

Explanatory Memorandum to The Infrastructure Consent (Miscellaneous Amendments) (Wales) Regulations 2025.

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

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Infrastructure Consent (Miscellaneous Amendments) (Wales) Regulations 2025.

Rebecca Evans MS
Cabinet Secretary for Economy, Energy and Planning

16 October 2025

PART 1

Description

1. The Infrastructure Consent (Miscellaneous Amendments) (Wales) Regulations 2025 (the Regulations) make necessary amendments to secondary legislation implementing the Infrastructure (Wales) Act 2024 (the Act).

Matters of special interest to the Legislation, Justice and Constitution Committee

2. These Regulations make corrections to the following regulations in response to reporting points raised by the Committee in their reports:
 - The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025 – SL(6)625¹
 - The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025 – SL(6)624²
 - The Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025 - SL(6)623³

Legislative Background

3. The regulations use the same powers as the regulations being amended.
4. The powers contained in section 30(2) of the Act is relied on to make amendments to regulations relating to pre-application consultation.
5. The powers contained in section 32(4) and (5) of the Act are relied on for making amendments to the regulations relating to the making of an application for Infrastructure consent.
6. The powers contained in section 35(1) of the Act are relied on to make amendments to resolutions that relate to the publication of an application for infrastructure consent.
7. The power contained in section 36(4)(b) of the Act is relied on to make amendments to the regulations relating to the form and content of a local impact report.
8. The powers contained in sections 38(2), 39 and 72(2)(d)(i) of the Act are relied upon to make amendments to the regulations relating to compulsory acquisition of land.

¹ <https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=46112>

² <https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=46108>

³ <https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=46106>

9. The powers contained in section 40(5), 44 and 48(6) are relied upon to make amendments to the regulations relating to the appointment for the Examining Authority and the examination procedure.
10. The powers in section 60 of the Act are relied upon to make amendments to the regulations that relate to the notification of an infrastructure consent decision and the procedure where the consent granted is different from that applied for.
11. The power in section 129(4)(b) is relied upon to make amendment to the regulations that relate to a requirement to provide a substantive response to consultation.
12. The powers in section 140 of the Act are relied upon as a limit to the regulation making powers identified above.
13. The power in section 141(2) of the act is relied upon to enable the regulations to make amendment for different purposes.
14. In accordance with section 141(5) of the 2024 Act, the instrument is subject to the negative procedure (i.e. subject to annulment in pursuance of a resolution of Senedd Cymru).

Purpose and intended effect of the legislation

15. The Act legislates for a single unified consenting regime for devolved major energy and infrastructure projects in Wales, both on shore and offshore. The Regulations make minor amendments to the package of secondary legislation that implements the new consenting process. No policy change is made through these regulations.
16. They make minor amendments to the secondary legislation that implements the Act. The risk of not making these Regulations is that the infrastructure consent process will not operate effectively and the Welsh and English texts would not be equivalent.
17. To fully implement the Act, Regulation 2 amends the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025. Regulation 3 amends the Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025. Regulation 4 amends the Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025.

Consultation

18. No formal consultation has been undertaken on the regulations, as they make only consequential technical amendments. The implementation of the Act was consulted on from 19 September 2024 to 13 December 2024. The consultation document and summary of responses can be found using the following link:

Regulatory Impact Assessment (RIA)

19. A Regulatory Impact Assessment has not been prepared in respect of these Regulations as they make consequential and technical amendments to existing legislation and do not impose or reduce costs for business, charities or voluntary bodies or the public sector. This is in line with the policy set out in the Welsh Ministers' Code of Practice for carrying out Regulatory Impact Assessments for subordinate legislation.
20. A Regulatory Impact Assessment for the whole package of subordinate legislation to implement the Act can be found here⁴:

⁴ <https://laiddocuments.senedd.wales/sub-ld17231-em-en.pdf>