

Draft Regulations laid before Senedd Cymru under section 141(3) of the Infrastructure (Wales) Act 2024, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2025 No. (W.)

**INFRASTRUCTURE
PLANNING, WALES**

**The Infrastructure Consent
(Miscellaneous Provisions) (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. These Regulations make provision for miscellaneous matters. The matters specified and the requirements set out in these Regulations are in addition to any contained in other regulations that implement the Act.

Regulation 2 sets out the definitions for terms used in these Regulations.

Regulation 3 is a sign-post provision to the principal Act, highlighting that section 136 applies to notices given in accordance with these Regulations.

Regulation 4 introduces Schedule 1 to the Regulations.

Schedule 1 to the Regulations provides a list of projects. Where these projects involve development the Welsh Ministers will be able to direct that the development is to be a significant infrastructure project. The Schedule also contains a definition provision for terms used in the Schedule.

Regulation 5 provides for how a person may make a request to the Welsh Ministers to direct that development is a significant infrastructure project or, where the development is cross border, that it will not be a significant infrastructure project. It also provides for a developer to notify others about a qualifying request for a direction.

Regulation 6 provides a deadline for the Welsh Ministers to decide whether to direct that a project is a significant infrastructure project where they receive a qualifying request. It provides for an extension of that deadline in certain circumstances.

Regulation 7 provides the form and content of the notice given under sections 28(2) or (3) of the 2024 Act. A notice under these sections requires a person to provide the name and address of any person who has an interest in land to which the application or proposed application for infrastructure consent relates.

Regulation 8 provides the Welsh Ministers with powers to disapply provisions of the 2024 Act in certain circumstances. They may direct that provisions in Part 3 (applying for infrastructure consent) and part 4 (examining applications) and provision made under those parts do not apply to cross border development. They may also direct that some provisions relating to pre-application procedure and applying for infrastructure consent, or provision made under those provisions, do not apply where they have given a direction under section 22 of the 2024 Act (directions specifying development as a significant infrastructure project). For a period of 18 months after the coming into force of the regulation, the Welsh Ministers may also direct that the provisions do not apply to any development that is a significant infrastructure project.

Regulation 9 sets out how a person may request pre-application services from a planning authority, Natural Resources Wales or the Welsh ministers.

Regulation 10 makes provision for accepting requests for pre-application services and sets out a deadline for providing those services and extending that deadline in certain circumstances.

Regulation 11 provides lists of pre-application services that must be provided.

Regulation 12 makes provision for holding pre-application meetings between a developer and

planning authorities, Natural Resources Wales or the Welsh Ministers.

Regulation 13 provides a list of documents that must be deposited on the register maintained by the Welsh Ministers under section 128 of the 2024 Act.

Regulation 14 requires planning authorities to keep and publish a register relating to applications and pre-application services and sets out the documents that must be deposited on the register.

Regulation 15 requires Natural Resources Wales to keep and publish a register of pre-application services and sets out the documents that must be deposited on the register.

Regulation 16 provides a time frame for the deposit of information and documents on the registers. It also provides for the circumstances where the deposit may be delayed on the request of the developer.

Regulation 17 makes provision for statutory consultees to provide the Welsh Ministers with an annual report on their performance relating to providing substantive responses to consultation about applications.

Regulation 18 introduces Schedule 2 and Schedule 3 to the Regulations.

Schedule 2 to these Regulations lists requirements for consent that may be removed by provision in an infrastructure consent order. This means the developer would not be required to apply for that consent.

Schedule 3 to these Regulations provides a list of consents that may be deemed to have been granted by a provision in an infrastructure consent order. This means that the developer would not need to apply separately for that consent. The consents in Part 1 may only be deemed where the body who would usually grant consent have indicated their permission or have failed to respond in the specified time. The consents listed in Part 2 of the Schedule may be deemed in all cases.

Regulation 19 sets the specified period during which the body that would usually grant a consent must refuse permission if the Welsh Ministers are not to have the power to remove the requirement or deem the consent.

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.

Draft Regulations laid before Senedd Cymru under section 141(3) of the Infrastructure Wales Act 2024, for approval by resolution of Senedd Cymru.

DRAFT WELSH STATUTORY
INSTRUMENTS

2025 No. (W.)

**INFRASTRUCTURE
PLANNING, WALES**

**The Infrastructure Consent
(Miscellaneous Provisions) (Wales)
Regulations 2025**

Made

Coming into force

15 December 2025

The Welsh Ministers, in exercise of the powers conferred on them by sections 22(2)(c), 26, 27(1)(a), (b) and (d), 28(5), 84, 128(6), (7) and (8), 129(4)(c), 131, 140(2)(a)(1) and 141(2) of the Infrastructure (Wales) Act 2024(2), make the following Regulations.

In accordance with section 141(3) of the Infrastructure (Wales) Act 2024, a draft of this instrument has been laid before, and approved by a resolution of, Senedd Cymru(3).

Title and coming into force

1. The title of these Regulations is the Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025 and they come into force on 15 December 2025.

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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) See also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.

