

## **Explanatory Memorandum to:**

- 1. The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025**
- 2. The Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025**
- 3. The Infrastructure Consent (Fees) (Wales) Regulations 2025**
- 4. The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025**
- 5. The Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025**

This Explanatory Memorandum has been prepared by the Planning Directorate and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

## **Cabinet Secretary's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025; The Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025; The Infrastructure Consent (Fees) (Wales) Regulations 2025; The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025; and The Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025. I am satisfied that the benefits justify the likely costs.

**Rebecca Evans MS**

**Cabinet Secretary for Economy, Energy and Planning**

**17 June 2025**

## **PART 1**

### **1. Description**

- 1.1 The Infrastructure (Wales) Act 2024 (“the Act”) creates a unified consenting regime for major infrastructure projects in Wales, both on land and in the territorial sea. The statutory instruments which are the subject of this Explanatory Memorandum make provision for pre-application requirements, the making and consulting on an application, the procedure for examining and deciding applications, the compulsory acquisition of land or rights over land, the charging of fees, other miscellaneous matters necessary to ensure the implementation of the Act, and consequential amendments to the Act.

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

- 2.1 None.

### **3. Legislative background**

- 3.1 The Act, which received Royal Assent on 3 June 2024, sets out the legislative framework for a new consenting regime for infrastructure projects.
- 3.2 This Explanatory Memorandum covers five separate statutory instruments; two are subject to the draft affirmative procedure and three are subject to the negative procedure.
- 3.3 The regulations are designed to work together. In particular the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025, the Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025 and Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025 cross refer to each other. The compulsory acquisition regulations provide additional procedures that will apply to applications for infrastructure consent that will authorise the compulsory acquisition of land.
- 3.4 Section 140 of the Act relates to all of the statutory instruments. It makes provisions about the restrictions that apply to any regulations made under the Act or an infrastructure consent order made under the Act. Section 140(1) and (2) provide clarity that regulations made under the specified sections are able to include provision that would require consent of, or consultation with, the appropriate UK Government Minister under the specified paragraphs of Schedule 7B to the Government of Wales Act

2006. In these regulations, that includes the ability to confer functions on reserved authorities.

- 3.5 Section 140(3) is also relevant to understanding the scope of the regulation and order making powers in the Act which are not covered by section 140(2), and therefore cannot include provision that would otherwise require the consent of, or consultation with, the appropriate UK Government Minister under the specified paragraphs of Schedule 7B.

The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025 (negative procedure)

- 3.6 The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025 are made under sections 29(1)(h), (2), (3) and (5), 30(2) and (3), 32(4) and (5), 34(2)(c), (3) and (5), 35(1)(a), 36(4)(b), 37(4)(b), 60(2)(d), (4)(d) and (6), 62(3)(d), 129(3)(a) and (4), 132(2), 140(2) and (3) and 141(2) of the Act.
- 3.7 Section 29(2), (3) and (5) enables regulations to set out requirements for the notice of proposed application. This includes the form and content of a notice, what information, documents or other material is to accompany a notice, and how and when a notice is to be given. Section 29(1)(h) makes provision for regulations to require any person who proposes to make an application for an infrastructure consent to notify any other persons or a person of a description prescribed in the regulations of their proposed development.
- 3.8 Section 30(2) and (3) enables the Welsh Ministers to set regulations to make provision for, or in connection with, the consultation and publicity required before an application is submitted. This may include matters such as who is to be consulted, how pre-application consultation is to be carried out, responding to a consultation and how prospective applicants must publicise a proposed application.
- 3.9 Section 32(4) enables the Welsh Ministers to make regulations about applications for infrastructure consent, including the form and content of an application, what information, documents or other materials must be included in an application, how applications are processed and the time period for when application must be made.
- 3.10 Section 32(5) specifies that any regulations made under section 32(4) may confer a function, including a function involving the exercise of a discretion, on any person.
- 3.11 Section 34(2)(c), (3) and (5) provides that the Welsh Ministers may specify in regulations any person or description of person who must be given notice of an application, as well as the way the application must be

publicised and the minimum period in which representations may be made.

- 3.12 Section 35 provides the Welsh Ministers with the power to make regulations on the form and content of notices of representations, how they are given, and the timescales for giving them.
- 3.13 Section 36(4)(b) enables regulations to be made specifying the form and content of a local impact report.
- 3.14 Section 37(4)(b) enables regulations to be made specifying the form and content of a marine impact report.
- 3.15 Section 60(2)(d) and (4)(d) provides a power to make regulations to specify any persons who must be notified of a decision by the Welsh Ministers or the examining authority to make an infrastructure consent order or refuse infrastructure consent, other than those already specified in section 60(2) and (4). Section 60(6) allows regulations made under this section to make provision regarding the procedure to be followed if the Welsh Ministers propose to make an infrastructure consent order on terms which are materially different from those proposed in the application.
- 3.16 Section 62(3)(d) enables regulations to be made to specify any person or any person of a specified description who must be provided with a copy of the statement of reasons for deciding to make an infrastructure consent or refuse infrastructure consent, other than those already specified in section 62(3).
- 3.17 Section 129(3) provides the power for regulations to specify a period within which a substantive response must be provided by statutory consultees where they are consulted on an application for infrastructure consent. Section 129(4) provides the power to set requirements on consultation with a public body, including information that is to be provided, the response given and reporting on their compliance with the requirements.
- 3.18 Section 132(2) provides power for regulations to modify or exclude any enactment relating to matters which include the procedure to be followed before a Crown application is made, how a Crown application is made and the process for how decisions on such applications are made.
- 3.19 Section 140 is dealt with in paragraph 3.3 above.
- 3.20 Section 144 provides the power to make regulations to make different provisions for different purposes or different areas and to make incidental, supplementary, consequential, transitional or savings provision.

The Infrastructure Consent (Examination and Decision) (Procedure)  
(Wales) Regulations 2025 (negative procedure)

- 3.21 The Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025 are made under sections 32(4)(e), (5), 40(5) and (6)(a) to (c), 42(4) and (6), 43, 44(1), (2) and (4), 48(6), 60(2)(d), (4)(d) and (6), 62(3), 129(3)(a), (4)(a) and (b), 140(1) and (2) and 141(2) of the Act.
- 3.22 Section 32(4)(e) and (5) enables the Welsh Ministers to make provision about varying an application, including conferring a function involving the exercise of a discretion on any person.
- 3.23 Section 40(5) and (6)(a) to (c) enables the Welsh Ministers to make further provision in regulations for, or in connection with, an examining authority, including appointing members to a panel, allocating functions to persons on a panel and replacing a panel.
- 3.24 Section 42(4) specifies the examining authority must determine the procedure for examining an application before the end of a period specified in regulations. Section 42(6) enables regulations to specify those persons the examining authority must notify of their determination.
- 3.25 Section 43 enables the Welsh Ministers to make regulations with regard to open-floor hearings, including the circumstances in which one may be held and the ability to make any requirement to cause an open floor hearing to be held subject to conditions.
- 3.26 Section 44 provides for regulations to make provision about the procedure to be followed in connection with the examination of an application.
- 3.27 Section 48(6) provides the Welsh Ministers with a power to make regulations about the procedure to be followed where a ministerial authority is considering giving a direction relating to access to evidence at inquiry, as well as what the functions of an appointed representative may be in representing the interests of any person who would be prevented from hearing or inspecting any evidence at an inquiry if a direction is given.
- 3.28 Section 60(2)(d) and (4)(d) provides a power to make regulations to specify any persons who must be notified of a decision by the Welsh Ministers or the examining authority to make an infrastructure consent order or refuse infrastructure consent, other than those already specified in section 60(2) and (4). Section 60(6) allows regulations made under this section to make provision regarding the procedure to be followed if the Welsh Ministers propose to make an infrastructure consent order on terms which are materially different from those proposed in the application.
- 3.29 Section 62(3)(d) enables regulations to be made to specify any person or a person of a specified description who must be provided with a copy of the statement of reasons for deciding to make an infrastructure consent or

refuse infrastructure consent, other than those already specified in section 62(3).

