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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. 1192 (W. 193)**

**INFRASTRUCTURE  
PLANNING, WALES**

**The Infrastructure (Wales) Act 2024  
(Consequential, Transitional,  
Revocation and Saving Provisions)  
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 the making and consideration of applications for infrastructure consent. The process applies to types of major infrastructure projects that are specified in Part 1 of the 2024 Act. Broadly, they are energy, transport, waste and water projects.

The new process under the 2024 Act replaces, fully or partially, a number of existing statutory regimes for the consenting of significant infrastructure projects, including in particular, planning permission for developments of national significance under Part 3 of the Town and Country Planning Act 1990 (“the 1990 Act”). To the extent that consent under section 19 of the 2024 Act is required for development, the consents referred to in section 20 of the 2024 Act are either not required for, or may not authorise, development.

Regulations 2 to 19 make amendments to secondary legislation which are consequential on the 2024 Act. In particular they ensure the 2024 Act is referenced where appropriate. References to developments of national significance are omitted except to the extent that they are required for the purposes of operation of the transitional provision in section 146 of the 2024 Act.

Regulation 20 makes transitional provision which is supplementary to section 146 of the 2024 Act.

Regulation 21 revokes regulations relating to developments of national significance.

Regulation 22 reflects the saving provision in section 146(10) of the 2024 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment.

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(Consequential, Transitional,  
Revocation and Saving Provisions)  
Regulations 2025

*Made* 11 November 2025

*Laid before Senedd Cymru* 17 November 2025

*Coming into force in accordance with  
regulation 1(2)*

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### Transitional, revocation and savings provisions

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The Welsh Ministers, in exercise of the powers conferred on them by sections 144 and 146(6) of the Infrastructure (Wales) Act 2024<sup>(1)</sup>, by sections 61Z(4), (6), (9)(b) and (d) and 62R(2)(a) of the Town and Country Planning Act 1990<sup>(2)</sup> and by section

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(1) 2024 asc 3.

(2) 1990 c. 8. Section 61Z was inserted by section 17(3) of the Planning (Wales) Act 2015 (anaw 4) (“the 2015 Act”). Section 62R was inserted by section 25 of the 2015 Act.

54(3), (4), (5) and (7) of the Planning and Compulsory Purchase Act 2004<sup>(1)</sup>, make the following Regulations.

#### **Title, coming into force and interpretation**

**1.**—(1) The title of these Regulations is the Infrastructure (Wales) Act 2024 (Consequential, Transitional, Revocation and Saving Provisions) Regulations 2025.

(2) These Regulations come into force on the following dates—

- (a) this regulation and regulations 21 and 22 on 14 December 2025;
- (b) all other regulations on 15 December 2025.

(3) In these Regulations, “the 2024 Act” means the Infrastructure (Wales) Act 2024.

## **PART 1**

### **Amendment Provisions**

#### **The Town and Country Planning (General Permitted Development) Order 1995**

**2.**—(1) The Town and Country Planning (General Permitted Development) Order 1995<sup>(2)</sup> is amended as follows.

(2) In Schedule 2, Part 17A, in paragraph A.2(1)(a), at the end of sub-paragraph (iii), insert—

“or

- (iv) an order granting infrastructure consent under the Infrastructure (Wales) Act 2024;”.

#### **The Nuclear Industries Security Regulations 2003**

**3.**—(1) The Nuclear Industries Security Regulations 2003<sup>(3)</sup> are amended as follows.

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There are other amendments but none is relevant to these Regulations. The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Town and Country Planning Act 1990. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

- (1) 2004 c. 5.
- (2) S.I. 1995/418, amended by S.I. 2019/330; there are other amending instruments but none is relevant to these Regulations.
- (3) S.I. 2003/403, regulation (2)(1A) was inserted by S.I. 2013/190; there are other amending instruments but none is relevant to these Regulations.

(2) In regulation 2(1A), in the definition of “relevant consent” after sub-paragraph (e), insert—

“(f) infrastructure consent within the meaning of section 19 of the Infrastructure (Wales) Act 2024.”

#### **The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006**

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

(2) In regulation 6—

- (a) in paragraph (4), omit “or development of national significance”;
- (b) in paragraph (8), omit the definition of “development of national significance”.

(3) The Regulations referred to in paragraph (1) have effect as if the amendment in paragraph (2) had not been made so far as the provisions of those Regulations relate to a development to which sections 19 and 20 do not apply by virtue of section 146 of the 2024 Act.