Interpretation

2. In these Regulations—

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

“the Application Regulations” (“*y Rheoliadau Ceisiadau*”) means the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025(1);

“applicant” (“*ceisydd*”) means a person who proposes to make, or has made an application for, infrastructure consent;

“application” (“*cais*”) means an application for infrastructure consent made in accordance with section 32 of the 2024 Act;

“co-ordinates” (“*cyfesurynnau*”) means—

(a) co-ordinates of latitude and longitude on the world Geodetic System 1984(2), or

(b) co-ordinates on the National Grid used by the Ordnance Survey;

“developer” (“*datblygwr*”) has the same meaning as in section 25 of the 2024 Act;

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

“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;

“planning authority” (“*awdurdod cynllunio*”) has the same meaning as in section 143 of the 2024 Act;

“pre-application services” (“*gwasanaethau cyn gwneud cais*”) means services provided to a person under section 27 of the 2024 Act for the purpose of assisting the person in applying for an infrastructure consent order;

“pre-application services request form” (“*ffurflen archiad am wasanaethau cyn gwneud cais*”) means the form referred to in regulation 9(1);

(1) S.I. 2025/690 (W. 114).

(2) The World Geodetic System 1984 (“WGS 84”) defines a reference frame for the earth, for use in geodesy and navigation. It was developed by the United States’ National Geospatial-Intelligence Agency and is maintained by it. WGS 84 is defined at paragraph 2.1 of the United States’ National Imagery and Mapping Agency Technical Report TR8350.2, third edition, amendment 1 of 3 January 2000 entitled “Department of Defense World Geodetic System 1984” <https://gis-lab.info/docs/nima-tr8350.2-wgs84fin.pdf>.

“qualifying request” (*archiad cymhwysol*) has the meaning given in section 25 of the 2024 Act);

“significant infrastructure project” (*prosiect seilwaith arwyddocaol*) has the meaning given by section 1 of the 2024 Act;

“statutory consultee” (*ymgynghorai statudol*) has the same meaning as in regulation 2 of the Application Regulations;

“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⁽¹⁾);

“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⁽²⁾.

Giving notice and other documents

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

- (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).

Projects that may be directed to be significant infrastructure projects

4. Schedule 1 specifies kinds of projects for the purposes of section 22(2)(c) of the 2024 Act.

Requests for directions to be given under sections 22 to 24 of the 2024 Act.

5.—(1) Any request made for a direction under sections 22 to 24 of the 2024 Act, made by any person, must be made in the appropriate form published by the Welsh Ministers, or in a form substantially to the same effect.

(2) A request for a direction to be given under section 22 of the 2024 Act must include the following information—

(1) 1972 c 70; parts 1 and 2 of Schedule 4 were amended by paragraphs 1 and 2 of Schedule 1 to the Local Government (Wales) Act 1994 (c. 19).

(2) S.I. 1999/672.

- (a) for proposed development in Wales, a plan drawn to an identified scale and showing the direction of north,
- (b) for proposed development in the Welsh marine area, co-ordinates which identify the location to which the application relates,
- (c) any other plans, drawings and information necessary to describe the proposed development,
- (d) a statement of reasons setting out why the Welsh Ministers should give a direction specifying the proposed development as a significant infrastructure project,
- (e) a list of any section 20 consents that would be required if the proposed development were not specified in a direction as a significant infrastructure project, and
- (f) a list of any other consents that could be deemed or the requirement for which could be removed by provision in an infrastructure consent order, which may be required for the proposed development.

(3) A request for a direction under section 24 of the 2024 Act must include a statement of reasons setting out why the Welsh Ministers should give a direction specifying the proposed development as not being a significant infrastructure project.

(4) When making a qualifying request for a direction under section 22 of the 2024 Act, a developer must give notice of the request to—

- (a) any person who would grant, make, authorise or confirm a section 20 consent, and
- (b) any person who would grant make, authorise or confirm any consent that could be deemed or the requirements for which could be removed by provision in an infrastructure consent order which may be required for the development.

(5) If the Welsh Ministers decide not to consider a request for a direction that is not a qualifying request, they must, as soon as is reasonably practicable, give a notice to the person who made the request providing reasons the request is not being considered.

(6) In this regulation, “section 20 consent” means a permission, authorisation, consent, order, or scheme mentioned in section 20 (effect of requirement for infrastructure consent) of the 2024 Act.

Decisions in respect of requests for a direction to be given under sections 22 and 24 of the Act

6.—(1) Where the Welsh Ministers receive, from a developer, a qualifying request for a direction to be given under section 22 or 24 of the Act, they must

decide whether or not to give the direction within 29 days of the day on which the request was received.

(2) Paragraph (1) does not apply where—

- (a) the Welsh Ministers consider that further information is required to determine whether or not a direction should be given, and
- (b) they give notice of the requirement for further information to the developer within 15 days of the day on which the request was received.

(3) The notice must include—

- (a) details of the further information that is required to determine whether or not the direction should be given, and
- (b) the date by which any response to the notice must be received.

(4) Where the Welsh Ministers give notice under this regulation, they must decide whether or not to give the direction within 29 days of the date on which a response must be received.

Obtaining information about land interests

7.—(1) A notice served on a recipient by an applicant under sections 28(2) or (3) of the 2024 Act must—

- (a) be in writing;
- (b) contain a statement that the applicant is authorised by the Welsh Ministers to serve the notice;
- (c) identify the land to which the notice relates;
- (d) specify the date by which a response is to be provided to the applicant, which must be at least 15 days after the day on which the notice is served on the recipient;
- (e) state the effect of sections 28(6) to (8) of the 2024 Act (offences of failing without reasonable excuse to comply with a notice under section 28(2) or (3) and of giving false information).