3.30 Section 129(3)(a) enables regulations to specify a period within which a substantive response must be provided by public authorities specified in regulations where they are consulted on an application for infrastructure consent. Section 129(4)(a) and (b) provide the power to set requirements about information that is to be provided to those authorities and the requirements of a substantive response.

3.31 Section 140(1) and (2) is dealt with in paragraph 3.3 above.

3.32 Section 141(2) provides the power to make regulations to make different provision for different purposes or different areas and to make incidental, supplementary, consequential, transitional or saving provision.

The Infrastructure Consent (Fees) (Wales) Regulations 2025 (draft affirmative procedure)

3.33 The Infrastructure Consent (Fees) (Wales) Regulations 2025 are made under sections 124(1),(4), (5) and (6), 141(2)(a) and 144(1)(a) of the Act.

3.34 Section 124 of the Act provides the Welsh Ministers power to make regulations in relation to the charging of fees by a specified public authority for performing an infrastructure consent function and for the provision of an infrastructure consent service. The regulations may confer a function on any person and may provide for the amounts of fees to be calculated by reference to costs incurred in the performance of any infrastructure consent function. Regulations made under section 124 are to be made under the affirmative procedure.

3.35 Section 141(2) provides the power to make regulations to make provision for different purposes or different areas and make incidental, supplementary, consequential, transitional or savings provisions.

3.36 Section 144(1) confers upon the Welsh Ministers a regulation-making power which may be used for the purposes of, in consequence of, or for giving full effect to any provision of the 2024 Act, to make supplementary, incidental or consequential provision and transitional or saving provision.

The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025 (negative procedure)

3.37 The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025 are made under sections 30(2), 32(4) and (5), 34(2)(c), 35(1), 38(3), 39, 44(1) and (2)(a) and (c), 60(2)(d) and (4)(d), 65(4), 72(1) and (2), 140(1) and (2) and 141(2)(a) of the Act and make provision for procedures

where the infrastructure consent will authorise compulsory acquisition of land or rights over land.

- 3.38 Section 30(2) provides the Welsh Ministers with a power to make provision in regulations for, or in connection with, consultations required on a proposed application, including about the person or persons to be consulted and how the consultation is to be carried out.
- 3.39 Section 32(4) enables the Welsh Ministers to make provision about application for infrastructure consent, including about the form and content of an application, how an application is to be made, information, documents or other materials that must be included in an application, processing an application, varying or withdrawing an application, notices relating to applications and the period within which an application must be made and extension of that period. Section 32(5) enables those regulations to confer a function.
- 3.40 Section 34(2)(c) provides that regulations may specify any person or person of a description who must be notified of an application.
- 3.41 Section 35(1) provides the Welsh Ministers with the power to make regulations on notices of accepted applications and notices of publicity and responding to such notices.
- 3.42 Section 38(3) gives a regulation-making power to specify the form of a notice of persons interested in land to which a compulsory acquisition request relates.
- 3.43 Section 39 provides the Welsh Ministers with a regulation-making power to make provision for, and in connection with, consultation by an applicant for infrastructure consent where the application includes a request for the compulsory acquisition of land. The regulations may include detailed provision about the consultation required, including information that is to be provided during the consultation and its timetable.
- 3.44 Section 44(1) and (2)(a) and (c) provides the Welsh Ministers with a power to make regulations about the procedure to be followed in connection with the examination of an application, including the procedure to be followed in connection with a decision and in connection with matters preparatory or subsequent to an inquiry or hearing or to the making of representations in writing.
- 3.45 Section 60(2)(d) and (4)(d) provides a power to make regulations to specify any persons who must be notified of a decision by the Welsh Ministers or the examining authority to make an infrastructure consent order or refuse infrastructure consent, other than those already specified in section 60(2) and (4).

3.46 Section 65(4) enables regulations to specify the procedure in relation to land to which authorisation of compulsory acquisition relates.

3.47 Section 72(1) and (2) provides that regulations must be made by the Welsh Ministers that require a person who has been authorised by an infrastructure consent order to compulsorily acquire land or a person for whose benefit the order authorises the creation of a new right (the “prospective purchaser”) to give, publish or display a “compulsory acquisition notice” and to provide the public with access to a copy of the infrastructure consent order to which the notice relates.

3.48 Section 140 is dealt with in paragraph 3.3 above.

3.49 Section 141(2)(a) provides the power to make regulations to make different provision for different purposes or different areas.

The Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025 (draft affirmative procedure)

3.50 The Infrastructure Consent (Miscellaneous Prescribed Provisions) (Wales) Regulations 2025 are made under sections 22(2)(c), 26, 27(1)(a), (b) and (d), 28(5), 84, 128(6), (7) and (8), 129(4)(c), 131 and 140(2)(a) and 141(2) of the Act.

3.51 Section 22(2)(c) of the Act makes provision for regulations to specify what development may be included in a direction issued by the Welsh Ministers, specifying development as a significant infrastructure project.

3.52 Section 26 of the Act provides the Welsh Ministers powers to make regulations about the procedures relating to directions made under sections 22, 23 and 24 of the Act. These include the time limits for making directions following receipt of a request for a direction, the form of requests for directions, and the persons to be informed about requests for directions.

3.53 Section 27(1)(a), (b) and (d) of the Act provides the Welsh Ministers with a power to make regulations about the provision of pre-application services by the Welsh Ministers, local planning authorities and Natural Resources Wales. These include the circumstances in which pre-application services must be provided and what services must be provided.

3.54 Section 28(5) of the Act provides the Welsh Ministers with the power to make regulations about the form and content of a notice for obtaining information about land interest, how the notice is to be given and the time scale for responding to a notice.

3.55 Section 84 of the Act provides the Welsh Ministers with powers to specify in regulations consents that may be deemed to have been granted and



requirements for consent that may be removed by a provision in an infrastructure consent order.

- 3.56 Section 128(6), (7) and (8) of the Act provides regulation-making powers in respect of maintaining registers by local planning authorities and Natural Resources Wales and the inclusion of documents and information to be held on the registers held by them and the Welsh Ministers.
- 3.57 Section 129(4)(c) provides the Welsh Ministers with the power to make regulations requiring a body consulted in relation to an application for infrastructure consent to provide a report about compliance with the requirement to provide a substantive response to consultation.
- 3.58 Section 131 of the Act specifies that regulations may provide a power for the Welsh Ministers to direct that requirements imposed by, under or by virtue of this Act may be disapplied in a case specified in a direction. Regulations made under this power must specify the requirements that may be dis-applied by direction and also require the Welsh Ministers to publish the direction and lay a statement before Senedd Cymru explaining the effect of the direction and why it was made, should one be made.
- 3.59 Section 140 is dealt with in paragraph 3.3.
- 3.60 Section 141(2) provides the power to make regulations to make different provision for different purposes or different areas and to make supplementary provisions.

#### **4. Purpose and intended effect of the legislation**

- 4.1 The Wales Act 2017 devolved further legislative and executive responsibility for the consenting of energy generating projects, overhead electric lines as well as ports and harbours. As a consequence of the way these powers were devolved, Wales was placed into consenting processes which were not fit for purpose, and in some cases, former consenting processes. Furthermore, Wales no longer had access to a unified and streamlined consenting regime where it concerned energy infrastructure.
- 4.2 To address the above issue, the Infrastructure (Wales) Bill was introduced into the Senedd on 12 June 2023 and became law on 3 June 2024, as it gained Royal Assent. It legislates for a single unified consenting regime for devolved major energy and infrastructure projects in Wales, both on land and in the territorial sea. The Regulations that are the subject of this Explanatory Memorandum are part of a suite of regulations that implement and provide details of the processes required under that Act.
- 4.3 Development in Wales is a significant infrastructure project if it meets the criteria in section 1 of the Act. The consent of the Welsh Ministers is required for development to the extent that the development is or forms part of a significant infrastructure project.

