*Coming into force* 6 January 2025

The Welsh Ministers, in exercise of the powers conferred on them by paragraph 1 of Schedule 4D to, and section 333(2A) and (2B) of, the Town and Country Planning Act 1990<sup>(1)</sup>, make the following Regulations.

**Title and coming into force**

1. The title of these Regulations is the Developments of National Significance (Wales) (Amendment) Regulations 2024 and they come into force on 6 January 2025.

**Amendments to the Developments of National  
Significance (Wales) Regulations 2016**

2.—(1) The Developments of National Significance (Wales) Regulations 2016<sup>(2)</sup> are amended as follows.

(2) In regulation 11A—

(a) the existing provision becomes paragraph (1);

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(1) 1990 c. 8. Section 333(2A) was inserted by paragraph 14(2) of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5) and section 333(2B) was inserted by section 130(1)(a) of the Levelling-up and Regeneration Act 2023 (“the 2023 Act”). Schedule 4D was inserted by paragraph 1 of Schedule 3 to the Planning (Wales) Act 2015 (anaw 4) and paragraph 1 of Schedule 4D was amended by section 130(3)(i) of the 2023 Act.

(2) S.I. 2016/56 (W. 26), amended by S.I. 2019/288 (W. 67). There are other amendments, but they are not relevant.

(b) in that paragraph, for the words from “regulation 3(1)(ab)” to “2016” substitute “paragraph (2)—”;

(c) after that paragraph insert—

“(2) Development is within this paragraph if it is—

(a) within regulation 3(1)(a) or (aa) of the 2016 Regulations and—

(i) in the case of the construction of either a generating station or an onshore wind generating station, the generating station or the onshore wind generating station is expected to have, when constructed, an installed generating capacity of less than 50 megawatts, or

(ii) in the case of the extension or alteration of either a generating station or an onshore wind generating station, the extension or alteration is expected to increase the installed generating capacity by less than 50 megawatts; or

(b) within regulation 3(1)(ab) (installation of an electric line above ground) of the 2016 Regulations.

(3) In this regulation—

“the 2016 Regulations” (“*Rheoliadau 2016*”) means the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016;

“generating station” (“*gorsaf gynhyrchu*”), “installed generating capacity” (“*gallu cynhyrchu gosodedig*”) and “onshore wind generating station” (“*gorsaf cynhyrchu trydan o ynni'r gwynt ar y tir*”) have the meanings given in regulation 4(3) of the 2016 Regulations.”;

(d) in the heading, for “electric lines” substitute “determination by an appointed person”.

(3) In the heading of regulation 18A, for “electric lines” substitute “determination by an appointed person”.

(4) In regulation 40(1)(b), for “regulation 11A(a)” substitute “regulation 11A(1)(a)”.

(5) In paragraph 1(3A) of Schedule 8, for “electric lines” substitute “determination by an appointed person”.

### **Transitional provision**

3. The amendments made by these Regulations do not apply in relation to applications where the Welsh Ministers have received a report under regulation 18 or 28 of the Developments of National Significance (Wales) Regulations 2016, including under regulation 28 as applied by regulation 30(3) of those Regulations, before these Regulations come into force.

*Rebecca Evans*

Cabinet Secretary for Economy, Energy and Planning,  
one of the Welsh Ministers

28 November 2024