(2) In this regulation “the applicant” and “the recipient” have the meaning given in section 28 of the 2024 Act.

Power to disapply requirements of the 2024 Act

8.—(1) If development will, when completed, be partly in Wales or partly in the Welsh marine area, the Welsh Ministers may direct that the requirements imposed under Part 3 and Part 4 of the 2024 Act and any regulations made under those Parts do not apply.

(2) Where development is subject to a direction given under section 22 (directions specifying development as a significant infrastructure project) of

the 2024 Act, the Welsh Ministers may direct that the requirements imposed by or under the following sections of the 2024 Act do not apply—

- (a) section 29 (notice of proposed application);
- (b) section 30 (pre-application consultation and publicity);
- (c) section 32 (applying for infrastructure consent);
- (d) section 33 (deciding on the validity of an application and notifying the applicant);
- (e) section 35 (regulations about notices and publicity).

(3) For 18 months beginning with the day after these Regulations come into force, the Welsh Ministers may, in relation to any development, direct that the requirements imposed by or under the following sections of the 2024 Act will not apply—

- (a) section 29 (notice of proposed application);
- (b) section 30 (pre-application consultation and publicity);
- (c) section 32 (applying for infrastructure consent);
- (d) section 33 (deciding on the validity of an application and notifying the applicant);
- (e) section 35 (regulations about notices and publicity).

(4) A direction given under this regulation may relate to—

- (a) a particular application, or
- (b) applications of a description specified in the direction.

(5) The Welsh Ministers must, as soon as reasonably practicable after giving a direction under paragraph (1), (2) or (3)—

- (a) publish the direction, and
- (b) lay a statement about the direction before Senedd Cymru explaining its effect and why it was made.

Requests for pre-application services

9.—(1) A request for pre-application services made to a planning authority, Natural Resources Wales or the Welsh Ministers must be made on a form published by the Welsh Ministers or a form substantially to the same effect.

(2) A request made under paragraph (1) must include the following information—

- (a) for development in Wales, a plan drawn to an identified scale and showing the direction of north,

- (b) for development in the Welsh marine area, co-ordinates which identify the location to which the application relates, and
- (c) any other plans, drawings and information necessary to describe the proposed development.

(3) A request under paragraph (1) must be accompanied by any fee payable.

(4) Where the request is made to the Welsh Ministers, it must also include details of any requests for a screening opinion of direction, or a scoping opinion of direction made under the EIA Regulations.

(5) In this regulation “the EIA Regulations” means The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017⁽¹⁾ and The Marine Works (Environmental Impact Assessment) Regulations 2007⁽²⁾.

Accepting requests for pre-application services

10.—(1) A planning authority, Natural Resources Wales and the Welsh Ministers must accept as valid a request for pre-application services if it complies with the requirements imposed by regulation 9.

(2) Where the planning authority, Natural Resources Wales or the Welsh Ministers (as the case may be) accept as valid a request, they must give a notice of acceptance to the person who made the request.

(3) The notice of acceptance must specify the date by which the pre-application services will be provided, which must be no more than 29 days after the day on which notice is given.

(4) The date specified in a notice of acceptance may be amended by written agreement between the planning authority, Natural Resources Wales or Welsh Ministers (as the case may be) and the person who made the request.

(5) Where the Welsh Ministers are to provide the pre-application services, they may amend the date specified in a notice of acceptance by direction.

(6) If the planning authority, Natural Resources Wales or the Welsh Ministers (as the case may be) decide that the request for pre-application services cannot be accepted, they must give a notice of their decision to the person who made the request giving reasons for their decision.

(1) S.I. 2017/567 (W. 136).
(2) S.I. 2007/1518.

Provision of pre-application services

11.—(1) Where a planning authority accept as valid a request for pre-application services, they must provide the person who made the request with—

- (a) the relevant planning history of the proposed development site,
- (b) details of any potential statement of common ground,
- (c) a statement of local issues relating to the proposed development site, including potential mitigation,
- (d) the local policy framework as far as is relevant to the proposed development, and
- (e) advice on any pre-application consultation that may be carried out, including any person who may be consulted.

(2) Where Natural Resources Wales accept as valid a request for pre-application services, they must provide the person who made the request with—

- (a) a statement of environmental considerations for the proposed development,
- (b) a statement of any environmental assessments that may be required in relation to the proposed development,
- (c) details of any potential statement of common ground, and
- (d) advice on any pre-application consultation that may be carried out, including any person who may be consulted.

(3) Where the Welsh Ministers accept as valid a request for pre-application services, they must provide the person who made the request with—

- (a) advice on the form and content of applications,
- (b) advice on technical reports that may be provided as part of the application,
- (c) advice on any relevant policy,
- (d) advice on the procedure for making, examining, and deciding applications for infrastructure consent, and
- (e) advice on any consents that could be deemed or the requirements for which could be removed by provision in an infrastructure consent order.

(4) In this regulation “statement of common ground” means a written statement prepared by the planning authority or Natural Resources Wales (as the case may be) and the applicant that contains agreed factual information about the development which is the subject of the application.

Pre-application meetings

12.—(1) A developer may make a written request for a pre-application meeting with a planning authority, Natural Resources Wales or the Welsh Ministers (as the case may be).