- 4.4 The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025 make provision for pre-application processes and procedures, and the manner in which applications for infrastructure consent in respect of such development are to be dealt with by the Welsh Ministers. They include provision in relation to, among other things, notice, and acceptance of notice, of proposed development, pre-application consultation and publicity, information to be contained in notices, general requirements for applications, validating an application, consulting statutory consultees and other persons, local impact reports, marine impact reports, and the procedure in respect of variation of applications. Transitional provision is made in respect of notice requirements for applications made in the 12 month period beginning the day after the regulations come into force. The Schedule to the Regulations sets out the consultees who must be consulted before the grant of infrastructure consent according to the type of development being applied for. The Schedule distinguishes between statutory consultees who can claim fees and specialist consultees who can't.
- 4.5 Where an application includes a request to compulsorily acquire land or an interest in, or a right over, land, the Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025 makes separate provision which will be relevant to the pre-application and application process.
- 4.6 The Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025 make further provision in relation to an examining authority, preparation for and the examination of applications and post-examination processes. In particular, they make provision in relation to the appointment and functioning of an examining authority, preparation for and managing the examination, the date for making a decision as to the choice of procedure for the examination the conduct of the examination, varying an application, and the procedure after examination, including making decisions and after making decisions. The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025 make separate provision which will be relevant to the procedure for examination of applications which include a request to compulsorily acquire land or an interest in, or a right over, land.
- 4.7 The Infrastructure Consent (Fees) (Wales) Regulations 2025 make provision in relation to the charging of fees by a specified public authority for performing an infrastructure consent function and for the provision of an infrastructure consent service, including fees for providing pre-application services, fees for providing information regarding interests in land and for exercising powers of entry to survey land, fees for making an application and fees payable for providing services other than pre-application services.
- 4.8 The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025 make provision for procedures where the infrastructure consent

order will authorise compulsory acquisition of land or rights over land. The matters specified and the requirements set out in these Regulations are in addition to any contained in other regulations that implement the Act. In particular, they set out the procedures to be followed before an application for infrastructure consent is submitted, the procedures that must be followed when submitting and validating an application, the procedures for varying an application to include land not initially included, procedures about representations, the procedure for determining the examination procedure and the procedures that must take place after an infrastructure consent order that includes provision authorising compulsory acquisition of land is made.

- 4.9 In relation to applications which include a request to compulsorily acquire land or an interest in, or a right over, land, there are requirements which are additional to those in the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025. Throughout the application process there are additional requirements to give various notices to anybody with an interest in the land to which the compulsory acquisition request relates or any part of that land. During pre-application, where additional persons are identified, the submission of the application is extended to enable consultation with those persons. There are also additional requirements that an application for infrastructure consent must contain, including a book of reference and information relating to the request for compulsory acquisition.
- 4.10 In relation to the examination of applications which include a request to compulsorily acquire land or an interest in, or a right over, land, there are requirements which are additional to those in the Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025. They are requirements to hold a meeting before determining the examination procedure, as to people who must be invited to make oral representations and as to people who must be notified of decisions on applications and the reasons for them. There are also different requirements as to the date for determination of the procedure for examination and to ensure that representations validly made by people with an interest in an application which is varied to include a request for compulsory acquisition are considered.
- 4.11 A request for compulsory acquisition is not relevant to all applications. As a distinct process it is subject to separate procedures. Therefore procedures for a compulsory acquisition of land or rights over it, where they are not applicable to applications without compulsory acquisition, have been included as separate provisions in the Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025.
- 4.12 The Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025 make provision for miscellaneous matters that ensure the purpose of the Act is appropriately implemented. The matters specified and the requirements set out in these Regulations are in addition to any contained in other regulations that implement the Act. The

Regulations make provision in respect of requests for directions to be given under the Act, obtaining information about land interests, disapplying requirements of the Act, annual reports and statutory consultees, requests for pre-application services, validation of such requests, provision of pre-application services, pre-application meetings, registers of pre-application services and applications for infrastructure consent, and removing consent requirements and deeming consents. They also list the projects that may be directed to be significant infrastructure projects.

- 4.13 The Regulations covered by this Explanatory Memorandum will come into force on the 15 December 2025. Note, the Infrastructure (Wales) Act 2024 (Commencement No. 1) Order 2025 brings into force specified provisions of the Act on 15 December. Two further sets of regulations will be made to implement the Act relating to consequential and transitional provisions, and in respect of changing and revoking an infrastructure consent order.

## **5. Consultation**

- 5.1 Following the passing of the Act at Stage 4 on 16 April 2024, two short consultation papers were issued in May 2024 to seek evidence on pre-application consultation and fees within the new regime. The Government response to those consultations were published in September 2024.

- 5.2 The consultation documents and summaries of responses are available at:

[Infrastructure \(Wales\) Bill: requirements for pre-application consultation | GOV.WALES](#)

[Infrastructure \(Wales\) Bill: fees for functions and services | GOV.WALES](#)

- 5.3 The evidence received in those consultations fed into a main consultation on the implementation of the whole Act. The main consultation ran from 19 September 2024 to 13 December 2024 on the implementation of the Act. The consultation was drawn to the attention of a wide audience of key stakeholders. Seventy-two responses were received to the consultation which have been analysed.

- 5.4 Broadly respondents were supportive of the proposals for the subordinate legislation. In response to the consultation amendments have been made. These include the expansion of the list regarding project types which may be directed as a SIP; requirements for statutory consultees to provide a reasoned justification where new matters are made post-submission, where those matters were not addressed at the pre-application stage; a reduction in the trigger for holding an open-floor hearing reduced from 10 to 1.

- 5.5 The consultation document and a summary of the responses are available at:

<https://www.gov.wales/implementing-infrastructure-wales-act-2024>

5.6 The Welsh Ministers have consulted with the Information Commissioner as required by Article 36(4) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (United Kingdom General Data Protection Regulation) in relation to –

- The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025;
- The Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025;
- The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025;
- The Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025.

## **PART 2 – REGULATORY IMPACT ASSESSMENT**

### **Summary**

1. A Regulatory Impact Assessment (RIA) has been completed for the subordinate legislation provisions deriving from the Infrastructure (Wales) Act (“the Act”) and it follows below.
2. There are no specific provisions in the regulations which charge expenditure on the Welsh Consolidated Fund.
3. This RIA follows on from the RIA and supporting Methodology Paper prepared for the Act, evidencing costs to different stakeholders for various options in respect of infrastructure consenting. Those documents can be found here:
  - Infrastructure (Wales) Act Explanatory Memorandum Regulatory Impact Assessment (EMRIA), see pages 55 to 108 for the RIA: <https://senedd.wales/media/zhxnxhxq/pri-ld15880-em-e.pdf>
  - Infrastructure (Wales) Act Regulatory Impact Assessment (RIA) Methodology Paper: <https://business.senedd.wales/documents/s137490/Regulatory%20Impact%20Assessment%20RIA%20Methodology%20Paper%20-%2012%20June%202023.pdf>
4. In terms of the approach for evidencing costs in this RIA, the costs to various stakeholders for a new infrastructure consenting process prescribed by the Act and the various regulations that sit underneath it update those costs evidenced in the RIA for the Act. This is because the broad principles of what a new consenting process will mean in terms of costs to various stakeholders have remained constant; for example processing of applications by the Welsh Government.
5. For the purposes of this RIA, updated costs have been included that are not rounded where an explanation has been provided on how they have been updated from the costs provided in the Act’s RIA. However, in terms of the summary tables evidencing total costs, those figures have been rounded to the nearest 100. Some figures may therefore not sum due to rounding.

