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W E L S H   S T A T U T O R Y  
I N S T R U M E N T S

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**2025 No. 692 (W. 116)**

**INFRASTRUCTURE  
PLANNING, WALES**

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

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Infrastructure (Wales) Act 2024 (“the 2024 Act”) establishes a unified application and consenting process to enable making and consideration of applications for infrastructure consent. The process applies to the significant infrastructure projects that are specified in Part 1 of the 2024 Act. Broadly, they are energy, transport, waste and water projects.

Part 2 of the 2024 Act contains the requirement for infrastructure consent. Part 3 of the 2024 Act makes provision about applying for infrastructure consent. Part 4 of the 2024 Act contains provision about appointing an authority to examine applications for infrastructure consent (“the examining authority”) and about particular aspects of the examination process. Part 5 of the 2024 Act contains provisions about deciding applications for infrastructure consent.

The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025 make provision additional to that in the 2024 Act about pre-application requirements and applying for infrastructure consent.

These Regulations deal with the examination procedure which follows an application.

In particular these Regulations make further provision in relation to an examining authority, preparation for and the examination of applications and post-examination processes.

**Part 1** of these Regulations makes general provision.

**Part 2** of these Regulations makes provision in relation to the appointment and functioning of an examining authority. It includes provision about appointing a person or a panel of persons as an examining authority and deals with matters such as the date for appointing them, publicising the appointment and the allocation of functions and decision-making by a panel.

**Part 3** of these Regulations deals with preparation for and managing the examination. It includes provision about the date for making a determination as to the choice of procedure for the examination, preparation of a timetable for the examination and a right to an open-floor hearing in certain circumstances. It also includes provision for publicising practical arrangements for the examination.

**Part 4** of these Regulations makes provision about the conduct of the examination. It includes provision about making further representations, and the conduct of a hearing or local inquiry. That Part also contains provision about virtual hearings and local inquiries, broadcasting hearings and local inquiries, and access to recordings in specified circumstances. It also makes provision about national security directions to restrict access to evidence at a local inquiry, examination management meetings and variation of an application.

**Part 5** contains provisions about the procedure after examination, including making decisions. It includes provision about a report by any assessor appointed to assist the examining authority and proceeding to a report or decision on the basis of representations made within the applicable time limit, or without representations. It also makes provision relating to the contents of reports, the procedure where new evidence or facts emerge and proposals to make a materially different order to the one in the application. It makes provision about notifying people of decisions and reasons and the procedure following the quashing of a decision.

The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025 make supplementary provision which is relevant to these Regulations where an application for infrastructure consent includes a request to authorise compulsory acquisition of land, or of an interest in or right over land. That supplementary provision relates to a requirement for a meeting before determining or varying the procedure for examination, the date for determination of procedure, the timetable for examination, who to invite to make further representations, persons who must be notified of a decision to make or refuse an infrastructure consent order and the reasons for it, and the meanings of “representation period” and “interested party”.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

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

*Made* 14 June 2025

*Laid before Senedd Cymru* 17 June 2025

*Coming into force* 15 December 2025

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SCHEDULE 1	Restricting access to evidence at local inquiry
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The Welsh Ministers, in exercise of the powers conferred on them by 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)(1) and 141(2) of the Infrastructure (Wales) Act 2024(2), make the following Regulations.

## PART 1

### General

#### Title and coming into force

1.—(1) The title of these Regulations is the Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025.

(2) These Regulations come into force on 15 December 2025.

#### Interpretation and giving notices etc

2.—(1) In these Regulations—

“the 2024 Act” (“*Deddf 2024*”) means the Infrastructure (Wales) Act 2024;

“the 2025 Applications Regulations” (“*Rheoliadau Ceisiadau 2025*”) means the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025(3);

“the 2025 Compulsory Acquisition Regulations” (“*Rheoliadau Caffael Gorfodol 2025*”) means the Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025(4);

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- (1) For the meaning of “appropriate Minister” *see* section 140(4) of the Infrastructure (Wales) Act 2024 (asc. 3); *see* section 140(3) otherwise.
- (2) 2024 asc. 3.
- (3) S.I. 2025/690 (W. 114).
- (4) S.I. 2025/691 (W. 115).

“applicant” (*“ceisydd”*) means a person who makes an application for an infrastructure consent order;

“application” (*“cais”*) means an application for infrastructure consent made under section 32 of the 2024 Act and includes any agreed variation;

“determination of procedure” (*“dyfarniad o’r weithdrefn”*) means a determination under section 42(1) or (5) of the 2024 Act;

“development” (*“datblygiad”*) has the meaning in section 133 of the 2024 Act;

“EIA development” (*“datblygiad AEA”*) means activity that—

- (a) is “EIA development” as defined in regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017<sup>(1)</sup>, or
- (b) requires an environmental impact assessment in accordance with regulation 2A or Part 2 of the Marine Works (Environmental Impact Assessment) Regulations 2007<sup>(2)</sup>;

“examining authority” (*“awdurdod archwilio”*) means a person or panel of persons appointed under section 40 of the 2024 Act in respect of a particular application;

“further representations” (*“sylwadau pellach”*) means oral or written representations further to initial written representations;

“further written representations” (*“sylwadau ysgrifenedig pellach”*) means representations on the application that are made in accordance with regulation 19;

“infrastructure consent” (*“cydsyniad seilwaith”*) means the consent required by section 19 of the 2024 Act;

“infrastructure consent order” (*“gorchymyn cydsyniad seilwaith”*) means an order made under the 2024 Act granting infrastructure consent;

“initial written representations” (*“sylwadau ysgrifenedig cychwynnol”*) means representations on the application that were made during the representation period (but this is subject to paragraph (2));

“interested party” (*“parti a chanddo fuddiant”*) means—

- (a) the applicant;

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(1) S.I. 2017/567 (W. 136) to which there are amendments not relevant to these Regulations.