(2) Where a planning authority, Natural Resources Wales or the Welsh Ministers (as the case maybe) receive a request for a pre-application meeting, they must give notice to the person who made the request, within 15 days of the day on which the request is received, confirming whether or not a meeting will be held.

Content of register kept by Welsh Ministers

13.—(1) Where the Welsh Ministers receive a request of pre-application services they must deposit on the register—

- (a) a copy of the pre-application services request form,
- (b) any plan submitted with the pre-application services request form, and
- (c) any documentation, reports or other information submitted with the pre-application services request form.

(2) Where the Welsh Ministers receive a notice of proposed application under section 29(1)(a) of the 2024 Act they must deposit on the register—

- (a) the notice of proposed application, and
- (b) any notice given by the Welsh Ministers under section 29(4) of the 2024 Act.

(3) Where the Welsh Ministers receive an application for infrastructure consent in accordance with section 32 of the 2024 Act they must deposit on the register—

- (a) any notice given by the Welsh Ministers under regulation 16 of the Application Regulations,
- (b) any notice of the Welsh Ministers' decision whether or not to accept an application as a valid application given under section 33(3) or (4) of the 2024 Act,
- (c) any notice given by the Welsh Ministers under section 34(2) of the 2024 Act,
- (d) any representations about the application received by the Welsh Ministers before the deadline specified in any notice or publicity under section 34(4) of the 2024 Act,
- (e) any notice of decision given by the Welsh Ministers or Examining Authority under section 60 of the 2024 Act,

- (f) any notice of withdrawal given by the applicant, and
- (g) any notice of revocation or change to the relevant infrastructure consent order, to which the application relates, given by the Welsh Ministers under section 91(6) of the 2024 Act.

(4) Where representations received by the Welsh Ministers in respect of an application relate to national security or measures to be taken to ensure the security of any land or other property, they may withhold the representations from the register if satisfied that the public disclosure of the representations would be against the national interest.

(5) In this regulation, “the register” means the register kept and published by the Welsh Ministers in accordance with section 128 of the 2024 Act.

Register to be kept by planning authorities

14.—(1) Each planning authority must keep and publish a register of pre-application services provided.

(2) Where a planning authority receive a request for pre-application services they must deposit on the register—

- (a) a copy of the pre-application services request form,
- (b) any plan submitted with a pre-application services request form,
- (c) any documentation, reports or other information submitted with the pre-application services request form, and
- (d) details of any pre-application services that have been provided.

(3) Where a planning authority receive a notice of accepted application under section 34(2) of the 2024 Act they must deposit on the register—

- (a) a hyperlink to the website maintained by the Welsh Ministers on which details of the application for infrastructure consent are published in accordance with regulation 25 of the Application Regulations,
- (b) the notice of accepted application given by the Welsh Ministers under section 34(2) of the 2024 Act,
- (c) any notice of decision given by the Welsh Ministers or Examining Authority under section 60 of the 2024 Act,
- (d) any notice of withdrawal given by the applicant, and
- (e) any notice of revocation or change to the relevant infrastructure consent order, to which the application relates, given by the Welsh Ministers under section 91(6) of the 2024 Act.

Register to be kept by Natural Resources Wales

15.—(1) Natural Resources Wales must keep and publish a register of pre-application services.

(2) Where Natural Resources Wales receive a request for pre-application services they must deposit on the register—

- (a) a copy of the pre-application services request form,
- (b) any plan submitted with a pre-application services request form,
- (c) any documentation, reports or other information submitted with the pre-application services request form, and
- (d) details of any pre-application services that have been provided.

Placing information and documents on the register

16.—(1) A planning authority, Natural Resources Wales and the Welsh Ministers must deposit information and documents required by these Regulations or the 2024 Act on their register as soon as reasonably practicable after receiving the information or document or providing the pre-application services (as the case may be).

(2) Paragraph (1) does not apply where—

- (a) the applicant has submitted a request to delay depositing on the register the information or document about the request for pre-application services and the services provided, and
- (b) the planning authority, Natural Resources Wales or the Welsh Ministers (as the case may be) consider the public interest in disclosure is outweighed by the justification provided in the request to delay depositing the information or document on the register.

(3) Where a planning authority, Natural Resources Wales or the Welsh Ministers (as the case may be) consider the delay in depositing is justified they must deposit the information and documents required on their register as soon as reasonably practicable after the earlier of—

- (a) the third anniversary of the date of providing the pre-application services, or
- (b) the date on which the Welsh Ministers receive notice under section 29 (notice of proposed application) of the Act.

Statutory consultees: annual report

17.—(1) Any statutory consultee who is required to provide a substantive response in accordance with

regulation 27(1) of the Application Regulations in relation to a development during any financial year⁽¹⁾ must provide a report to the Welsh Ministers within 3 months of the end of that financial year.

(2) The report must include—

- (a) the number of times the statutory consultee was provided with a notice of valid application under regulation 23(1) of the Application Regulations,
- (b) the number of times a substantive response was provided,
- (c) the number of times a response was provided after the end of the period specified in regulation 27(1) of the Application Regulations, and
- (d) if any response has been provided after the end of the period specified, a statement setting out the reasons the response was not provided before the end of the specified period.