#### **The Marine Works (Environmental Impact Assessment) Regulations 2007**

5.—(1) The Marine Works (Environmental Impact Assessment) Regulations 2007<sup>(2)</sup> are amended as follows.

(2) In regulation 2(1)—

- (a) after the definition of “the 2010 Act” insert—  
““the 2024 Act” means the Infrastructure (Wales) Act 2024;”;
- (b) in the definition of “appropriate authority”, in sub-paragraph (a), after “for Wales” insert “examining authority;”;
- (c) after the definition of “environmental statement” insert—  
““examining authority” means the person or panel of persons appointed under section 40 of the 2024 Act;”;
- (d) after the definition of “harbour works” insert—

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(1) S.I. 2006/1387 (W. 137), amended by S.I. 2016/56 (W. 26); there are other amending instruments but none is relevant to these Regulations.

(2) S.I. 2007/1518, amended by S.I. 2011/735, S.I. 2013/755 (W. 90), S.I. 2015/446, S.I. 2017/588, S.I. 2018/287, S.I. 2019/25 and S.I. 2025/82; there are other amendments but none is relevant to Wales.

““infrastructure consent” means the consent required by section 19 of the 2024 Act;

“infrastructure consent order” means an order under the 2024 Act granting infrastructure consent;”;

(e) in the definition of “regulatory approval”—

(i) insert “or” at the end of paragraph (d);

(ii) after sub-paragraph (d) insert—

“(e) an infrastructure consent order that grants infrastructure consent for development that will take place in the Welsh marine area,

and for the purposes of paragraph (e) “development” has the meaning given by section 133 of the 2024 Act;”;

(f) after the definition of “Wales” insert—

““Welsh marine area” has the meaning given in section 143(1) of the 2024 Act;”.

(3) In regulation 3(4)(d) after the first reference to “Welsh Ministers” insert “, examining authority”.

(4) In regulation 10A—

(a) in sub-paragraph (4) after “for Wales” insert “or examining authority”;

(b) in paragraph (5)(a) after “for Wales” insert “or examining authority”.

### **The Waste (England and Wales) Regulations 2011**

**6.**—(1) The Waste (England and Wales) Regulations 2011<sup>(1)</sup> are amended as follows.

(2) In regulation 16—

(a) in paragraph (1), after the definition of “the 2008 Act” insert—

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

“infrastructure consent” means the consent required by section 19 of the 2024 Act;”;

(b) in paragraph (2)—

(i) in sub-paragraph (f), omit “and”;

(ii) at the end, insert—

“; and

(h) the 2024 Act.”

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(1) S.I. 2011/988, amended by S.I. 2024/924; there are other amending instruments but none is relevant to these Regulations.

### **The Town and Country Planning (Development Management Procedure) (Wales) Order 2012**

7.—(1) The Town and Country Planning (Development Management Procedure) (Wales) Order 2012(1) is amended as follows.

(2) Omit article 1(4).

(3) The Order referred to in paragraph (1) has effect as if the amendment in paragraph (2) had not been made so far as the provisions of that Order relate to a development to which sections 19 and 20 do not apply by virtue of section 146 of the 2024 Act.

### **The Carbon Capture Readiness (Electricity Generating Stations) Regulations 2013**

8.—(1) The Carbon Capture Readiness (Electricity Generating Stations) Regulations 2013(2) are amended as follows.

(2) In regulation 2(1)—

(a) after the definition of “the 2008 Act” insert—

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

(b) after the definition of “devolved combustion plant” insert—

““infrastructure consent” means a consent required by section 19 of the 2024 Act;

“infrastructure consent order” means an order under the 2024 Act granting infrastructure consent;”;

(c) after the definition of “relevant consent order” insert—

““relevant infrastructure consent order” means an infrastructure consent order—

(a) for the construction of a devolved combustion plant; or

(b) for a relevant extension;”;

(d) for the definition of “relevant planning authority” substitute—

““relevant planning authority” means in relation to—

(a) consent required by section 19 of the 2024 Act, the Welsh Ministers;

(b) planning permission required under the 1990 Act, the local planning authority;”;

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(1) S.I. 2012/801 (W. 110), amended by S.I. 2016/55 (W. 25); there are other amending instruments but none is relevant to these Regulations.

(2) S.I. 2013/2696, amended by S.I. 2019/294.