(2) S.I. 2007/1518; relevant amending instruments are S.I. 2011/735, S.I. 2015/446, S.I. 2017/588, S.I. 2019/25.

- (b) any person notified of the application in accordance with section 34(2)(a) or (b) of the 2024 Act;
  - (c) any statutory consultee;
  - (d) any specialist consultee;
  - (e) any other person who made initial written representations in respect of a particular application;
- (but see paragraph (2));

“land” (“*tir*”) includes buildings, monuments and land covered with waters (including the sea bed);

“open floor hearing” (“*gwrandawriad llawr agored*”) has the meaning in section 43(3) of the 2024 Act;

“panel” (“*panel*”) means a panel of persons appointed to examine an application under section 40 of the 2024 Act;

“planning authority” (“*awdurdod cynllunio*”) means the local planning authority within the meaning given by Part 1 of the Town and Country Planning Act 1990<sup>(1)</sup>—

- (a) where an application is for development in Wales, for an area in which the proposed development is located;
- (b) for the area nearest to the area to which the application relates, in the case of an application for development in the Welsh marine area;

“remotely” (“*o bell*”) means by means of—

- (a) a live telephone link,
- (b) a live video link, or
- (c) any other equipment or facility that enables persons who are not in the same place to make representations at the hearing or local inquiry;

“representation” (“*sylw*”) includes evidence;

“representation period” (“*cyfnod ar gyfer sylwadau*”) means the period ending with the deadline specified pursuant to section 34(4) of the 2024 Act in respect of a particular application, as may be extended under section 34(7) of that Act (but this is subject to paragraph (2));

“specialist consultee” (“*ymgynghorai arbenigol*”) has the meaning in regulation 3(2)(b) of the 2025 Applications Regulations;

“statutory consultee” (“*ymgynghorai statudol*”) has the meaning in regulation 3(2)(a) of the 2025 Applications Regulations;

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<sup>(1)</sup> 1990 c. 8.



“timetable” (“*amserlen*”) means a timetable in relation to the application prepared in accordance with regulation 11;

“Wales” (“*Cymru*”) means the combined area of the counties and county boroughs in Wales (see Parts 1 and 2 of Schedule 4 to the Local Government Act 1972<sup>(1)</sup>);

“Welsh marine area” (“*ardal forol Cymru*”) means the sea adjacent to Wales out as far as the seaward boundary of the territorial sea; and the question of which parts of the sea are adjacent to Wales is to be determined in accordance with article 6 of the National Assembly for Wales (Transfer of Functions) Order 1999<sup>(2)</sup>;

“written representations” (“*sylwadau ysgrifenedig*”) means initial written representations and any further written representations.

(2) Where an application has been varied under the 2025 Compulsory Acquisition Regulations to include a request to authorise the compulsory acquisition of land, or of an interest in or right over land, regulation 25 of those Regulations makes different provision as to the meaning of “representation period” in connection with “initial written representations” and of “interested party”.

(3) Where a statutory consultee is consulted under regulation 19(1) (further written representations), 31(5) to (7) and (10) (decision by examining authority: new considerations), 32(5) to (7) and (10) (decision by Welsh Ministers: new considerations), 33 (direction to re-open examination) or 39(2) (procedure following quashing of decision), a substantive response for the purposes of section 129(4)(b) of the 2024 Act is a response which—

- (a) states—
  - (i) the view of the statutory consultee on the question posed by the examining authority, or
  - (ii) that the statutory consultee has no view or nothing further to its previous representations, and
- (b) in the case of consultation under regulation 19, complies with paragraph (4) of that regulation.

(4) See section 136 of the 2024 Act in relation to provision in these Regulations which requires or authorises a person to—

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(1) 1972 c. 70. Part 1 was amended by the Local Government (Wales) Act 1994 (c. 19), section 1(2) and Schedule 1, paragraph 1 and Part 2 was amended by section 1(2) and Schedule 1, paragraph 2 of that Act.

(2) S.I. 1999/672 to which there are amendments not relevant to these Regulations.

- (a) notify another person of something, or
- (b) give a document to another person (whether the provision uses the word “serve”, “give” or other term).

(5) Where a hearing or local inquiry is re-opened under these Regulations or under the 2024 Act, the provisions of these Regulations, except regulation 3, apply as if the hearing or inquiry had not been closed.

## PART 2

### The examining authority

#### **Appointing an examining authority**

3. The Welsh Ministers must exercise their duty under section 40(1) of the 2024 Act (appointing an examining authority for a valid application) before the end of 7 days beginning with the day after the last day of the representation period.

#### **Appointing a panel as an examining authority**

4.—(1) If the Welsh Ministers appoint a panel of persons as the examining authority, it must appoint one of its members to chair the panel.

(2) A change of, or vacancy in, the membership or chair of a panel does not affect—

- (a) the matters done by, or in relation to, the panel before that change;
- (b) the continuing identity of the panel.

#### **Replacing a panel or person as examining authority**

5.—(1) The Welsh Ministers may at any time—

- (a) replace a panel with a person;
- (b) replace a panel with a new panel;
- (c) replace a person with a panel;
- (d) replace a person with a new person.

(2) The replacement examining authority may treat things done by or in relation to the previous examining authority as done, in whole or in part, by or in relation to that new panel.

#### **Notification of examining authority**

6.—(1) The Welsh Ministers must ensure that the applicant and the planning authority are notified of the name and contact details of the examining authority appointed—

- (a) in the case of the first appointment, within 7 days beginning with the date that the appointment is made;

- (b) in the case of any subsequent appointment, as soon as reasonably practicable.

(2) The Welsh Ministers must notify the applicant and the planning authority as soon as reasonably practicable of any change of or to the examining authority.

