

Updated Government response to CLAC report on the Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

We recently submitted a response to the Committee in relation to the above Regulations. This is an updated response.

In our original response to the Committee, we addressed the second technical point which the Committee made in their report. The point was raised under SO 21.2(v) that the form of words needed further explanation. The Committee was concerned that phrases such as “any provision of retained EU law which implemented...” was unclear and unhelpful to the reader. We accepted this point and committed to making the necessary changes to the Regulations by way of a further amending SI.

However, following further consideration of the amendments to be made and upon advice received from the SI Registrar at TNA, we now consider it to be appropriate to make the relevant corrections via a corrected re-print of S.I. 2019/456 (W.109). The corrected re-print would insert footnotes into the relevant places in the Regulations pointing the relevant provisions of retained EU law being referred to. A footnote would be added to Regulations 5(3)(a), 5(4)(a) and 5(7)(a) to direct the reader to The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 which implemented Directive 2011/92/EU (defined as “the EIA Directive” in the Regulations). A further footnote will be added to Regulation 5(6) directing the reader to the Planning (Hazardous Substances) (Wales) Regulations 2015 which implemented Directive 2012/18/EU (defined as “the Directive” in the Regulations).

It should be noted that both an amending SI or in this case, a corrected re-print, would achieve the desired outcome of greater clarity to help the reader. The re-printed WSI will be provided free of charge to all known recipients of the original published copy.