### **Updates to key assumptions from the RIA provided for the Infrastructure (Wales) Act**

6. The RIA for the regulations reflects updated costs where applicable. Key assumptions are provided below.

Updates to key assumptions from Act's RIA – historic data on application numbers

7. The costs identified to various stakeholders in the Act's RIA were based upon historic data for infrastructure consent applications submitted under the various current consenting regimes over the period 2013 to 2022. We have supplemented that data by an additional 2 years' of data on infrastructure applications submitted to PEDW over the period 1 April 2022 to 1 April 2024. This provides a more robust picture of likely applications per year under the new consenting process.
8. In summary, this additional data on application numbers has shown the following:
  - An additional 23 historic infrastructure applications have been identified from 1 April 2022 to 1 April 2024.
  - This results in a total of (54 applications for period 2013 to 2022 + 23 applications for period 2022 to 2024) 77 historic infrastructure applications over the assessment period. **This equates to a total of 7 projects per year if continuing with current consenting regimes.**
  - Of the 77 applications, it is considered there would be 49 applications that would be determined under a new infrastructure consenting process. This excludes those that are considered would be determined by local planning authorities and where potential applications would be merged under a new regime. **This equates to a total of (49 / 11-year assessment period) 4.5 projects per year to be determined under a new consenting process.**

Updates to key assumptions from Act's RIA – historic data on applications to be determined by local planning authorities (LPAs) under a new consenting process

9. To inform developer and LPA costs, an assessment was undertaken on those applications which would be determined by LPAs instead of the Welsh Ministers if a new consenting process were implemented.
10. By updating our review of historic applications, we have revised our assumptions on how many applications LPAs would receive per year. In doing so, we have reviewed the applications data for the entire 11-year assessment period. We have revisited our assessments on the number of LPA determinations as a result of updated evidence in implementing the Act where it is considered an increased number of lower threshold applications for infrastructure consent are likely to be determined by LPAs. We estimate that of the total historic applications over the 11-year assessment period, 22 in total would be determined by LPAs. **This equates to a total of 2 projects per year to be determined by LPAs rather than the Welsh Ministers under a new consenting process.**

Updates to key assumptions from Act's RIA – costs for involvement of particular stakeholders, taking into account revised wages and inflation

11. The costs to various stakeholders have been updated from the Act's RIA to account for increased costs for individuals, as a result of uplifts to staff costs and inflation. Further information on those uplifts is provided in the sections on costs for the options detailed below.

Updates to key assumptions from Act's RIA – costs reflecting an approach that will allow for full cost recovery to certain stakeholders

12. The regulations enable statutory consultees and LPAs to recover costs for providing a service or function under the Act. These include matters such as responding to consultation or attendance at a hearing. The intention of the provision is that consultees are able to achieve full cost recovery for their involvement in the consenting of major infrastructure.
13. During discussion on the implementation of the subordinate legislation, bodies able to charge indicated that while they would set a charging system, this is not likely to cover the provision of all services or functions under the Act. They indicated this was either due to alternative funding arrangements being in place, or that it would not be proportionate to charge for these services in relation to cost recovery. On this basis we estimate that 80 percent of costs to statutory consultees and LPAs would be recovered.

## Options

14. Two options are taken forward as part of this RIA. The first option (Option 1) is to 'do nothing' and continue with current disparate consenting regimes. The second option (Option 2) is for implementation of the new consenting process prescribed by the Act. As the Act was passed by the Senedd, this is considered to be the only alternative option to continuing with infrastructure consenting regimes as they currently operate.
15. Summary tables of the set-up costs (where applicable) and ongoing costs to stakeholders for each option are provided below, with further detail on updates to costs from the Act's RIA provided in the sections that follow. A detailed breakdown of the set-up and ongoing costs for both options is provided at **Annex 1**.

<b>Table A – Transitional costs for each of the various options (where applicable)</b>		
Stakeholder	Option 1	Option 2
Welsh Government	N/A	£412,000
LPAs	N/A	£34,200
Developers	N/A	£3,500
Communities	N/A	£0
Statutory Consultees	N/A	£0



<b>Table B – Net recurrent costs per annum (further additional costs shown in red are provided for information purposes as these costs are expected to be reimbursed, for example through payment of fees)</b>		
Stakeholder	Option 1	Option 2
Welsh Government	£55,700 (£675,100 reimbursed)	£0 (£509,700 reimbursed)
LPAs	£34,300 (£41,600 reimbursed)	£12,200 (£48,800 reimbursed)
Developers	£5,801,600	£4,764,300
Communities	Unknown	Unknown
Statutory Consultees	£51,700	£9,400 (£37,700 reimbursed)

## Costs and Benefits

### Option 1 – Description

16. This option is the same as Option 1 of the Act's RIA. Under this option there would be no changes to existing consenting regimes. There are no additional costs or benefits associated with this option. This option would retain a fragmented consenting regime which does not provide the one-stop shop the development industry seeks.

### Option 1 – Set-up Costs (for all stakeholders)

17. Set-up costs are not applicable to this option as there would be no changes to existing consenting regimes.

### Option 1 – Ongoing Costs – Net per annum (for all stakeholders)

18. A summary table of the net Option 1 costs to the identified stakeholders is provided below. These costs are discussed in more detail in the sections that follow.

<b>Table C – Summary of net Option 1 costs per annum to the identified stakeholders (further additional costs shown in red are provided for information purposes as these costs are expected to be reimbursed, for example through payment of fees)</b>						
Stakeholder	DNS	Generating stations under Electricity Act	Harbours Act Order	Highways Act Order	Transport and Works Act Order	Total costs per annum
Welsh Government	£0 (£417,700 reimbursed)	£0 (£39,000 reimbursed)	£36,200	£0 (£218,400 reimbursed)	£19,500	£55,700 (£675,100 reimbursed)
LPAs	£26,300 (£41,600 reimbursed)	£900	£2,200	£4,500	£400	£34,300 (£41,600 reimbursed)
Developers	£4,812,400	£288,500	£195,300	£218,400	£287,000	£5,801,600
Communities	Unknown					
Statutory Consultees	£35,300	£100	£9,500	£1,300	£300	(£46,500 + additional cost of £5,200 to Natural Resources Wales for determining marine licences) £51,700

### **Option 1 – Ongoing Costs – Welsh Government**

19. The costs for the Welsh Government's involvement in disparate consenting regimes have been updated from the Act's RIA to take account of recent updates in data. These changes are covered below.

- **Staff costs**

20. The salary costs for Welsh Government staff and PEDW Inspectors have been updated from 2022-2023 average pay costs by grade to 2024-2025 average pay costs by grade. This data was sourced in January 2025 and is as follows:

2024-25 Welsh Government salary costs (£)*				
Grade	Annual Average Gross Cost	Monthly Average Gross Cost	Hourly Average Gross Cost	Daily Average Gross cost
TS**	39,426	3,286	24.22	179.21
EO	46,764	3,897	28.72	212.56
HEO	59,912	4,993	36.80	272.33
SEO	74,949	6,246	46.04	340.68
G7	97,486	8,124	59.88	443.12
G6	118,147	9,846	72.57	537.03
G7 Inspector***	105,047	8,754	64.52	477.48
G6 Inspector	124,550	10,379	76.50	566.13
Deputy Director	134,380	11,198	82.54	610.82

\* Assumption of 220 working days per year (260 weekdays per year minus 30 days AL minus 10 days privilege days) and 7.4 hours per day.

\*\* 2024-2025 staff costs obtained from the Welsh Government's Finance Team on the 30 Jan 2025.

\*\*\* G7 and G6 Inspector costs based on figures provided from PEDW on the 30 Jan 2025.