(3) The person who is the examining authority or the chair of the panel who is the examining authority must announce their appointment, name and the means of contacting them at the start of a hearing or local inquiry.

#### **Allocation of functions by a panel**

7.—(1) This regulation applies when a panel is appointed to examine an application.

(2) The panel may allocate any part of the examination to any of its members.

(3) Where the panel makes an allocation under paragraph (2)—

- (a) anything that is done by, or to, the panel in connection with the allocated part of the examination, may be done by or to the member in question or by the panel, and
- (b) findings and conclusions of the member in question are treated as findings and conclusions of the panel.

(4) Paragraph (3)(b) is subject to any decision of the panel made on or before the allocation, as to the status of any such findings or conclusions.

#### **Decision-making by a panel**

8.—(1) A panel must make decisions in respect of the examination or application by agreement of the majority of its members.

(2) If the members of a panel with an even number of members are unable to reach a decision by agreement of the majority of its members, the chair of the panel has a casting vote.

### **PART 3**

#### **Preparation for, and managing, examination**

##### **Open floor hearings**

9.—(1) The examining authority must hold an open-floor hearing if one or more persons so request, but this is subject to paragraphs (2) and (3).

(2) A request for an open-floor hearing must comply with regulation 24(j) and (k) of the 2025 Applications Regulations.

(3) Paragraph (1) does not apply to a request to the extent that the request relates to representations that are within any description in section 58(1) of the 2024 Act.

### **Determination of procedure**

**10.**—(1) The examining authority must exercise its function under section 42(1) of the 2024 Act (determination of procedure) before the end of 28 days beginning with the day after the last day of the representation period, but this is subject to paragraph (2).

(2) Where an application has been varied under the 2025 Compulsory Acquisition Regulations to include a request to authorise the compulsory acquisition of land, or of an interest in or right over land—

- (a) regulation 22 of those Regulations (meeting about examination procedure) applies, and
- (b) regulation 23 of those Regulations applies as to the date for determination of procedure.

### **Timetable for examination**

**11.**—(1) When the examining authority has made a determination of procedure, it must prepare a timetable for the examination of the application.

(2) The timetable prepared under paragraph (1) must set out—

- (a) the date by which the applicant may comment on any initial written representations that are relevant to the examination of the application,
- (b) the topics on which any further representations are required,
- (c) the persons (if any) who are invited to make further representations on any matter,
- (d) which of any further representations are to be made in writing, at a hearing or at a local inquiry,
- (e) the date by which any further written representations must be made,
- (f) the date by which the applicant may comment in writing on any further written representations that are relevant to the examination of the application,
- (g) the date by which any person who has requested to make representations at an open-floor hearing must confirm to the examining authority that they intend to attend the open floor hearing,
- (h) the date by which the examining authority intends to report under either section 52 of the

2024 Act (report to the Welsh Ministers) or regulation 31(2) (decision report), and

- (i) any other date that the examining authority considers appropriate in order to manage the examination efficiently.

(3) The examining authority may vary the timetable at any time before an application is decided under Part 5 of the 2024 Act, if it considers it necessary or appropriate.

(4) Where an application has been varied under the 2025 Compulsory Acquisition Regulations to include a request to authorise the compulsory acquisition of land, or of an interest in or right over land, this regulation is subject to—

- (a) regulation 24(1) of the 2025 Compulsory Acquisition Regulations (additional requirements as to the timetable), and
- (b) regulation 24(2) (inviting persons to make further representations).

#### **Notification of choice of procedure and timetable**

**12.**—(1) The examining authority must notify the following of any determination of procedure and the timetable or a variation of a timetable—

- (a) the applicant,
- (b) the planning authority, and
- (c) any other person who is invited to make further representations.

(2) The examining authority may notify any other person they consider appropriate of any determination of procedure and the timetable or a variation of a timetable.

(3) The examining authority must give the notification required by this regulation as soon as reasonably practicable and in any event within the period of 5 working days, beginning with the day after the determination of procedure is made.

#### **Timing and location of, and participation in, hearing or local inquiry**

**13.**—(1) This regulation applies where the examining authority determines that an application is to be examined, in whole or in part, at a hearing or local inquiry.

(2) The examining authority is to decide who to invite to make further representations at a hearing or local inquiry, but—

- (a) must invite the applicant to do so;
- (b) in the case of persons who requested an open floor hearing, those persons and the applicant

are entitled to make representations at such a hearing.

(3) Where an application has been varied to include a request to authorise the compulsory acquisition of land, or of an interest in or right over land, see also regulation 24(2) of the 2025 Compulsory Acquisition Regulations (inviting persons to make further representations).

(4) The examining authority is to decide—

- (a) where and when to hold the hearing or local inquiry;
- (b) whether to hold it (or any part of it) remotely.

(5) To the extent that a hearing or local inquiry is held other than wholly or partly remotely, the examining authority must have regard to the desirability of holding it as close as possible to the location of the development to which the application relates.

(6) The examining authority must begin a hearing or local inquiry no later than 10 weeks beginning with the day after the end of the representation period, unless—

- (a) the applicant agrees otherwise, or
- (b) paragraph (7) applies.

(7) This paragraph applies where any of the following has occurred—

- (a) the Welsh Ministers have accepted a variation of the application under regulation 31 of the 2025 Applications Regulations,
- (b) the examining authority—
  - (i) has made a determination that the application is to be examined on the basis of the application and any written representations, and
  - (ii) makes a further determination under section 42(5) of the 2024 Act,
- (c) the examining authority has decided that the hearing or local inquiry will not take place wholly remotely and a suitable venue cannot be secured at a date to comply with paragraph (6), or
- (d) the examining authority has decided that further written representations under regulation 19 are necessary before the hearing or local inquiry can begin, and they cannot reasonably be provided in time to comply with paragraph (6).