(3) In this regulation “substantive response” has the same meaning as in regulation 27(4) of the Application Regulations.

Removing consent requirements and deeming consents

18.—(1) Schedule 2 specifies consents for the purposes of section 84(1)(a) of the 2024 Act.

(2) Provision may be made in an infrastructure consent order to remove the requirement for a consent listed in Schedule 2 without meeting the conditions in section 84(2) or (3) of the 2024 Act.

(3) Schedule 3 specifies consents for the purpose of section 84(1)(b) of the 2024 Act.

(4) Provision may be made in an infrastructure consent order to deem a consent listed in Part 2 of Schedule 3 without meeting the conditions in section 84(2) or (3) of the 2024 Act.

Consent from relevant authority: specified period

19.—(1) Where the relevant authority is a statutory consultee the specified period for the purposes of section 84(2) and (3) of the 2024 Act is either—

- (a) 42 days beginning with the day after the notice of valid application is given to the relevant authority, or

⁽¹⁾ Under Schedule 1 to the Legislation (Wales) Act 2019 (definitions of words and expressions) “financial year” means a year ending with 31 March.

(b) if the relevant authority and the Welsh Ministers agree otherwise in writing, whatever period is specified in the agreement.

(2) In all other cases, the specified period for the purposes of section 84(2) and (3) of the 2024 Act is 42 days beginning with the day after the Welsh Ministers give notice to the relevant authority requesting consent.

(3) In this regulation—

“notice of valid application” (*“hysbysiad o gais dilys”*) means a notice given in accordance with regulation 23(1) of the Application Regulations;

“relevant authority” (*“awdurdod perthnasol”*) has the meaning given in section 84 of the 2024 Act.

Name

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

Date

SCHEDULE 1 Regulation 4

Projects specified for the purpose of section 22(2)(c) of the 2024 Act

Energy

1. The construction of a solar generating station or wind generating station in Wales or the Welsh marine area that is expected to have an installed generating capacity of more than 35 megawatts but less than 50 megawatts.

2. The extension or alteration of a solar generating station in Wales or the Welsh marine area where—

- (a) the effect of the extension or alteration is expected to increase the installed generation capacity by more than 35 megawatts but less than 50 megawatts, and
- (b) the effect of the extension or alteration is not expected to increase the total installed capacity to more than 350 megawatts.

3. The extension or alteration of a wind generating station in Wales where the effect of the extension or alteration is expected to increase the installed generation capacity by more than 35 megawatts but less than 50 megawatts.

4. The extension or alteration of a wind generating station in the Welsh marine area where—

- (a) the effect of the extension or alteration is expected to increase the installed generation capacity by more than 35 megawatts but less than 50 megawatts, and
- (b) the effect of the extension or alteration is not expected to increase the total installed capacity to more than 350 megawatts.

5. The construction of a generating station (other than a solar generating station or wind generating station) in Wales or the Welsh Marine area that is expected to have an installed generating capacity of less than 50 megawatts.

6. The extension or alteration of a generating station (other than a solar generating station or wind generating station) in Wales or the Welsh Marine area, where—

- (a) the effect of the extension or alteration is expected to increase the installed generating capacity by less than 50 megawatts, and

- (b) the effect of the extension or alteration is not expected to increase the total installed capacity to more than 350 megawatts.

7. The construction or alteration of an electricity sub-station.

8. Installation of an electric line above ground associated with a generating station in Wales or the Welsh marine area with a nominal voltage of 132 Kilovolts or less, with a length less than 2 kilometres (to the extent it is in Wales).

9. Installation of an electric line, other than above ground, in Wales or the Welsh marine area with a length of at least 2 kilometres (to the extent it is in Wales or the Welsh marine area).

10. The construction or alteration of an LNG facility in Wales or the Welsh marine area that is not a significant infrastructure project under section 3 of the 2024 Act.

11. The construction or alteration of a gas reception facility in Wales or the Welsh marine area that is not a significant infrastructure project under section 4 of the 2024 Act.

12. The construction or alteration of hydrogen production facilities in Wales or the Welsh marine area.

Transport

13. The construction or alteration of a highway in Wales that is not a significant infrastructure project under section 7 of the 2024 Act, except those highways to which section 7(4), (5) or (6) applies.

14. The construction or alteration of a railway that starts, ends and remains in Wales that is—

- (a) not a significant infrastructure project under section 8 of the 2024 Act,
- (b) not part of a rail freight interchange, and
- (c) not permitted development.

15. The construction or alteration of a rail freight interchange in Wales that is not a significant infrastructure project under section 9 of the 2024 Act.

16. The construction or alteration of harbour facilities in Wales or the Welsh marine area that is—

- (a) not a significant infrastructure project under section 10 of the 2024 Act, and
- (b) not part of a reserved trust port.

17. The construction, alteration or increase in the permitted use of an airport in Wales or the Welsh

marine area that is not a significant infrastructure project under section 11 of the 2024 Act.

Water

18. The construction of a dam or reservoir in Wales where the volume of water to be held back by the dam or stored in the reservoir is expected to exceed 1 million cubic metres but not to exceed 10 million cubic metres.

19. The alteration of a dam or reservoir in Wales where the additional volume of water to be held back by the dam or stored in the reservoir as a result of the alteration is expected to exceed 1 million cubic metres but not to exceed 10 million cubic metres.