- **Updates to application numbers**

21. As stated in the section on 'updates to key assumptions', there were a total of 77 applications over the 11-year period. In terms of consenting regimes those applications fall under, they can be broken down as follows:

- 59 Developments of National Significance (DNS) applications under section 62D of the Town and Country Planning Act 1990;
- 10 Orders under the Highways Act 1980;
- 5 Harbour Revision and Empowerment Orders under the Harbours Act 1964;
- 1 Order under the Transport and Works Act 1992; and

- 2 generating stations under section 36 of the Electricity Act 1989.
22. With regards to DNS applications, those identified as part of the Act's RIA were categorised by their level of complexity<sup>1</sup>. This task has been carried out for those additional DNS applications identified. Therefore, for the total 59 historic DNS applications identified, their complexity can be broken down as follows:
- 23 DNS applications identified as being of low complexity;
  - 29 DNS applications identified as being of medium complexity; and
  - 7 DNS applications identified as being of high complexity.
23. These revised numbers of historic applications, including their complexities in respect of DNS, have informed the assumptions of likely number of applications to come forward in future and, in turn, estimated costs to the Welsh Government if continuing with current consenting regimes.
24. In terms of reimbursed costs to the Welsh Government, if continuing with current consenting regimes, the same position would apply as explained in the Act's RIA, where costs for Transport and Works Orders and Harbour Orders are not reimbursed.

### ***Option 1 – Ongoing Costs – LPAs***

25. LPAs will have the same role under this option as described in the Act's RIA. However the costs for LPA involvement in disparate consenting regimes have been updated from the Act's RIA to take account of recent updates in data. These changes are covered below.
26. In terms of reimbursed costs to local planning authorities for continuing with current infrastructure consenting regimes, the same position would apply as explained in the Act's RIA.
- ***LPA involvement in DNS applications***
27. There will be costs to LPAs for involvement in DNS applications. Details of those costs were provided in the Act's RIA and supporting Methodology Paper at a total of £4,344 per application. These costs were based upon local planning authority data provided for involvement in recent Developments of National Significance applications, based upon their average costs for making representations, preparing and submitting a Local Impact Report and participating in any examination process (hearing or inquiry). They are therefore average costings

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<sup>1</sup> The Act's RIA and supporting Methodology Paper give an explanation on what the different level of complexities are in respect of infrastructure applications.

provided by LPAs for their involvement in historic DNS applications, based on LPA staff time and associated costs for their input.

28. As these costs are based on historic costs of DNS applications LPAs have been involved with over a number of years, it is considered for the purposes of this RIA they would remain broadly the same. Notwithstanding this, to account for potential uplifts to costs for LPA staff time from the time this data was collected (during 2022) to the time frame for publication of this RIA, we have applied inflation to the £4,344 figure at 12.83% to account for anticipated increases in staffing costs from 2022 to 2024. This inflation figure is based on the following data source: Earnings and hours worked, UK region by public and private sector - ASHE Table 2025 - Office for National Statistics (October 2024)<sup>2</sup>. This results in an estimated costs to LPAs for their involvement in DNS applications at £4,902 per application.

- ***Updates to application numbers***

29. As covered in the above section detailing updates to application numbers in respect of costs to the Welsh Government, there have been revisions to the numbers of historic applications. These revised figures have informed the assumptions of the estimated costs to local planning authorities if continuing with current consenting regimes.

### ***Option 1 – Ongoing Costs – The Development Industry***

30. The development industry has the same role under this option as described in the Act's RIA. However the costs for developer involvement in disparate consenting regimes have been updated from the Act's RIA to take account of recent updates in data. These changes are covered below.

- ***General costs for developer involvement in the infrastructure consenting process***

31. The majority of developer costs for involvement in the infrastructure consenting process are taken from a report prepared by Arup Planning Consultants in 2019<sup>3</sup>. The reasons for doing so and why these costs are not adjusted is set out in the Act RIA and supporting Methodology Paper.
32. Costs for highways orders are slightly different as these have been based on determination costs by the Welsh Government only, therefore uplifts have been applied to these costs to revise Welsh Government staff costs to 2024-2025 figures. These revised costs will be the equivalent of determining a high complexity DNS application at £214,652, plus a revised figure for involvement of Welsh Government highways team in

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<sup>2</sup> [Earnings and hours worked, UK region by public and private sector: ASHE Table 25 - Office for National Statistics](#)

<sup>3</sup> [Research into the Cost of Infrastructure development in Wales, Arup, March 2019](#)

the process at £25,642, totalling £240,294 per highways order application.

- ***Updates to application numbers***

33. As covered in the above section detailing updates to application numbers in respect of costs to the Welsh Government, there have been revisions to the numbers of historic applications. These revised figures have informed the assumptions of likely number of applications to come forward in future and, in turn, estimated costs to the development industry if continuing with current consenting regimes.

### ***Option 1 – Ongoing Costs – The Community***

34. The position on costs to the community and the rationale for it remains the same as described in the Act RIA, outlining that these costs are unknown.

### ***Option 1 – Ongoing Costs – Statutory Consultees***

35. Statutory consultees have the same role under this option as described in the Act's RIA. However the costs for statutory consultee in disparate consenting regimes have been updated from the Act's RIA to take account of recent updates in data. These changes are covered below.

- ***General costs for statutory consultee involvement in the infrastructure consenting process***

36. The majority of statutory consultee costs for involvement in the infrastructure consenting process are taken from a report prepared by Arup Planning Consultants in 2019<sup>4</sup>. The reasons for doing so and why these costs are not adjusted is set out in the Act RIA and supporting Methodology Paper.

- ***Marine licencing costs***

37. The costs to Natural Resources Wales (NRW) for determining marine licences are evidenced in the Act's RIA, based on 3 applications taken over a 9-year period at a total cost of £4,564 per annum. These costs were supplied by NRW in early 2023 and are based on NRW staff involvement in those applications. To account for potential uplifts to costs for NRW staff time from the time period of this data to the time frame for publication of this RIA, we have applied inflation to the £4,564 figure at 12.83% to account for anticipated increases in staffing costs from 2022 to 2024. This results in a revised costs to NRW for marine licencing at a total of £5,150 per annum. This inflation figure is based on the following data source: Earnings and hours worked, UK region by

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<sup>4</sup> [Research into the Cost of Infrastructure development in Wales, Arup, March 2019](#)

public and private sector - ASHE Table 2025 - Office for National Statistics (October 2024)<sup>5</sup>.

- **Updates to application numbers**

38. As covered in the above section detailing updates to application numbers in respect of costs to the Welsh Government, there have been revisions to the numbers of historic applications. These revised figures have informed the assumptions of likely number of applications to come forward in future and, in turn, estimated costs to statutory consultees if continuing with current consenting regimes.

### **Option 1 – Benefits**

39. The benefits of this option are the same as outlined under Option 1 of the Act's RIA.

### **Option 2 – Description**

40. This option is the same as Option 2 of the Act's RIA. This option introduces a new consenting process for infrastructure development in Wales. It would provide for a consistent, transparent and certain process which strengthens the role of local communities and streamlines decision making to improve the current standards of service.

41. Under this option, infrastructure consent applications would be determined by the Welsh Ministers following recommendation by an appointed PEDW Inspector. PEDW would undertake administrative duties associated with an application. PEDW currently operate as a non Ministerial division of the Welsh Government and this institutional arrangement would remain under Option 2.

42. The infrastructure consent would comprise of a 'one stop shop' for infrastructure projects captured by the relevant thresholds, thereby enabling other authorisations or licences necessary to be obtained at the same time and form part of the same consent. This will provide a consistent and administratively efficient process for determining major energy, waste, water and transportation infrastructure in Wales.

### **Option 2 – Set-up Costs**

43. There will be costs under this option for various stakeholders from transitioning from the old disparate consenting regimes to the new consenting process. Those costs are the same as covered in the Act's RIA, however there have been some updates to reflect more recent data. A summary table of those transitional costs to various stakeholders under Option 2 is provided below. A descriptive of those costs, in terms

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<sup>5</sup> [Earnings and hours worked, UK region by public and private sector: ASHE Table 25 - Office for National Statistics](#)

of where costs to certain stakeholders have been updated from the costs provided in the Act's RIA, is provided in the sections that follow.