(8) Where paragraph (7) applies, the examining authority must begin the hearing or local inquiry as soon as reasonably practicable after the period referred to in paragraph (6).

(9) The appointed person must give the following at least 6 weeks' notice in writing of the date, start time and any location of the hearing or local inquiry—

- (a) the applicant,
- (b) the planning authority,
- (c) any person invited to make representations at a hearing or local inquiry, and
- (d) any other person that the examining authority considers appropriate.

#### **Publicity for hearing or local inquiry**

**14.**—(1) This regulation applies where the examining authority determine that an application is to be examined by way of hearing or local inquiry.

(2) The applicant must publish in a notice in a newspaper circulating in the locality of the land to which the application relates—

- (a) a description of the application,
- (b) a description of the location of the land,
- (c) the date and time of the hearing or local inquiry,
- (d) the place of the hearing or local inquiry,
- (e) details of any arrangements for broadcasting the hearing or local inquiry,
- (f) the topics to be examined at the hearing or local inquiry,
- (g) details of a place in the locality where the application and initial written representations can be inspected at all reasonable hours, and
- (h) the address of the website where the application and initial written representations can be found.

(3) The applicant must comply with paragraph (2) no later than 4 weeks before the first day of the hearing or local inquiry.

(4) The applicant must display a notice containing the information in paragraph (2) in a conspicuous place on or near the land to which the application relates, for at least 4 weeks before the first day of the hearing or local inquiry.

(5) If the application relates to linear development in Wales that is more than 5km in length, the notice referred to in paragraph (4) must be displayed at intervals of not more than 5km unless it is impracticable to do so.

(6) Where a notice referred to in paragraph (4) is, without the fault of the applicant, removed, obscured or defaced before the end of the 4 weeks, the applicant is treated as having complied with that paragraph if it has taken reasonable steps for the protection of the notice, and, if necessary, its replacement.

(7) The applicant must as soon as reasonably practicable—

- (a) send a copy of the notice published under paragraph (2) to the examining authority, and
- (b) confirm to the examining authority that it has displayed the notice required by paragraph (4) and provide a photograph of that notice in place.

(8) If the application relates to development in the Welsh marine area, references in this regulation to the land to which the application relates are to be read as references to the land in Wales nearest the development to which the application relates.

### **Written statements of evidence**

**15.**—(1) This regulation applies if any person invited to make further representations at an inquiry proposes to give, or to call another person to give, evidence at the inquiry.

(2) The examining authority may require the person to prepare a written statement of that evidence.

(3) The person preparing the written statement must provide a summary of the written statement if it is more than 1,500 words.

(4) The summary referred to in paragraph (3) must not be more than 1,500 words.

(5) The person preparing the written statement must send a copy of the written statement and any summary to the examining authority by the date specified in the timetable.

(6) The examining authority must, as soon as possible after it receives the written statement and any summary—

- (a) send a copy of those documents to each person who is invited to make further representations at the inquiry, and
- (b) ensure that a copy of those documents is available on the website referred to in regulation 16.

(7) In this regulation, “written statement” means a statement prepared pursuant to paragraph (2).

### **Provision of website**

**16.** The Welsh Ministers must provide a website where copies of the application and other documents which are relevant to the examination can be found.

### **Advice to the Welsh Ministers**

**17.** The examining authority may provide advice to the Welsh Ministers on any request to vary an application made under regulation 31 of the 2025



Applications Regulations or under regulation 16 of the  
2025 Compulsory Acquisition Regulations.

## PART 4

### Examination

#### **Initial written representations**

**18.**—(1) The examining authority's examination of the application is to include consideration of any initial written representations.

(2) The examining authority must ensure that the applicant has the opportunity to comment on any initial written representation relevant to the examination of the application.

#### **Seeking further written representations**

**19.**—(1) The examining authority may request further representations in writing at any time from any interested party.

(2) Any person providing further representations in writing under paragraph (1) must provide them within 14 days beginning with the date that the examining authority makes the request.

(3) The examining authority may extend the time limit in paragraph (2) in a particular case.

(4) Any further written representations must not exceed 3,000 words.

(5) The examining authority must provide the applicant with the opportunity to comment on any further written representations which are relevant to the examination of the application.

(6) The examining authority must ensure that a copy of any further written representations is available on the website referred to in regulation 16.

#### **Conduct of a hearing**

**20.**—(1) This regulation applies where the examining authority determines that an application is to be examined, in whole or in part, at a hearing.

(2) The examining authority is to preside at the hearing and is to decide—

- (a) how to manage it;
- (b) the topics to be discussed;
- (c) the time allocated to those topics.

(3) A hearing is to take the form of a discussion led by the examining authority.

(4) At the opening of the hearing, the examining authority must—

- (a) summarise the topics that the hearing will examine, and
- (b) identify any further topics that the hearing will examine that were not identified in the timetable for the examination.

(5) The examining authority may question a person who attends the hearing, but a person attending the hearing may not question another person who attends a hearing except where paragraph (6) applies.

(6) The examining authority may allow a person who makes representations at the hearing (“P”) to question another person who makes representations at the hearing if the examining authority considers that it is necessary in order to ensure—

- (a) adequate testing of any representation, or
- (b) that P has a fair chance to make their case.

(7) In the conduct of the hearing, the examining authority may in particular—

- (a) proceed with the hearing in the absence of a person invited to attend;
- (b) refuse to permit representations that it considers irrelevant or repetitious;
- (c) exclude a person who is disruptive;
- (d) refuse to permit a person who has been excluded for being disruptive to return;
- (e) permit a person who has been excluded for being disruptive to return, subject to specified conditions;
- (f) adjourn the hearing;
- (g) invite any person who makes representations at the hearing to submit closing submissions in writing.