20. Development in Wales carried out by one or more water undertakers, relating to the transfer of water resources where the volume of water to be transferred as a result of the development is expected to exceed 25 million cubic metres per year, but not to exceed 100 million cubic metres.

Waste water

21. The construction or alteration of a waste water treatment plant in Wales or the Welsh marine area where the treatment plant (when constructed) is expected to have a capacity exceeding a population equivalent of 250,000 but not exceeding a population equivalent of 500,000.

22. The alteration of a waste water treatment plant in Wales or the Welsh marine area where the effect of the alteration is expected to increase the capacity of the plant by more than a population equivalent of 250,000 but not exceeding a population equivalent of 500,000.

23. The construction or alteration of infrastructure, in Wales or the Welsh marine area, for the transfer or storage of waste water where the infrastructure is expected to have a capacity for the storage of waste water exceeding 175,000 cubic metres, but not exceeding 350,000 cubic metres.

Waste

24. The construction or alteration of a hazardous waste facility in Wales or the Welsh marine area that is not a significant infrastructure project under section 15 of the 2024 Act.

Flood defences

25. The construction of flood defence works with a total length of 500 meters or more.

26. The alteration or extension of flood defence works where the expected effect of the alteration or extension is to increase the length of the works by a total of 500 metres.

Interpretation

27. In this Schedule—

“airport” (“*maes awyr*”) has the same meaning as in section 143 of the 2024 Act;

“gas reception facility” (“*cyfleuster derbyn nwy*”) has the same meaning as in section 4 of the 2024 Act;

“generating station” (“*gorsaf gynhyrchu*”) has the same meaning as in section 143 of the 2024 Act;

“harbour” (“*harbwr*”) has the same meaning as in section 143 of the 2024 Act;

“installed generating capacity” (“*capasiti cynhyrchu gosodedig*”) has the same meaning as in section 2(2) of the 2024 Act;

“LNG facility” (“*cyfleuster LNG*”) has the same meaning as in section 3(3) of the 2024 Act;

“permitted development” (“*datblygu a ganiateir*”) has the same meaning as in section 8 of the 2024 Act;

“rail freight interchange” (“*cyfnewidfa nwyddau rheilffordd*”) has the same meaning as in section 143 of the 2024 Act;

“railway” (“*rheilffordd*”) has the same meaning as in section 143 of the 2024 Act;

“reserved trust port” (“*porthladd ymddiriedolaeth a gedwir yn ôl*”) has the same meaning as in section 10(6) of the 2024 Act;

“solar generating station” (“*gorsaf ynni solar*”) means a generating station which generates electricity directly from solar energy;

“waste water” (“*dŵr gwastraff*”) includes domestic waste water, industrial waste water and urban waste water;

“wind generating station” (“*gorsaf ynni gwynt*”) means a generating station which generates electricity from wind.

SCHEDULE 2 Regulation 18(1)
and (2)

**List of Consents the requirement for
which may be removed by provision in
an infrastructure consent order**

PART 1

1. Consent under section 16 (consent of the coast protection authority required to carrying out of coast protection work) of the Coast Protection Act 1949**(1)**.

2. Approval under sections 4, 6, 8, 15 and 16(2) (furnaces to be smokeless etc., arrestment plant etc., height of chimneys etc.) of the Clean Air Act 1993**(2)**.

3. A felling licence required under section 9(1) of the Forestry Act 1967**(3)**.

4. Written notice given under regulation 5(1)(b)(i) of the Hedgerows Regulations 1997**(4)**.

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| (1) | c. 74. Section 16 was amended by section 190, Schedule 25, paragraph 11(4) of the Water Act 1989 (c. 15) and paragraph 8 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013/755 (W. 90). |
| (2) | c. 11. There are amendments to Section 16 that are not relevant to Wales. |
| (3) | c. 10. Section 9 was amended by paragraph 53(3) of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013/755 (W. 90). There are other amendment that are not relevant. |
| (4) | S.I. 1997/1160. |

SCHEDULE 3 Regulation 18(3)
and (4)

**List of consents that may be deemed by
provision in an infrastructure consent
order**

PART 1

1. Authorisation required under byelaws issued in accordance with section 20 (byelaws for the protection of nature reserves) of the National Parks and access to the Countryside Act 1949**(1)**.

2. A licence under section 18(5) (prohibition of excavation etc., of material on or under the seashore) of the Coast Protection Act 1949**(2)**.

3. A licence granted under section 10 (power to grant licences) of the Conservation of Seals Act 1970**(3)**.

4. A licence granted for the purposes of section 1(3) (protection of sites of historic wrecks) of the Protection of Wrecks Act 1973**(4)**.

