
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about applications to the Welsh Ministers to vary consents for the construction, extension and operation of certain offshore electricity generating stations in Welsh waters that have been granted under section 36 of the Electricity Act 1989 (“the 1989 Act” and such consents “section 36 consents”).

Under section 36C of the 1989 Act the person for the time being entitled to the benefit of the section 36 consent may, from 1 April 2019, apply to the Welsh Ministers for that consent to be varied where it relates to a generating station (or proposed generating station) in Welsh waters that does not or will not when constructed or extended exceed 350 megawatts.

“Welsh waters” means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Wales, and the Welsh zone (within the meaning of the Government of Wales Act 2006).

These Regulations make provision about—

- (a) what must be included in or accompany a variation application;
- (b) notification and publicity requirements;
- (c) when public inquiries are to be held;
- (d) the withdrawal of variation applications; and
- (e) extending the time allowed for a given step under these Regulations.

The Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 are revoked so far as they apply to an application to the Welsh Ministers under section 36C of the 1989 Act.

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.

Changes to legislation:

There are currently no known outstanding effects for the The Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019.