(8) A person making closing submissions under paragraph (7)(g) must give them to the examining authority within 7 days beginning with the day after the last day of the hearing.

(9) If the examining authority adjourns a hearing, they must give reasonable notice of the date, time and place of the resumption of the adjourned hearing, unless paragraph (10) applies.

(10) If the examining authority adjourns a hearing and announces at the hearing the date, time and place of the resumption of the adjourned hearing, no further notice is required.

(11) In this regulation, “closing submissions” means a summary of the main factual points and the main arguments made by the person submitting them, in relation to an application.

### **Conduct of a local inquiry**

**21.**—(1) This regulation applies where the examining authority determines that an application is to be examined, in whole or in part, at a local inquiry.

(2) The examining authority is to preside at a local inquiry and is to decide—

- (a) how to manage it;
- (b) the topics to be examined by way of local inquiry;
- (c) the time allocated to those topics.

(3) At the opening of the local inquiry, the examining authority must—

- (a) summarise the topics that the inquiry will examine, and
- (b) identify any further topics that the inquiry will examine that were not identified in the timetable for the examination.

(4) The examining authority is to decide the order in which persons are called to give evidence at a local inquiry.

(5) Any person who is invited to give evidence in a local inquiry may make a request to the examining authority to call a third party to give evidence.

(6) A person who takes part in a local inquiry is entitled to cross-examine another person who gives oral evidence to the inquiry.

(7) The examining authority must permit a person who is cross-examined at a local inquiry to be re-examined.

(8) In the conduct of the local inquiry, the examining authority may in particular—

- (a) proceed with the inquiry in the absence of a person invited to attend it;
- (b) refuse to permit evidence that it considers irrelevant or repetitious;
- (c) exclude a person who is disruptive;
- (d) refuse to permit a person who has been excluded for being disruptive to return;
- (e) permit a person who has been excluded for being disruptive to return, subject to specified conditions;
- (f) adjourn the inquiry;
- (g) require closing submissions in writing within 7 days beginning with the day after the last day of the inquiry.

(9) Any person who is required to leave a local inquiry may submit representations in writing to the examining authority before the close of the inquiry.

(10) If the examining authority adjourns a local inquiry, they must give reasonable notice of the date,

time and place of the resumption of the adjourned local inquiry, unless paragraph (11) applies.

(11) If the examining authority adjourns a local inquiry and announces at that local inquiry the date, time and place of the adjourned local inquiry, no further notice is required.

### **Virtual meetings, hearings and local inquiries**

**22.** The examining authority must notify persons who are invited to take part in a meeting, or make representations at a hearing or local inquiry, that takes place remotely, of the arrangements to enable them to do so, as soon as reasonably practicable.

### **Broadcasting hearings and local inquiries**

**23.—**(1) The examining authority may arrange for images or sounds of a hearing or local inquiry to be broadcast, for the purpose of enabling persons who are not making representations at a hearing or local inquiry, or any part of it, to watch or listen to the proceedings.

(2) The arrangements made under paragraph (1) may include arrangements for broadcasting to which individuals are given access only having first identified themselves to the examining authority.

(3) Before making a decision under paragraph (1), the examining authority must consider—

- (a) the need for proceedings to be open and transparent, as far as possible,
- (b) any requests for proceedings to be broadcast, and
- (c) the extent to which the technical, human and other resources necessary to facilitate effective observation by broadcasting are or can be made available.

(4) The examining authority must notify the following, as soon as reasonably practicable, of any arrangements to broadcast a hearing or local inquiry—

- (a) every interested party, and
- (b) any other person that it considers appropriate.

(5) This regulation is subject to any direction under section 48 of the 2024 Act.

### **Recording hearings and local inquiries**

**24.—**(1) The examining authority may arrange for images or sounds of a hearing or local inquiry to be recorded, for the purpose of enabling persons to watch or listen to the proceedings at a later date.

(2) Any person may request access to any recording made under paragraph (1) from the examining

authority at any time before the end of 6 months beginning with the date that—

- (a) in the case of a grant of infrastructure consent, the infrastructure consent order is made, or
- (b) in the case of a refusal of infrastructure consent, notice of refusal to make an infrastructure consent order is given to the applicant under section 60(2) of the 2024 Act.

(3) An examining authority must provide access to any recording on reasonable terms and within a reasonable time of any request under paragraph (2).

(4) This regulation is subject to any direction under section 48 of the 2024 Act.

### **Notification of appointments to assist examining authority**

**25.**—(1) The examining authority must as soon as reasonably practicable notify all persons who are invited to make further representations of the name—

- (a) of any assessor appointed to assist them under section 50 of the 2024 Act, and
- (b) of any barrister or solicitor appointed to assist them under section 51 of the 2024 Act.

(2) The examining authority must as soon as reasonably practicable notify all persons who are invited to make further representations of the matters in relation to which any assessor has been appointed to assist.

### **Restricting access to evidence at a local inquiry**

**26.**—(1) Schedule 1 makes provision about—

- (a) directions under section 48(2) of the 2024 Act restricting access to evidence at an inquiry, and
- (b) the functions of a person appointed under section 48(4) or (5) of the 2024 Act.

(2) In relation to evidence specified in a direction under section 48(2) of the 2024 Act, references in these Regulations to the represented person, whether as the “applicant” or as an “interested party” are to be read as including references to a representative appointed under section 48(4) or (5) of the 2024 Act.

### **Examination management meetings**

**27.**—(1) The examining authority may hold a meeting at any time before an application is decided, if it considers it appropriate.