<b>Table D – Transition costs for Option 2</b>	
<b>Stakeholder</b>	<b>Costs</b>
Welsh Government	£412,000 (comprising of £330,000 cost for new case management and IT systems, £47,600 for training and dissemination and £34,400 for one off guidance on the new consenting procedure).
LPAs	£34,200
Developers	£3,500
Communities	£0
Statutory Consultees	£0

### ***Option 2 – Set-up Costs – Welsh Government***

44. Set-up costs to the Welsh Government for a new consenting process under this option have been updated to reflect updated staff costs and involvement in this process, as follows.

- ***Training and dissemination***

45. The principles of training and dissemination undertaken by the Welsh Government are the same as outlined in the Act's RIA, with Welsh Government planning officials carrying out this task, with PEDW officers attending training events. However, the costs to the Welsh Government have been updated to reflect revised Welsh Government salary costs for 2024-2025 (2024-2025 salary costs for different grades of Welsh Government staff are outlined under Option 1). Revisions to reflect updated 2024-2025 salary costs result in a total cost of £7,881 for Welsh Government planning officials undertaking the training and dissemination, with a further cost of £39,715 to PEDW officials for attendance at training events. This results in a total cost to the Welsh Government for training and dissemination on the new consenting process of £47,596.

- ***One-off guidance***

46. In terms of costs for preparing guidance, the principles are the same as outlined in the Act's RIA with regards to the involvement of Welsh Government planning staff for writing the guidance, with it considered there will be 15 guidance documents in total. As with training and dissemination events, these costs have been updated to reflect revised Welsh Government salary costs for 2024-2025 (2024-2025 salary costs for different grades of Welsh Government staff are outlined under Option 1). Revisions to reflect updated 2024-2025 salary costs result in a total



cost of £13,958 for Welsh Government planning staff for writing the guidance.

47. In addition to the above, this RIA includes an additional figure to reflect the costs to the Welsh Government's Translation Team for translating of the guidance documents. We have estimated this cost by making the following assumptions:

- Each guidance document will be between approximately 8,000 to 10,000 words in total<sup>6</sup>.
- On the basis of this word count, each guidance document will take 1 Senior Translator at a HEO grade 5 working days to translate. There are expected to be 15 guidance documents in total.
- Therefore, it will take (15 x 5) 75 days for a Welsh Government translator to translate the guidance documents.

48. Based on the above assumptions, with the salary of a Welsh Government HEO member of staff working out at a daily rate of £272.33 (based on 2024-2025 salary costs as outlined previously), this results in a total cost to the Welsh Government of (£272.33 x 75) £20,425 for translation of the guidance documents.

49. In conclusion, costs to the Welsh Government for the guidance will be £13,958 for its preparation and £20,425 for its translation, resulting in a total cost of £34,383.

- **IT costs**

50. IT costs remain unchanged from the Act's RIA at £330,000 as the Welsh Government's budget for IT to support the new consenting process has remained at this figure.

## **Option 2 – Set-up Costs – LPAs**

51. Set-up costs for LPAs under this option are the same as for the Act's RIA. Set-up costs only apply to LPAs for LPA officers attending training events on the new consenting process.

52. The figures outlined in the Act's RIA for LPA officers attending training events were based on LPA staff costs in 2022. Therefore, as those figures were taken for 2022, they have been updated to 2024 prices. This has been done by applying a 12.83% uprate figure to the £30,266 figure outlined in the Act's RIA for LPA training. The 12.83% uprate figure is the percentage change for gross hourly pay in the public sector for 2022 to 2024, based on the following data source: Earnings and

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<sup>6</sup> This estimated word count is a conservative estimate, based on the number of words contained in similar guidance documents prescribed under the equivalent infrastructure consenting process by the UK Government and likely maximum word counts for each document.

hours worked, UK region by public and private sector - ASHE Table 2025 - Office for National Statistics (October 2024)<sup>7</sup>.

53. Updating the LPA training costs to reflect staff earnings in 2024 results in a total set-up cost to LPAs under this option of (£30,266 + (12.83% of £30,266) £34,150.

### ***Option 2 – Set-up Costs – The Development Industry***

54. Set-up costs for the development industry under this option are the same as for the Act's RIA. Set-up costs only apply to the development industry for their attendance at training events on the new consenting process.
55. The figures outlined in the Act's RIA for the development industry attending training events were based on their hourly rate for attendance in 2022. Therefore, as those figures were taken for 2022, they have been updated to 2024 prices. This has been done by applying a 14.63% uprate figure to the £3,030 figure outlined in the Act's RIA for the development industry attending training events. The 14.63% uprate figure is the percentage change for gross hourly pay in the private sector for 2022 to 2024, based on the following data source: Earnings and hours worked, UK region by public and private sector - ASHE Table 2025 - Office for National Statistics (October 2024)<sup>8</sup>.
56. Updating the costs to the development industry for attendance at training events to reflect their hourly rate in 2024 results in a total set-up cost to the development industry under this option of (£3,030 + (14.63% of £3,030) £3,473. This figure is based on an assumption of 20 different industry bodies attending training events, with 2 people representing each body at those events.

### ***Option 2 – Set-up Costs – Statutory Consultees***

57. As evidenced in the Act's RIA, there are expected to be no notable set-up costs to statutory consultees for a new consenting process. It is recognised a few individuals on behalf of statutory consultees may attend training events to be provided for LPAs and the development industry on the new process. However, it is considered those costs would be very minimal and would likely be subsumed into costs evidenced for attendance of LPAs at those events. For instance, it is recognised not all LPAs are likely to take up the offer of training where they may have limited interest in the process. This could be due to location of the authority in question and the limited opportunity for infrastructure projects that would apply to this regime to come forward in that location. Therefore, no set-up costs to statutory consultees for this option have been applied to this RIA.

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<sup>7</sup> [Earnings and hours worked, UK region by public and private sector: ASHE Table 25 - Office for National Statistics](#)

<sup>8</sup> [Earnings and hours worked, UK region by public and private sector: ASHE Table 25 - Office for National Statistics](#)

## **Option 2 – Ongoing Costs – Net per annum (for all stakeholders)**

58. A summary table of the net Option 2 costs to the identified stakeholders is provided below. These costs are discussed in more detail in the sections that follow.

<b>Table E – Summary of net Option 2 costs per annum to the identified stakeholders (2025-26 to 2028-29)</b> <i>(further additional costs shown in red are provided for information purposes as these costs are expected to be reimbursed, for example through payment of fees)</i>	
Stakeholder	Costs
Welsh Government	£0 (£509,700 reimbursed)
LPAs	£12,200 (£48,800 reimbursed)
Developers	£4,764,300
Communities	Unknown
Statutory Consultees	£9,400 (£37,700 reimbursed)

## **Option 2 – Ongoing Costs – Welsh Government**

59. The costs for the Welsh Government's involvement in a new infrastructure consenting process have been updated from the Act's RIA to take account of recent updates in data. These changes are covered below.

60. In terms of reimbursed costs to the Welsh Government for the implementation of a new infrastructure consenting process, the same position would apply as explained in the Act's RIA where all costs would be reimbursed.

- **Staff costs**

61. Changes in staff costs to the Welsh Government are the same as outlined under Option 1, where salary costs for Welsh Government staff (including PEDW Inspectors) have been updated from 2022-2023 average pay costs by grade to 2024-2025 average pay costs by grade. For further information on those updated salary costs for 2024-2025, please refer to Option 1.

- **Updates to application numbers**

62. As stated in the section on 'updates to key assumptions', the applications data has been updated from the Act's RIA, which represents a total of 77 applications over the 11-year period. 49 of those applications would be determined under a new infrastructure consenting process, at an estimated 4.5 projects per year.

63. Those applications identified that would come forward under a new infrastructure consenting process are categorised by their level of complexity<sup>9</sup>. Therefore, for the total 49 applications identified that would come forward under a new consenting process, their complexity can be broken down as follows:

- 10 applications that would be determined under a new infrastructure consenting process as being of low complexity;
- 23 applications that would be determined under a new infrastructure consenting process as being of medium complexity; and
- 16 applications that would be determined under a new infrastructure consenting process as being of high complexity.

