
WELSH STATUTORY INSTRUMENTS

2019 No. 245

**The Environmental Assessment of Plans and Programmes
and the Environmental Impact Assessment (Miscellaneous
Amendments) (Wales) (EU Exit) Regulations 2019**

**The Town and Country Planning (Environmental Impact Assessment) (Undetermined
Reviews of Old Mineral Permissions) (Wales) Regulations 2009**

3.—(1) The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009⁽¹⁾ are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) for ““the Directive” (“y Gyfarwyddeb”) means Council [Directive 85/337/EEC](#)” substitute ““the Directive” (“y Gyfarwyddeb”) means [Directive 2011/92/EU](#) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment as adopted on 13 December 2011⁽²⁾”; and

(ii) in the definition of “sensitive area”, in paragraph (h), for “regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994” substitute “regulation 8 of the Conservation of Habitats and Species Regulations 2017⁽³⁾”; and

(b) in paragraph (7), after “Council Directive” insert “(other than the Directive)”.

(3) In regulation 9(1)—

(a) for “The Welsh Ministers” substitute “Without prejudice to regulation 52, the Welsh Ministers”; and

(b) omit the words from “in accordance with” to the end.

(4) In Schedule 1—

(a) in paragraph 2(c)(v)—

(i) after “Member States’ legislation” insert “or the legislation of any part of the UK”;

(ii) for “by Member States pursuant to” substitute “under EU-derived domestic legislation which transposed”; and

(iii) after “Council [Directive 79/409/EEC](#) on the conservation of wild birds” insert “or [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds”; and

(b) in paragraph 2(c)(vi), for “EU legislation” substitute “retained EU law”.

⁽¹⁾ [S.I. 2009/3342 \(W. 293\)](#), amended by [S.I. 2013/755 \(W. 90\)](#) and [S.I. 2016/58 \(W. 28\)](#).

⁽²⁾ O.J. L 26, 28.1.2012, p. 1.

⁽³⁾ [S.I. 2017/1012](#), amended by [S.I.2018/1307](#).