(2) The purpose of an examination management meeting is to enable the examining authority to decide—

- (a) what may be done to ensure that the examination and matters preparatory or subsequent to it, are managed efficiently and expeditiously, and
  - (b) what practical arrangements to make in relation to the examination and matters preparatory or subsequent to it.
- (3) The examining authority is to preside at an examination management meeting and to decide—
  - (a) where and when to hold the meeting,
  - (b) whether to hold the meeting wholly or partly remotely,
  - (c) how to manage the meeting,
  - (d) the matters to be discussed, and
  - (e) the time allocated to those matters.
- (4) The examining authority is to decide who to invite to any examination management meeting, but it must invite the applicant.
- (5) The examining authority must give reasonable notice of the date, time and place of the examination management meeting to each person invited to attend it.
- (6) The notice of the examination management meeting must specify the purposes of the meeting and any matter which the examining authority wishes to discuss.
- (7) If a person invited to the examination management meeting or their representative is unwilling, unable or otherwise does not attend, the meeting may proceed.
- (8) As soon as practicable after the examination management meeting, the examining authority must prepare a note of the meeting and give it to the people invited to attend it.
- (9) In this regulation, “examination management meeting” means a meeting held pursuant to paragraph (1).

### **Variation of application**

**28.**—(1) This regulation applies when the applicant proposes to request a variation of its application, other than—

- (a) when Part 4 of the 2025 Compulsory Acquisition Regulations applies, or
  - (b) when regulation 31 of the 2025 Applications Regulations applies.
- (2) The applicant must give the examining authority as much notice as reasonably practicable of any intention to submit a request for variation, but it may not give such notice before the first day of a hearing or local inquiry.

(3) A notice of intention to submit a request for variation must—

- (a) be in writing,
- (b) describe the proposed variation, in sufficient detail to enable the examining authority to understand its scale and effect,
- (c) include reasons—
  - (i) for the variation,
  - (ii) why the effect of the variation was not included in the application as made, and
  - (iii) why the request for variation could not be made earlier, and
- (d) set out how, in the applicant's view, the request for variation could be properly examined within the time for deciding the application in accordance with section 59 of the 2024 Act.

(4) The examining authority may provide advice to the applicant about the notice of request for variation.

(5) The examining authority must arrange to publish any advice provided under paragraph (4) on the website referred to in regulation 16.

(6) The examining authority may treat the notice of request for variation as a request for variation if it appears to it that it has sufficient material before it to make a recommendation on the merits of the request.

(7) A request for variation must—

- (a) be in writing,
- (b) contain a list of revisions proposed to the application,
- (c) describe—
  - (i) the publicity and consultation carried out in relation to the proposed variation,
  - (ii) any responses to the publicity and consultation and how the applicant has had regard to them, and
  - (iii) any change to the information provided in the notice of request for variation.

(8) In deciding whether to accept and examine a request for variation, the examining authority must in particular have regard to—

- (a) the desirability of managing the examination efficiently and effectively, and
- (b) the time for deciding the application in accordance with section 59 of the 2024 Act.

(9) The examining authority may refuse to consider a request for variation if it or the Welsh Ministers have refused a similar request and in its opinion there has been no material change to, or affecting, that request.

(10) As soon as reasonably practicable after it accepts a request for variation, the examining authority must give such persons as it considers appropriate the opportunity of making further representations about the variation.

(11) In this regulation—

- (a) “a request for variation” means a request as described in paragraph (7);
- (b) “notice of request for variation” means a notice as described in paragraph (3).

## PART 5

### Procedure after written representations, hearing and local inquiry

#### **Assessor’s report**

**29.** Where an assessor has been appointed under section 50 of the 2024 Act, the assessor must make a written report to the examining authority on the matters in respect of which they were appointed to assist the examining authority.

#### **Proceeding to a report or decision**

**30.—**(1) The examining authority may make a report under section 52(2) of the 2024 Act disregarding any further written representations and supporting documents as were submitted after the time limit under regulation 19.

(2) The examining authority or the Welsh Ministers (as the case may be) may proceed to a decision disregarding the further written representations and supporting documents as were submitted after the time limit under regulation 19.

(3) The examining authority may, after giving the applicant and the planning authority notice of their intention to do so, make a report under section 52 of the 2024 Act, even though no further written representations were submitted within the time limit under regulation 19, if it appears to it that it has sufficient material before it to make a recommendation on the merits of the application.

(4) The examining authority or the Welsh Ministers (as the case may be) may, after giving the applicant and the planning authority notice of their intention to do so, proceed to a decision even though no further written representations were submitted within the time limit under regulation 19, if it appears to them that they have sufficient material before them to make a recommendation on the merits of the application.



**Application to be decided by the examining authority**

**31.**—(1) This regulation applies after the completion of an examination, where an application is to be decided by the examining authority.

(2) The examining authority must write a report.

(3) The report must—

- (a) state if the examining authority disagrees with any aspect of the assessor's report and the reason for any disagreement,
- (b) include the examining authority's findings and conclusions in respect of the application, and
- (c) include the examining authority's decision in respect of the application.

(4) The examining authority may disregard any representations received after the date for making those representations.

(5) If the examining authority proposes to take into consideration any new evidence or new fact before making a decision on the application, the examining authority must give all interested parties notice of the proposal and their reasons for it.

(6) Where the examination has been wholly by way of written representations, the examining authority must give all interested parties the opportunity to make representations in writing on that new evidence or new fact by a specified date.

(7) Where any part of the examination has been by way of hearing or local inquiry, the examining authority must notify the interested parties—

- (a) that they may require the hearing or local inquiry to be re-opened to examine the new evidence or new fact, and
- (b) of the date by which the interested parties must notify the examining authority of any request to re-open the examination to examine the new evidence or new fact.

(8) The date specified under paragraph (6) or (7)(b) must be at least—

- (a) 28 days from the date of that notice, if the application relates to EIA development;
- (b) 21 days from the date of that notice, in any other case.

(9) The examining authority—

- (a) must re-open a hearing or a local inquiry to examine the new evidence or fact if an interested party so requests under paragraph (7), or

- (b) may otherwise, if they consider it appropriate, re-open a hearing or a local inquiry to examine the new evidence or fact.