64. Those revised numbers of applications including their complexities have informed the assumptions of likely numbers of applications to come forward under a new infrastructure consenting process in future, as provided for under this option. In turn, these numbers have informed estimated costs to the Welsh Government for the determination of infrastructure applications under a new consenting process.

### ***Option 2 – Ongoing Costs – LPA***

65. LPAs will have the same role under this option as described in the Act's RIA. However the costs for LPA involvement in a new infrastructure consenting process have been updated from the Act's RIA to take account of recent updates in data. These changes are covered below.

66. In terms of reimbursed costs to local planning authorities for the implementation of a new infrastructure consenting process, the same position would apply as explained in the Act's RIA.

- ***LPA determination of applications as a result of a new infrastructure consenting process***

67. The Act's RIA and supporting Methodology Paper identifies a total of 4 infrastructure applications that would be determined by LPAs as a result of a new infrastructure consenting process. This is due to their type and qualifying as infrastructure projects which would not likely be directed under the new process for the Welsh Ministers' determination.

68. As stated in the section on 'updates to key assumptions', 22 applications would be determined by LPAs under a new consenting process, at a total of (22 / 11-year assessment period) 2 projects per year.

69. The Act's RIA and supporting Methodology Paper evidence the cost per application for determining those applications falling outside of the new

consenting process would be £2,300. This figure is based on fees prescribed under the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 (SI 2015/1522). Those fee regulations still apply, therefore it is considered those costs would remain unchanged.

70. On the basis of a revised assessment of 2 infrastructure applications per year to be determined by LPAs as a result of a new infrastructure consenting process under this option, it is considered costs to LPAs under this option for the determination of those applications would be (2 x £2,300) £4,600 per year.

- ***Updates to application numbers and costs for LPA involvement in applications to come forward under a new infrastructure consenting process***

71. As stated in the section on 'updates to key assumptions', there have been revisions to the numbers of historic applications.

72. Further, as covered under option 1, the costs for LPA involvement in DNS applications has been revised to £4,902 per annum. As was the case for the Act's RIA, it is considered those costs would be reflective of costs for their involvement in applications to come forward under a new infrastructure consenting process.

73. In turn, these assumptions on numbers of applications and revised costs to LPAs per application for their involvement have resulted in overall revised estimated costs to LPAs for their involvement in applications to come forward under a new consenting process.

- ***Reimbursed costs***

74. As explained in the section on 'updates to key assumptions', we expect 80 percent of LPA costs to be reimbursed under a new process. Therefore in this RIA we have updated the costs for LPAs under this option to be a net cost of (a fifth of total cost of £60,957) £12,191 per annum which is not reimbursed.

## ***Option 2 – Ongoing Costs – The Development Industry***

75. The development industry has the same role under this option as described in the Act's RIA. However the costs for developer involvement in a new infrastructure consenting process have been updated from the Act's RIA to take account of recent updates in data. These changes are covered below.

76. To note, developer costs for involvement in a new infrastructure consenting process are taken from a report prepared by Arup Planning

Consultants in 2019<sup>10</sup>. The reasons for doing so and why these costs are not adjusted is set out in the Act RIA and supporting Methodology Paper.

- ***Updates to application numbers***

77. As covered in the section on ‘updates to key assumptions’, there have been revisions to the numbers of historic applications. These revised figures have informed the assumptions of likely number of applications to come forward in future and their complexities. In turn, this has resulted in revised estimated costs to the development industry if a new infrastructure consenting process is implemented.

### ***Option 2 – Ongoing Costs – The Community***

78. The position on costs to the community and the rationale for it remains the same as described in the Act RIA, outlining that these costs are unknown.

### ***Option 2 – Ongoing Costs – Statutory Consultees***

79. Statutory consultees have the same role under this option as described in the Act’s RIA. However the costs for statutory consultee in a new infrastructure consenting process have been updated from the Act’s RIA to take account of recent updates in data. These changes are covered below.

- ***General costs for statutory consultee involvement in the infrastructure consenting process***

80. The majority of statutory consultee costs for involvement in a new infrastructure consenting process are taken from a report prepared by Arup Planning Consultants in 2019<sup>11</sup>. The reasons for doing so and why these costs are not adjusted is set out in the Act RIA and supporting Methodology Paper.

- ***Marine licencing costs***

81. Following on from the Act’s RIA, there is recognition of the costs that will apply to Natural Resources Wales in the new consenting process for the preparation of a Marine Impact Report in respect of infrastructure applications in the territorial sea. We have updated evidence on those costs which are expected to be £10,424 per annum, based on anticipated fees for their preparation. Based on historic data evidencing 4 marine applications over a 9 year period (as evidenced in the Act’s RIA), we anticipate total costs for Natural Resources Wales to prepare a

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<sup>10</sup> [Research into the Cost of Infrastructure development in Wales, Arup, March 2019](#)

<sup>11</sup> [Research into the Cost of Infrastructure development in Wales, Arup, March 2019](#)

Marine Impact Report of (£10,424<sup>12</sup> x 4 / 9) £4,633 per annum. This cost has been added to the ongoing costs per annum for statutory consultees under this option.

- ***Updates to application numbers***

82. As covered in the section on ‘updates to key assumptions’, there have been revisions to the numbers of historic applications. These revised figures have informed the assumptions of likely number of applications to come forward in future and their complexities. In turn, this has resulted in revised estimated costs to statutory consultees if a new infrastructure consenting process is implemented.

- ***Reimbursed costs***

83. As explained in the section on ‘updates to key assumptions’, we expect 80 percent of statutory consultee costs to be reimbursed under a new process. Therefore in this RIA we have updated the costs for statutory consultees under this option to be a net cost of (a fifth of total cost of £47,104) £9,421 per annum which is not reimbursed.

## ***Option 2 – Benefits***

84. The benefits of this option are the same as outlined under Option 2 of the Act’s RIA.

## ***Future policy considerations not costed in RIA – recovery of costs as part of infrastructure consenting***

85. The consultation “Promoting a resilient and high performing planning service”<sup>13</sup> closed on the 17 January and the responses received are currently being considered. The consultation includes proposals to increase planning applications fees (including a pathway to full cost recovery), together with proposals for improving the capacity and resilience of planning services. These changes would apply in respect of both options outlined in this RIA for current and new infrastructure consenting processes. We are not reflecting these changes in the RIA as the changes do not come into effect at the time of this RIA being published.

## ***Summary and Preferred Option***

86. As for the Act’s RIA, Option 2 for the implementation of a new infrastructure consenting process remains the preferred option as it offers a number of quantifiable benefits which are outlined in detail in the Act’s RIA. It is recognised there are some initial set-up costs for Option 2 in comparison to Option 1, but it is considered these initial costs would

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<sup>12</sup> Cost based on Local Impact Report figure plus inflation

<sup>13</sup> [Promoting a resilient and high performing planning service | GOV.WALES](#)

be offset by the long-term savings that would be provided by a streamlined consenting regime.

87. Summary tables of the net set-up and ongoing costs for both options are provided below. Costs have increased slightly in most cases under the preferred option in reflection of factors outlined in this RIA, including inflation and increased staff costs for implementation of a new consenting process. However, the costs under the preferred option still represent a saving in comparison to Option 1.