- (e) in the definition of “relevant planning permission” after the second reference to “planning permission”, insert “or infrastructure consent”.
- (3) In regulation 4—
- (a) in the heading, after “consent orders”, insert “and infrastructure consent orders”;
  - (b) in paragraph (1A), after “consent order” in each place it occurs, insert “or an infrastructure consent order”;
  - (c) in paragraph (3A)—
    - (i) in sub-paragraph (b), after “consent order” in both places it occurs, insert “or a relevant infrastructure consent order”;
    - (ii) in the words after sub-paragraph (b), after “(as changed)”, insert “or infrastructure consent order (as changed)”.
- (4) In the heading of regulation 6A after “planning permission”, insert “and infrastructure consent”.
- (5) In regulation 6A—
- (a) in paragraph (1), after the second reference to “planning permission”, insert “or infrastructure consent”;
  - (b) in paragraph (4), after “planning permission”, insert “or infrastructure consent”.

**The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015**

**9.**—(1) The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015<sup>(1)</sup> are amended as follows.

- (2) In regulation 10—
- (a) omit paragraph (3)(b) and the “or” before it;
  - (b) in paragraph (9)—
    - (i) at the end of sub-paragraph (a), insert “or”;
    - (ii) omit sub-paragraph (b).
- (3) The Regulations referred to in paragraph (1) have effect as if the amendments in paragraph (2) had not been made so far as the provisions of those Regulations relate to a development to which sections 19 and 20 do not apply by virtue of section 146 of the 2024 Act.

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<sup>(1)</sup> S.I. 2015/1522 (W. 179), amended by S.I. 2019/283 (W. 65); there are other amending instruments but none is relevant to these Regulations.

### **The Planning (Hazardous Substances) (Wales) Regulations 2015**

**10.**—(1) The Planning (Hazardous Substances) (Wales) Regulations 2015<sup>(1)</sup> are amended as follows.

(2) In regulation 28 (other planning approvals for projects), in paragraph (6) after sub-paragraph (a) insert—

“(aa) deciding an application for infrastructure consent under Part 5 of the Infrastructure (Wales) Act 2024;”.

### **The Renewables Obligation Order 2015**

**11.**—(1) The Renewables Obligation Order 2015<sup>(2)</sup> is amended as follows.

(2) In article 88—

(a) in paragraph (1)(b)—

(i) in paragraph (ii), omit “or”;

(ii) at the end insert—

“, or

(iv) infrastructure consent under the Infrastructure (Wales) Act 2024 has been granted and any conditions as to the time period in which the development to which it relates must be begun have not been breached.”;

(b) in paragraph (4), after “(1)” insert “(b)(ii)”;

(c) after paragraph (4), insert—

“(5) In paragraph (1)(b)(iv) “development” has the meaning given in section 133 of the Infrastructure (Wales) Act 2024.”

### **The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017**

**12.**—(1) The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017<sup>(3)</sup> are amended as follows.

(2) In regulation 1(4) after “Welsh Ministers” insert “or an application for infrastructure consent”.

(3) In regulation 2(1)—

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- (1) S.I. 2015/1597 (W. 196), amended by S.I. 2019/456 (W. 109) and S.I. 2024/924 (W. 196); there are other amending instruments but none is relevant to these Regulations.
- (2) S.I. 2015/1947, to which there are amendments not relevant to these Regulations.
- (3) S.I. 2017/567 (W. 136), amended by S.I. 2017/1012, S.I. 2019/245 (W. 60) and S.I. 2024/924 (W. 151); there are other amending instruments but none is relevant to these Regulations.

- (a) after the definition of “the 1995 Act” (“*Deddf 1995*”) insert—
- ““the 2024 Act” (“*Deddf 2024*”) means the Infrastructure (Wales) Act 2024;”;
- (b) omit the definition of “the 2016 Order” (“*Gorchymyn 2016*”) and insert—
- ““the 2025 Application Regulations” (“*Rheoliadau Ceisiadau 2025*”) means the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025;
- “the 2025 Examination Regulations” (“*Rheoliadau Archwiliadau 2025*”) means the Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025;”;
- (c) in the definition of “the consultees” (“*yr ymgynghoreion*”)—
- (i) in paragraph (a) omit the words from “, by virtue of article 22” to the end of the sub-paragraph;
- (ii) after paragraph (c)(iii) insert—
- “(d) in respect of an application for infrastructure consent made to the Welsh Ministers, any authority, body or person which they are required to consult by virtue of the 2024 Act or any provision made under that Act;
- (e) in respect of a subsequent application relating to an infrastructure consent, any authority, body, or person which the Welsh Ministers would be required to consult by virtue of the 2024 Act or any provision made under that Act if the application was for infrastructure consent;”;
- (d) in the definition of “EIA application” (“*cais AEA*”), in sub-paragraph (a), after “planning permission” insert “or infrastructure consent”;
- (e) after the definition of “environmental statement” (“*datganiad amgylcheddol*”) insert—
- ““examining authority” (“*awdurdod archwilio*”) means the person or panel of persons appointed under section 40 of the 2024 Act;”;
- (f) after the definition of “further information” (“*gwybodaeth bellach*”) insert—
- ““infrastructure consent” (“*cydsyniad seilwaith*”) means consent required under section 19 of the 2024 Act;