(10) Where the examining authority re-opens a hearing or a local inquiry, they must send to the interested parties as soon as reasonably practicable, a written statement of the matters in respect of which further evidence is invited.

(11) The examining authority must provide the written statement in paragraph (10) at least—

- (a) 28 days before the first day of any re-opened hearing or local inquiry, if the application relates to EIA development;
- (b) 21 days before the first day of any re-opened hearing or local inquiry, in any other case.

### **Application to be decided by the Welsh Ministers**

**32.**—(1) This regulation applies after the completion of an examination, where an application is to be decided by the Welsh Ministers.

(2) In addition to the requirements in section 52 of the 2024 Act, the examining authority's report to the Welsh Ministers must state if the examining authority disagrees with any aspect of the assessor's report and the reason for any disagreement.

(3) Paragraph (4) applies if the Welsh Ministers—

- (a) differ from the examining authority on any matter of fact mentioned in, or appearing to the Welsh Ministers to be material to, a conclusion of the examining authority, or
- (b) propose to take into consideration any new evidence or new matter of fact.

(4) The Welsh Ministers must not come to a decision which is at variance with the recommendation of the examining authority, without first taking the steps set out in paragraphs (5) to (7).

(5) The Welsh Ministers must give all interested parties notice—

- (a) of the difference in their view and their reasons for it, or
- (b) of the new evidence or new fact.

(6) Where the examination has been wholly by way of written representations, the examining authority must give all interested parties the opportunity to make representations in writing on that difference, new evidence or new fact by a specified date.

(7) Where any part of the examination has been by way of hearing or local inquiry, the examining authority must notify the interested parties—

- (a) that they may require the hearing or local inquiry to be re-opened to examine the difference, new evidence or new fact, and
  - (b) of the date by which the interested parties must notify the examining authority of any request to re-open the examination to examine the difference, new evidence or new fact.
- (8) The date specified under paragraph (6) or (7)(b) must be at least—
- (a) 28 days from the date of that notice, if the application relates to EIA development;
  - (b) 21 days from the date of that notice, in any other case.
- (9) The examining authority—
- (a) must re-open a hearing or a local inquiry to examine the difference, new evidence or fact if an interested party so requests under paragraph (7), or
  - (b) may otherwise, if they consider it appropriate, re-open a hearing or a local inquiry to examine the difference, new evidence or fact.
- (10) Where the examining authority re-opens a hearing or a local inquiry, they must send to the interested parties as soon as reasonably practicable, a written statement of the matters in respect of which further representations are invited.
- (11) The examining authority must provide the written statement in paragraph (10) at least—
- (a) 28 days before the first day of any re-opened hearing or local inquiry, if the application relates to EIA development;
  - (b) 21 days before the first day of any re-opened hearing or local inquiry, in any other case.

### **Direction to re-open the examination**

**33.** Where the examining authority re-opens a hearing or a local inquiry pursuant to a direction by the Welsh Ministers under section 53(1) of the 2024 Act, they must send to the interested parties as soon as reasonably practicable a written statement of the matters in respect of which further evidence is invited.

### **Proposal to make materially different order**

**34.—**(1) This regulation applies where the Welsh Ministers propose to make an infrastructure consent order—

- (a) on terms which are in their opinion materially different from those proposed in the application, and
- (b) whether as a result of a notice under section 60(3)(a) or not.

(2) The Welsh Ministers must—

- (a) notify any person who seems to them to be likely to be affected,
- (b) give that person an opportunity of making representations to them about the differences within a time specified in that notice, and
- (c) consider the representations made during the time specified in that notice, before making a decision on the infrastructure consent order.

**Notice of decisions on an application in relation to Wales**

**35.**—(1) This regulation applies in relation to decisions on an application for development in Wales.

(2) In addition to the persons listed in section 60(2) of the 2024 Act, the Welsh Ministers must notify the persons listed in paragraph 1 of Schedule 2 of their decision to either make an infrastructure consent order or refuse infrastructure consent.

(3) In addition to the persons listed in section 60(4) of the 2024 Act, the examining authority must notify the persons listed in paragraph 1 of Schedule 2 of their decision either that an infrastructure consent order is to be made or to refuse infrastructure consent.

(4) Where an application includes a request to authorise the compulsory acquisition of land, or of an interest in or right over land, see also regulation 26(2) of the 2025 Compulsory Acquisition Regulations for additional requirements as to notice of decisions.

**Notice of decisions on an application in relation to the Welsh marine area**

**36.**—(1) This regulation applies in relation to decisions on an application for development in the Welsh marine area.

(2) In addition to the persons listed in section 60(2) of the 2024 Act, the Welsh Ministers must notify the persons listed in paragraph 2 of Schedule 2 of their decision to either make an infrastructure consent order or refuse infrastructure consent.

(3) In addition to the persons listed in section 60(4) of the 2024 Act, the examining authority must notify the persons listed in paragraph 2 of Schedule 2 of their decision either that an infrastructure consent order is to be made or to refuse infrastructure consent.

(4) Where an application includes a request to authorise the compulsory acquisition of land, or of an interest in or right over land, see also regulation 26(3) of the 2025 Compulsory Acquisition Regulations for additional requirements as to notice of decisions.

**Notice of reasons for decision on an application in relation to Wales**

**37.**—(1) This regulation applies in relation to a statement prepared under section 62(1) or (2) of the 2024 Act in relation to a decision on an application in relation to Wales.

(2) In addition to the persons listed in section 62(3) of the 2024 Act, the Welsh Ministers or the examining authority (as the case may be) must provide a copy of the statement to the persons listed in paragraph 1 of Schedule 2.

