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**Changes to legislation:** Wales Act 2017, Paragraph 8 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 7

#### TRANSITIONAL PROVISIONS

##### *Development consent for generating stations*

- 8 (1) The amendments made by sections 39 to 42 and paragraphs 47, 50 and 51 of Schedule 6 do not apply in relation to the determination of an application that is made before the date on which section 39 of this Act comes into force.
- (2) For the purposes of paragraph (1)—
- (a) an application under section 37 of the Planning Act 2008 is not made until its acceptance has been notified to the applicant under section 55 of that Act;
  - (b) an application under section 36 of the Electricity Act 1989 is not made until the requirements in paragraph 1(1) of Schedule 8 to that Act (as modified by paragraph 7A(3) of that Schedule) are met;
  - (c) an application under section 36C of the Electricity Act 1989 is not made until the appropriate authority (as defined in section 36C(6)) has given notice under regulation 4(6) of the Electricity Generating Stations (Variation of Consent) (England and Wales) Regulations 2013 (S.I. 2013/648).
- (3) Schedule 6 to the Planning Act 2008 has effect in relation to orders granting development consent for devolved Welsh generating stations as if—
- (a) references to the Secretary of State were references to the Welsh Ministers;
  - (b) the following were omitted—
    - (i) paragraph 2(11);
    - (ii) paragraph 3(5A);
    - (iii) paragraph 4(9);
    - (iv) the references to the Lands Tribunal for Scotland in paragraphs 6(6)(a) and 7(3)(d).
- (4) In this paragraph ““devolved Welsh generating station”” means a generating station that—
- (a) is in Wales and—
    - (i) generates electricity from wind, or
    - (ii) has a capacity of 350 megawatts or less; or
  - (b) is in waters adjacent to Wales up to the seaward limits of the territorial sea or in the Welsh zone (within the meaning of the Government of Wales Act 2006), and has a capacity of 350 megawatts or less.

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**Changes and effects yet to be applied to :**

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) [reg. 2](#)[Sch.](#)