“infrastructure consent order” (“*gorchymyn cydsyniad seilwaith*”) means an order made under section 60 of the 2024 Act;

“infrastructure register” (“*cofrestr seilwaith*”) means a register kept in accordance with section 128 of the 2024 Act or in accordance with provisions made under that section, and “appropriate infrastructure register” means the register on which particulars of the application for infrastructure consent for the relevant development have been placed or would be placed if such an application were made;”;

- (g) in the definition of “initiating body” (“*corff cychwyn*”)—
  - (i) after “propose to” insert “give a notice of unauthorised development or”;
  - (ii) after “section 102 order” insert “, or the Welsh Ministers where they propose to make an order under section 90 of the 2024 Act”;
- (h) in the definition of “monitoring measure” (“*mesur monitor*”) after “planning permission” insert “or infrastructure consent”;
- (i) after the definition of “monitoring measure” (“*mesur monitor*”) insert—
  - ““notice of unauthorised development” (“*hysbysiad datblygiad anawdurdodedig*”) means a notice given under section 113 of the 2024 Act;”;
- (j) in the definition of “relevant planning authority” (“*awdurdod Cynllunio perthnasaol*”) omit sub-paragraph (a);
- (k) in the definition of “Schedule 1 application” (“*cais Atodlen 1*”) and “Schedule 2 application” (“*cais Atodlen 2*”) after “planning permission” insert “or infrastructure consent”;
- (l) after the definition of “sensitive area” (“*ardal sensitif*”) insert—
  - ““specified person” (“*person penodedig*”) means a person, other than the Welsh Ministers or a planning authority, specified in an infrastructure consent order as the person to whom a subsequent application in relation to that infrastructure consent must be made;”;
- (m) in the definition of “subsequent application” (“*cais dilynol*”) after “planning permission”, in both places it appears, insert “or infrastructure consent”.

(4) In regulation 2(6)—

- (a) after “may be” insert “, in relation to an application for planning permission,”;
  - (b) after “(service of notices)” insert “and in relation to an application for infrastructure consent or notice of unauthorised development, served or given in a manner specified in section 136 of the 2024 Act”.
- (5) In the heading of regulation 3 after “planning permission” insert “, infrastructure consent”.
- (6) In regulation 3—
- (a) after “Welsh Ministers” insert “or examining authority”;
  - (b) after “planning permission” insert “, infrastructure consent”.
- (7) In regulation 4(1)—
- (a) in paragraph (a) after “planning permission” insert “, or seeking infrastructure consent”;
  - (b) in paragraph (b) omit “or the 2016 Order” and insert “, the 2025 Application Regulations or the 2025 Examination Regulations”.
- (8) In regulation 6—
- (a) in paragraph (1) after “planning authority” insert “or specified person”;
  - (b) in paragraph (3)(b) after “planning authority” insert “or specified person” and after “planning permission” insert “or infrastructure consent order”;
  - (c) in paragraph (5) after “authority” insert “or specified person”;
  - (d) in paragraph (6) after “authority” insert “or specified person”;
  - (e) in paragraph (7) after “authority” insert “or specified person”;
  - (f) after paragraph (7) insert—

“(7A) A specified person who adopts a screening opinion pursuant to paragraph (6) must also send a copy to the Welsh Ministers and any planning authority in whose area the development will take place.”;
  - (g) in paragraph (8) after “authority” insert “or specified person”;
  - (h) in paragraph (9) after “authority” insert “ or specified person”.
- (9) In regulation 7 after “authority”, in each place it appears, insert “or specified person”.
- (10) In the heading of Part 3 after “Planning Permission” insert “and Subsequent Applications”.
- (11) In regulation 9 after “planning authority”, in each place it appears, insert “, the Welsh Ministers or specified person”.