5. A licence granted under section 8 (exceptions for licensed persons) of the Deer Act 1991**(5)**.

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| (1) | c. 97. Section 20 was amended by section 109 and paragraph 28 of Schedule 4 to the Telecommunications Act 1984 (c. 12), section 190, paragraph 13 of Schedule 25 to the Water Act 1989 (c. 15), section 406(1) and paragraph 20(1) and (2) of Schedule 17 to the Communications Act 2003 (c. 21), and section 105(1), and paragraph 15(d) of Schedule 11 of the Natural Environment and Rural Communities Act 2006 (c. 16). |
| (2) | c. 74. |
| (3) | c. 30. Section 10 was amended by section 146(1) and paragraph 1 of Schedule 11 to the Marine and Coastal Access Act 2009 (c. 23), paragraph 107 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013/755 (W. 90), paragraph 3 of Schedule 6 to the Conservation of Habitats and Species Regulations 2017/1012, paragraph 7(2)(b) of Schedule 12 to the Higher Education and Research Act 2017 and paragraph 9 of Schedule 9 to the Fisheries Act 2020 (c. 22). There are other amendments that are not relevant to Wales. |
| (4) | c. 33. There are amendments that are not relevant to Wales. The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of the 2006 Act and paragraphs 30 and 32 of Schedule 11. |
| (5) | c. 54. Section 8 was amended by section 105(1) and paragraph 128 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16), article 4 of the Regulatory Reform (Deer) (England and Wales) Order 2007/2183, and paragraph 222 of Schedule 2 to the Natural |

6. Consent under section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991**(1)**.

7. Consent under section 166 (consents for certain discharges under section 165) of the Water Industry Act 1991**(2)**.

8. Consent under section 32(3) (miscellaneous rights to abstract) of the Water Resources Act 1991**(3)**.

9. A licence granted under section 10 (licences) of the Protection of Badgers Act 1992**(4)**.

10. A direction under sections 24, 25 or 26 (land management; avoidance of risk of fire or of danger to the public; or nature conservation and heritage preservation) of the Countryside and Rights of Way Act 2000**(5)**.

11. An environmental permit granted under regulation 13 (grant of an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016**(6)**, but only in respect of regulated facilities—

- (a) to which Schedule 9 (waste operations and materials facilities) to those Regulations apply where the permit authorises only the deposit of waste for recovery, or

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| | Resources Body for Wales (Functions) Order 2013/755 (W. 90). |
| (1) | c. 59. Section 23 was amended by paragraph 322 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013/755 (W. 90). There are other amendments that are not relevant. |
| (2) | c. 56. Section 166 was amended by paragraph 251 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013/755(W. 90). |
| (3) | c. 57. Section 32(3) was amended by paragraph 79 of Schedule 1 to the Fire and Rescue Services Act 2004 c. 21, and paragraph 270 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013/755. |
| (4) | c. 51. Section 10 was amended by paragraph 137 of Schedule 2 to the Natural Environment and Rural Communities Act 2006 (c. 16), paragraph 164 of Schedule 13 to the Historic Environment (Wales) Act 2023 (asc 3), and paragraph 341 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013/755. There are other amendments that are not relevant. The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of the 2006 Act and paragraphs 30 and 32 of Schedule 11. |
| (5) | c. 37. Section 26 was amended by paragraph 180 of Schedule 13 to the Historic Environment (Wales) Act 2023 (asc 3). There are other amendments that are not relevant to Wales. |
| (6) | S.I. 2016/1154. Schedule 25A and 25B were inserted by regulation 16 of the Environmental Permitting (England and Wales) (Amendment) Regulations 2018/110. |

- (b) to which Schedules 25A and 25B (medium combustion plants and specified generators) to those Regulations apply.

12. A greenhouse gas emissions permit issued in accordance with article 26 (installations: requirement for permit to carry out regulated activity) and Schedule 6 (permits) to the Greenhouse Gas Emissions Trading Scheme Order 2020⁽¹⁾.

PART 2

13. An order under section 14 (direction by order that village greens, etc., shall not be fenced) of the Inclosure Act 1852⁽²⁾.

14. An order under sections 5, 9 or 11 (exchanges etc., fencing etc) of the Inclosure Act 1854⁽³⁾.

15. An order under section 1 (fences may be dispensed with) of the Inclosure Act 1857⁽⁴⁾.

16. Any consent or authorisation required by byelaws made under section 15 (owners may make byelaws) of the Commons Act 1876⁽⁵⁾.

17. Any consent or authorisation required under byelaws or regulations made under sections 1 and 10 (power for district council to make a scheme for the regulation of common; and provisions as to byelaws) of the Commons Act 1899⁽⁶⁾.

(1) S.I. 2020/1265.

(2) c. 79. The functions of the Commissioners were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of the 2006 Act and paragraphs 30 and 32 of Schedule 11.

(3) c. 97. Section 11 was amended by sections 207, 209 and Schedule 7 to the Law of Property Act 1925 (c. 20). The functions of the Commissioners were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of the 2006 Act and paragraphs 30 and 32 of Schedule 11.

(4) c. 31. The functions of the Commissioners were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of the 2006 Act and paragraphs 30 and 32 of Schedule 11.

(5) c. 56. Section 1 was amended by section 272(1) of and Schedule 30 to the Local Government Act 1972 (c. 70), and sections 50(1) and (4) of the Commons Act 2006 (c. 26).

(6) c. 30. Section 1 was amended by section 50(4) of the Commons Act 2006 (c. 26). There are other amendments not relevant to Wales.

18. Limitations or conditions issued under section 193 (rights of the public over commons and waste lands) of the Law of Property Act 1925**(1)**.

19. Consent under section 15 (power to place pipelines in the streets) of the Pipe-Lines Act 1962**(2)**.

20. A licence granted under section 6 (power to let certain lands) of the Coity Wallia Commons Act 1976**(3)**.

21. An authorisation under section 10 (exchange of common lands) of the Coity Wallia Commons Act 1976.

22. An order under section 53 (duty to keep definitive map and statement under continuous review) of the Wildlife and Countryside Act 1981**(4)**.

