

*Draft Regulations laid before Senedd Cymru under section 333(3E) of the Town and Country Planning Act 1990, for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2024 No. (W.)**

**TOWN AND COUNTRY  
PLANNING, WALES**

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

**EXPLANATORY NOTE**

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

Under paragraph 1 of Schedule 4D to the Town and Country Planning Act 1990 (“TCPA 1990”), specified functions of the Welsh Ministers in respect of an application (or proposed application) for planning permission for development of national significance may be undertaken by a person appointed to do so on their behalf (“an appointed person”). Under paragraph 9 of that Schedule, the Welsh Ministers may direct that functions specified in the direction are to be exercised by them instead of by an appointed person in relation to an application.

These Regulations amend regulation 12 of the Developments of National Significance (Fees) (Wales) Regulations 2016 so that a fee under that regulation for the determination of an application for planning permission for electricity generating projects below 50 megawatts is only payable where that determination is made by the Welsh Ministers, instead of by an appointed person, as a result of a direction under paragraph 9 of Schedule 4D to the TCPA 1990.

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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**The Developments of National  
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*Made*

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*Coming into force*

*6 January 2025*

The Welsh Ministers, in exercise of the powers conferred on them by sections 303(1B)(a) and (5) and 333(2A) of the Town and Country Planning Act 1990(1), make the following Regulations.

In accordance with section 333(3E) of the Town and Country Planning Act 1990(2), a draft of this instrument has been laid before, and approved by a resolution of, Senedd Cymru.

**Title and coming into force**

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

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- (1) 1990 c. 8. Section 303 was substituted by section 199 of the Planning Act 2008 (c. 29), subsection (1B) was inserted by paragraph 18 of Schedule 4 to the Planning (Wales) Act 2015 (anaw 4) (“the 2015 Act”). Section 333(2A) was inserted by paragraph 14(2) of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5).
- (2) Section 333(3E) was inserted by paragraph 3 of Schedule 7 to the 2015 Act.

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

2. Regulation 12 of the Developments of National Significance (Fees) (Wales) Regulations 2016(1) is amended as follows—

- (a) in paragraph (1A), for the words from “regulation 3(1)(ab)” to “2016” substitute “paragraph (1B)”;
- (b) after paragraph (1A) insert—

“(1B) 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.”;
- (c) for paragraph 10 substitute—

“(10) In this regulation—

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

“determining an application” (*“penderfynu cais”*) includes determination of any secondary consents connected with the application where the decision on those consents is to be made by the Welsh Ministers;

“generating station” (*“gorsaf gynhyrchu”*), “installed generating capacity” (*“gallu cynhyrchu gosodedig”*) and “onshore wind generating station” (*“gorsaf cynhyrchu*

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(1) 2016/57 (W. 27). Regulation 12 was amended by S.I. 2019/283 (W. 65).

*trydan o ynni'r gwynt ar y tir*") have the meanings given in regulation 4(3) of the 2016 Regulations."

*Name*

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

Date