<b>Table F – Set-up net costs for each of the various options (where applicable)</b>		
Stakeholder	Option 1	Option 2
Welsh Government	N/A	£412,000
LPAs	N/A	£34,200
Developers	N/A	£3,500
Communities	N/A	£0
Statutory Consultees	N/A	£0

<b>Table G – Ongoing net costs per annum (red figures indicate reimbursed costs)</b>		
Stakeholder	Option 1	Option 2
Welsh Government	£55,700 (£675,100 reimbursed)	£0 (£509,700 reimbursed)
LPAs	£34,300 (£41,600 reimbursed)	£12,200 (£48,800 reimbursed)
Developers	£5,801,600	£4,764,300
Communities	Unknown	Unknown
Statutory Consultees	£51,700	£9,400 (£37,700 reimbursed)

88. With regards to timings for when these costs are expected to incur, the Act's RIA outlines that for the preferred option, set-up costs are to take place over 2024-2025, with ongoing costs to stakeholders for the new infrastructure consenting regime being in force from 2025-2026. These timings were based on all necessary arrangements being in place for the new consenting regime, including the subordinate legislation being fully enacted, by Mid-2025.
89. In response to the recent Welsh Government consultation on the subordinate legislation provisions that will underpin the new consenting



process prescribed by the Infrastructure (Wales) Act<sup>14</sup>, stakeholders identified they need a longer transitional period to familiarise themselves with the new regime, including the regulations. Therefore, to allow a sufficient transitional period for stakeholders to be able to familiarise themselves with the regulations later this year, it is now anticipated the new consenting process will be operational late 2025. Set-up costs for the preferred option are as a result also expected to be enacted during the transitional period in 2025-2026.

90. Therefore in terms of costs and when they will apply for the preferred option, we now anticipate full set-up costs to apply during 2025-2026 (in effect to take up to the end of this calendar year). Having regard to the new consenting process being operational late 2025, only a quarter of the yearly anticipated costs to stakeholders under the preferred option are expected to apply during 2025-2026.
91. As for the Act's RIA, costs for the preferred option are expected to reach a steady state by 2028-2029, therefore no further yearly forecasts of costs are provided as part of this RIA.
92. In accordance with the above, costs to different stakeholders for the two options per annum up to 2028-2029 are provided in the table below.

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<sup>14</sup> The consultation for implementing the Infrastructure (Wales) Act can be found here: [Implementing the Infrastructure \(Wales\) Act 2024 | GOV.WALES](#)

<b>Table H – Total net costs per annum for each of the two options, applied over the appraisal period 2024-25 to 2028-29</b>		
<b>Year</b>	<b>Option 1</b>	<b>Option 2</b>
2024-2025	£0	£0
2025-2026	In order to ensure a fair comparison with Option 2, where a quarter of the costs per annum are expected to apply that calculation has also been made here (£5,943,300 / 4) £1,485,800	£449,600 (set-up costs).  A quarter of the per annum costs to stakeholders for a new regime (£4,785,900 / 4) £1,196,500
2026-2027	£5,943,300	£4,785,900 (ongoing once implemented)
2027-2028	£5,943,300	£4,785,900
2028-2029	£5,943,300	£4,785,900
<b>Total costs applying over period 2024-2025 to 2028-2029</b>	£19,315,900	£16,003,900
<b>Cost compared to Option 1 (do nothing, baseline)</b>	-	£-3,311,900

**Annex 1 – Detailed breakdown of set-up and ongoing costs to stakeholders for both options outlined in this RIA (figures rounded to the nearest 100)**

**Stakeholder**

**Option 1 - Do Nothing**

<b>Welsh Government</b>	<b>Regime</b>	<b># of apps per year</b>	<b>Cost per app</b>	<b>Per annum cost</b>
	DNS - low complexity	2.1	£34,000	£71,000
	DNS - med complexity	2.6	£79,700	£210,100
	DNS - high complexity	0.6	£214,700	£136,600
	Highways Orders	0.9	£240,300	£218,400
	Harbour Orders	0.5	£79,700	£36,200
	Transport and Works Orders	0.1	£214,700	£19,500
	Generating stations under Electricity Act	0.2	£214,700	£39,000
			<b>Total costs per annum</b>	<b>£730,900</b>
			Reimbursed costs (e.g. by fees)	<b>£675,100</b>
			Non-reimbursed costs (Harbour and Transport and Works Orders applications only)	<b>£55,700</b>

**LPA**

Regime	# of apps per year	Cost per app	Per annum cost
DNS (LIR)	5.4	£7,800	£67,900
DNS (LPA general costs)		£4,900	
DNS Total		£12,700	
Highways Orders	0.9	£4,900	£4,500
Harbour Orders	0.5	£4,900	£2,200
Transport and Works Orders	0.1	£4,900	£400
Generating stations under Electricity Act	0.2	£4,900	£900
		Total costs per annum	<b>£75,900</b>
		Reimbursed costs (e.g. by fees)	<b>£41,600</b>
		Non-reimbursed costs	<b>£34,300</b>

**Developers**

Regime	# of apps per year	Cost per app	Per annum cost
DNS	5.4	£897,200	£4,812,400
Highways Orders (determination costs only)	0.9	£240,300	£218,400
Harbour Orders	0.5	£429,700	£195,300

Transport and Works Orders	0.1	£3,156,900	£287,000
Generating stations under Electricity Act	0.2	£1,586,500	£288,500
		Total costs per annum	<b>£5,801,600</b>

<b>Statutory Consultees</b>	Regime	Per annum costs
	DNS	£35,300
	Electricity	£100
	Harbour Orders	£9,500
	Highway Orders	£1,300
	Transport and Works Orders	£300
	Marine Licence (costs to NRW for their determination see below)	£5,200
	Total costs per annum	<b>£51,700</b>

**Total costs Option 1 (excluding reimbursed costs) £5,943,300**

Year	Set-up	Ongoing
2024-25	0	
2025-26	0	£1,485,800
2026-27	0	£5,943,300
2027-28	0	£5,943,300
2028-29	0	£5,943,300
<b>Total for appraisal period</b>	<b>£19,315,900</b>	

**Stakeholder**
**Option 2 - New Consenting Process**
**Welsh  
Government**

Regime	# of apps per year	Cost per app	Per annum cost
WIC - low complexity	0.9	£34,000	£30,900
WIC - med complexity	2.1	£79,700	£166,600
WIC - high complexity	1.5	£214,700	£312,200
Total costs per annum			<b>£509,700</b>
Reimbursed costs (e.g. by fees)			<b>£509,700</b>
Non-reimbursed costs			<b>£0</b>

Set-up	One-off cost
New case management and IT systems	£330,000
IC regime training and dissemination	£47,600
One-off guidance	£34,400
Total set-up costs	<b>£412,000</b>

**LPA**

Regime	# of apps per year	Cost per app	Per annum cost
WIC (LIR)	4.5	£7,800	£56,400
WIC (LPA general costs)		£4,900	
WIC Total		£12,700	

LPA apps rather than DNS	2.00	£2,300	£4,600
Total LPA costs per annum			<b>£61,000</b>
Reimbursed costs (e.g. by fees), update from Act RIA to now account for 80% reimbursement			<b>£48,800</b>
Non-reimbursed costs			<b>£12,200</b>

<b>Set-up</b>	<b>One-off cost</b>
Dissemination/training	<b>£34,200</b>

### *Developers*

<b>Regime</b>	<b># of apps per year</b>	<b>Cost per app</b>	<b>Per annum cost</b>
WIC	3.9	£897,200	£3,507,400
WIC Highways (determination costs only)	0.5	£265,600	£144,900
LPA apps rather than DNS	2.00	£556,000	£1,112,100
Total developer costs per annum			<b>£4,764,300</b>

<b>Set-up</b>	<b>One-off cost</b>
Dissemination/training	<b>£3,500</b>

**Statutory  
Consultees**

<b>Regime</b>	<b>Per annum costs</b>
WIC	£29,300
LPA apps rather than DNS	£13,200
NRW Marine Impact Report	£4,600
<b>Total</b>	<b>£47,100</b>
Expected under a new process assumption of 80% costs to statutory consultees being reimbursed = Net Cost Total	<b>£9,400</b>

Total set-up costs Option 2	£449,600
Total annual ongoing costs Option 2	£4,785,900
<b>Total costs Option 2 (excluding reimbursed costs)</b>	<b>£5,235,500</b>

Year	Set-up	Ongoing
2024-25	0	
2025-26	£449,600	£1,196,500
2026-27	0	£4,785,900
2027-28	0	£4,785,900
2028-29	0	£4,785,900
<b>Total for appraisal period</b>		<b>£16,003,900</b>