

## SCHEDULE 8

### Highways affected by development

#### *Modifications to secondary legislation*

1.—(1) The following provisions of these Regulations, in relation to orders under sections 247(1), 248(2) and 251(1) of the 1990 Act, apply with the following modifications.

(2) For the purpose of regulations 17, 20 and 30, Parts 6, 7 and 8 also apply where the Welsh Ministers have determined not to hold a hearing or inquiry before making an order under section 247, 248 or 251 of the 1990 Act.

(3) The report of the appointed person under regulations 18 (report) and 28 (procedure and report after a hearing) must include, in addition to the appointed person's conclusions and recommendations in relation to the application, a recommendation in relation to an order under section 247, 248 or 251 of the 1990 Act.

[<sup>F1</sup>(3A) The report of the appointed person under regulation 18A (report: electric lines) or regulation 28A (procedure and report after a hearing: determination by an appointed person) must include, in addition to the appointed person's conclusions and determination in relation to the application, a recommendation or decision in relation to an order under section 247 of the 1990 Act.]

(4) Regulation 18(2)(a) is read as if for “persons who submitted written representations” there is substituted “persons who made objections to the making of an order under section 247, 248 or 251 of the 1990 Act”.

(5) Regulation 21(4) is read as if for reference to “the application” there is substituted “proposed order under section 247, 248 or 251 of the 1990 Act”.

(6) Notice under regulation 22(7) must contain in addition those matters listed in section 252(1) of the 1990 Act.

(7) Regulation 28 is read as if—

- (a) in paragraph (3) for “written representations or other document” there is substituted “any objection to the making of an order under section 247, 248 or 251 of the 1990 Act”;
- (b) in paragraph (5)(a) for “submitted written representations” there is substituted “made objections to the making of an order under section 247, 248 or 251 of the 1990 Act”;
- (c) in paragraph (8)(a) for “submitting written representations” there is substituted “making objections to the making of an order under section 247, 248 or 251 of the 1990 Act”.

[<sup>F2</sup>(8) Regulation 28A is read as if—

- (a) in paragraph (4) for “written representations or other document” there is substituted “objection to the making of an order under section 247 of the 1990 Act”;
- (b) in paragraph (5) for “submitted written representations” there is substituted “made objections to the making of an order under section 247 of the 1990 Act”;
- (c) in paragraph (8)(a) for “submitted written representations” there is substituted “made objections to the making of an order under section 247 of the 1990 Act”.]

**F1** Sch. 8 para. 1(3A) inserted (1.4.2019) by [The Developments of National Significance \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/288\)](#), regs. 1, **2(14)(a)**

**F2** Sch. 8 para. 1(8) inserted (1.4.2019) by [The Developments of National Significance \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/288\)](#), regs. 1, **2(14)(b)**

**Changes to legislation:** There are currently no known outstanding effects for the *The Developments of National Significance (Wales) Regulations 2016*, Cross Heading: *Modifications to secondary legislation*. (See end of Document for details)

**Commencement Information**

**II** Sch. 8 para. 1 in force at 1.3.2016, see **reg. 1(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Developments of National Significance (Wales) Regulations 2016, Cross Heading: Modifications to secondary legislation.