23. An order for the regulation of traffic under section 1, 9, 14, 15 or 22BB (general provisions for traffic regulation: regulation in special cases) of the Road Traffic Regulation Act 1984**(5)**

24. Consent required by a provision in a tree preservation order made under section 198 or 202 (powers to make tree preservation orders) or by section

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- (1) c. 20. Section 193 was amended by section 189(4), section 273(1) and (3), and Schedule 30 to the Local Government Act 1972 (c. 70), section 46 of the Criminal Justice Act 1982 (c.48), section 16 and paragraph 10(5) of Schedule 8 to the Local Government Act 1985 (c. 51), section 66(6) and paragraph 7(1) of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19), and paragraph 1 of Schedule 4 and paragraph 1 of Schedule 16 to the Countryside and Rights of Way Act 2000 (c. 37).
- (2) c. 58. Section 15 was amended by paragraph 101 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22). There are other amendments that are not relevant.
- (3) c. 29.
- (4) c. 69. Section 53 has been amended by section 51 and paragraph 1 of Schedule 5 to the the Countryside and Rights of Way Act 2000, and section 70(1) of the Natural Environment and Rural Communities Act 2006 (c. 16).
- (5) c. 27. Section 1 was amended by section 168 and paragraph 17 of Schedule 8 and paragraph 1 of Schedule 9 to the New Roads and Street Works Act 1991 (c. 22), section 120 and paragraph 36(1) of Schedule 22 to the Environment Act 1995 (c. 25), section 161 and paragraphs 6 and 7 of Schedule 11 to the Transport Act 2000 (c. 38), section 45 of the Local Transport Act 2008 (c. 26), paragraph 71 of Schedule 1 to the Infrastructure Act 2015 (c. 7), and section 16 of the Bus Services Act 2017 (c. 21). Section 9 was amended by section 8 and paragraph 4(4) of Schedule 5 to the Local Government Act 1985 (c. 51), section 168(1) and paragraph 23 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22), section 48 and paragraph 24 of Schedule 4 to the Road Traffic Act 1991 (c. 40), and paragraph 74 of Schedule 1 to the Infrastructure Act 2015. Sections 14 and 15 were substituted by section 1(1) and Schedule 1 to the Road Traffic (Temporary Restrictions) Act 1991 (c. 26). An amendment was made to section 15 by S.I. 2006/1177. Section 22BB was inserted by section 27 of the Natural Environment and Rural Communities Act 2006 (c. 16) there are other amendments that are not relevant to Wales.

211 (preservation of trees in conservation areas) of the Town and Country planning Act 1990(1).

25. An order made under section 247 (highways affected by development) or section 257 (footpath, bridleways and restricted byways affected by development) of the Town and Country Planning Act 1990(2).

26. An exemption under sections 7, 14 or 20 (exemption from section 6; height of chimneys; prohibition on emission of smoke) of the Clean Air Act 1993(3).

27. Consent or authorisation required under byelaws made in accordance with section 17 (byelaws) of the Countryside and Rights if Way Act 2000(4).

28. An order under section 17 (deregistration and exchange: orders) of the Commons Act 2006(5).

Interpretation

29. In this schedule—

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| (1) | c. 8. Section 198 was amended by paragraph 1 of Schedule 19 to the Planning and Compensation Act 1991 (c. 34); and section 42(3) of the Planning and Compulsory Purchase Act 2004 (c. 5). Section 211 was amended by section 86 of the Planning and Compulsory Purchase Act 2004 (c. 5) and paragraph 36(2) of Schedule 2 to the Planning Act 2008 (c. 29). There are other amendments not relevant to Wales. The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of the 2006 Act and paragraphs 30 and 32 of Schedule 11. |
| (2) | Section 247 was amended by section 270 and paragraphs 2 and 3 of Schedule 22 to the Greater London Authority Act 1999 (c. 29), section 20(4) and paragraph 24(9) of Schedule 6 to the Local Government (Wales) Act 1994 (c. 19), and section 20(4), and paragraph 104 of Schedule 1 to the Infrastructure Act 2015 (c. 7). Section 257 was amended by paragraph 1 of Schedule 1 to the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177, article 5(c) of the Planning and Compulsory Purchase Act 2004 (Commencement No. 9 and Consequential Provisions) Order 2006/1281, section 12(2) and (3) of the Growth and Infrastructure Act 2013 (c. 27) and paragraph 14 of Schedule 4 to the Planning (Wales) Act 2015 (anaw. 4). |
| (3) | c. 11. Section 20 was amended by paragraph 14 of Schedule 12 to the Environment Act 2021 (c. 30). There are other amendments that are not relevant to Wales. The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of the 2006 Act and paragraphs 30 and 32 of Schedule 11. |
| (4) | c. 37. Section 17 was amended by section 406(1) of and paragraph 165(1) and (2) of Schedule 17 to, the Communications Act 2003 (c. 21) and paragraph 18 of Schedule 2 to the Local Government Byelaws (Wales) Act 2012 (anaw 2). |
| (5) | c. 26. |

“regulated facility” has the meaning given in regulation 8 of the Environmental Permitting (England and Wales) Regulations 2016/1154