(3) Where an application includes a request to authorise the compulsory acquisition of land, or of an interest in or right over land, see also regulation 27(2) of the 2025 Compulsory Acquisition Regulations for additional requirements as to notice of reasons for decisions.

**Notice of reasons for decision on an application in relation to the Welsh marine area**

**38.**—(1) This regulation applies in relation to a statement prepared under section 62(1) or (2) of the 2024 Act in relation to a decision on an application in relation to the Welsh marine area.

(2) In addition to the persons listed in section 62(3) of the 2024 Act, the Welsh Ministers or the examining authority (as the case may be) must provide a copy of the statement to the persons listed in paragraph 2 of Schedule 2.

(3) Where an application includes a request to authorise the compulsory acquisition of land, or of an interest in or right over land, see also regulation 27(2) of the 2025 Compulsory Acquisition Regulations for additional requirements as to notice of reasons for decisions.

**Procedure following quashing a decision**

**39.**—(1) This regulation applies where a decision of the examining authority or the Welsh Ministers in respect of an application is quashed by any court.

(2) The examining authority must—

- (a) send to all interested parties a written statement of the matters with respect to which further representations are invited for the purposes of its reconsideration of the decision, and
- (b) give the interested parties the opportunity to make representations to the examining authority in respect of those matters.

(3) Any person invited to submit representations under this regulation must submit them before the end of the period of—

- (a) 28 days beginning with the day after the written statement is given to the interested party, if the application relates to EIA development;
  - (b) 21 days beginning with the day after the written statement is given to the interested party.
- (4) The examining authority may extend the period specified in paragraph (3) in a particular case.
- (5) The examining authority may, as it considers it appropriate—
- (a) re-open the hearing or local inquiry,
  - (b) open a new hearing or local inquiry, or
  - (c) examine the matter on the basis of written representations.

*Rebecca Evans*

Cabinet Secretary for Economy, Energy and Planning,  
one of the Welsh Ministers  
14 June 2025

## SCHEDULE 1 Regulation 26

### Restricting access to evidence at local inquiry

*Application of the Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006*

**1.** The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006<sup>(1)</sup> are amended as follows.

**2.** In regulation 2—

(a) in the appropriate place, insert—

““the 2024 Act” (“*Deddf 2024*”) means the Infrastructure (Wales) Act 2024;”;

(b) in paragraph (1), in the definition of “appointed representative”, after sub-paragraph (c) insert—

“; or

(d) section 48(4) or (5) of the 2024 Act;”;

(c) in paragraph (1), in the definition of “direction”, after sub-paragraph (c) insert—

“; or

(d) section 48(2) of the 2024 Act;”;

(d) after paragraph (8), insert—

“(9) In relation to giving notices and other documents under section 48 of the 2024 Act, see also section 136 of that Act.”

**3.** In regulation 3—

(a) in paragraph (1), after sub-paragraph (c) insert—

“; or

(d) section 48(2) of the 2024 Act;”;

(b) in paragraph (3), insert—

“(i) after sub-paragraph (c) insert—

“; or

(d) section 48(4) or (5) of the 2024 Act;””.

**4.** In regulation 4(2)(a), after paragraph (iii) insert—

“; or

(iv) section 48 (4) or (5) of the 2024 Act,”.

**5.** In regulation 6(8), in the definition of “major development”, before sub-paragraph (a), insert—

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(1) S.I. 2006/1387 (W. 137), amended by S.I. 2016/56 (W. 26), S.I. 2017/567 (W. 136) and S.I. 2024/924 (W. 151).

“(aa) a significant infrastructure project for the purposes of section 1 of the 2024 Act;”.



**SCHEDULE 2** Regulations 35,  
36, 37  
and 38

**Notification of decision and reasons**

**1.** Persons who must be given notice in relation to an infrastructure consent order affecting Wales are—

- (a) each—
  - (i) owner, lessee, tenant (whatever the tenancy period) or occupier of the land;
  - (ii) person interested in the land;
  - (iii) person having power—
    - (aa) to sell or convey the land, or
    - (bb) to release the land,
- (b) any person other than one listed in subparagraph (a) who might be entitled to make a relevant claim,
- (c) each adjoining owner or occupier of the land to which the infrastructure consent order relates,
- (d) each planning authority other than one mentioned in section 60(2)(b) or (4)(b) (as the case may be) the person notifying considers appropriate,
- (e) each community council other than one mentioned in section 60(2)(b) or (4)(b) (as the case may be) that made representations on the application to which the infrastructure consent order relates, during the representation period,
- (f) each Member of the Senedd representing an area affected by the infrastructure consent order,
- (g) each Member of the House of Commons representing an area affected by the infrastructure consent order, and
- (h) any other person the person notifying considers appropriate.

**2.** Persons who must be given notice in relation to an infrastructure consent order affecting the Welsh marine area are—

- (a) each planning authority other than one mentioned in section 60(2)(b) or (4)(b) (as the case may be) the person notifying considers appropriate,
- (b) each community council other than one mentioned in section 60(2)(b) or (4)(b) (as the case may be) that made representations on the

application to which the infrastructure consent order relates, during the representation period,

- (c) each Member of the Senedd the person notifying considers appropriate,
- (d) each Member of the House of Commons the person notifying considers appropriate, and
- (e) any other person the person notifying considers appropriate.

**3. In this Schedule—**

“the land” (“*y tir*”) means—

- (a) the land to which the infrastructure consent order relates, or
- (b) any part of that land;

“relevant claim” (“*hawliad perthnasol*”) means a claim under—

- (a) section 10 of the Compulsory Purchase Act 1965<sup>(1)</sup>,
- (b) Part 1 of the Land Compensation Act 1973<sup>(2)</sup>,  
or
- (c) section 101 of the 2024 Act.

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(1) 1965 c. 56.  
(2) 1973 c. 26.