(12) In regulation 10—

- (a) after “planning authority” in both places it appears, insert “, the Welsh Ministers or specified person”;
- (b) after paragraph (2) insert—

“(3) Where paragraphs (5) and (6) of regulation 6 apply by virtue of this regulation “planning authority” is to be read as including the Welsh Ministers or specified person who has received the application for subsequent consent.”;

(13) In regulation 14—

- (a) in paragraph (1) after “planning authority” insert “or specified person”;
- (b) in paragraph (2)(b)(ii) after “planning authority” insert “or specified person”, and after “planning permission” insert “or infrastructure consent order”;
- (c) in paragraph (3) after “authority” insert “or specified person”;
- (d) in paragraph (4) after “authority” insert “or specified person”;
- (e) in paragraph (5) after “authority”, in each place it appears” insert “or specified person”;
- (f) after paragraph (5) insert—

“(5A) Where a specified person adopts a scoping opinion they must send a copy to the Welsh Ministers and any planning authority in whose area the development will take place.”;
- (g) in paragraph (6) after “authority” insert “or specified person”;
- (h) in paragraph (7) after “authority” insert “or specified person”;
- (i) in paragraph (8) after “authority” insert “or specified person”;
- (j) in paragraph (9) after “authority” insert “or specified person”.

(14) In regulation 15, after “planning authority” in each place it appears, insert “ or specified person”.

(15) In regulation 16—

- (a) after paragraph (1) insert—

“(1A) Any person who intends to submit an environmental statement to a specified person may give notice to the Welsh Ministers under this paragraph.”;
- (b) in paragraph (2) after “(1)” insert “or paragraph (1A)”;
- (c) in paragraph (3)(a) after “(1)” insert “or paragraph (1A)”;
- (d) omit “and” at the end of paragraph (3)(b)(i);

- (e) after paragraph (3)(b)(ii) insert—
    - “; and
    - (iii) in relation to a notice under paragraph (1A), notify the specified person.”;
  - (f) in paragraph (4) after “authority” in each place it appears, insert “, specified person”;
  - (g) in paragraph (5) after “planning authority” insert “, specified person”.
- (16) In the heading of regulation 18 after “planning authority” insert “or specified person”.
- (17) In regulation 18—
- (a) in paragraph (1) after “planning authority” insert “or specified person”;
  - (b) in paragraph (3) after “authority”, in each place it appears, insert “or specified person”;
  - (c) in paragraph (4) after “planning authority” insert “or specified person”;
  - (d) after paragraph (5) insert—
    - “(5A) Where an applicant submits an environmental statement to a specified person in accordance with paragraph (1), the provisions of regulations 25 (publicity for valid applications: website) and 26 (publicity for valid applications: notices) of the 2025 Application Regulations apply with the following modifications—
    - (a) references to “application” are to “subsequent application”;
    - (b) references to “Welsh Ministers” are to “specified person”;
    - (c) references to “42 days” are to “30 days”;
    - (d) regulation 26(5) and (6) do not apply.”;
  - (e) in paragraph (6) after “planning authority” insert “or specified person”.
- (18) In the heading of regulation 19, after “planning application” insert “or subsequent application”.
- (19) In regulation 19—
- (a) in paragraph (2)(a) after “planning authority” insert “or specified person”;
  - (b) in paragraph(2)(d)(ii) after “planning permission” insert “or infrastructure consent order”;
  - (c) in paragraph (2)(f) after “planning authority” insert “or specified person”;
  - (d) in paragraph (2)(j) after “planning authority” insert “, specified person”;
  - (e) in paragraph (7) after “planning authority,” insert “specified person.”.

(20) In regulation 21(1)(a) after “Welsh Ministers” insert “, examining authority”.

(21) In regulation 24—

(a) in paragraph (1)—

(i) after “Welsh Ministers”, in both places it appears, insert “, examining authority, specified person”;

(ii) after “application”, in the first place it appears, insert “, subsequent application”;

(iii) after “application”, in the second place it appears, insert “or subsequent application”;

(b) in paragraph (2)(a) after “1990 Act” insert “or the 2024 Act”;

(c) in paragraph (3)(c) after “planning permission” insert “or infrastructure consent order”;

(d) in paragraph (3)(h) after “planning authority” insert “or the Welsh Ministers”;

(e) in paragraph (3)(l) after “Welsh Ministers” insert “, examining authority, specified person”;

(f) in paragraph (7) after “Welsh Ministers” insert “, examining authority, specified person”;

(g) in paragraph (10) after “Welsh Ministers” insert “, examining authority, specified person”.

(22) In the heading of regulation 25 after “planning permission” insert “, infrastructure consent or subsequent consent”.

(23) In regulation 25—

(a) after “planning authority”, in each place it appears, insert “, examining authority, specified person”;

(b) after “planning permission” in each place it appears, insert “, infrastructure consent”.

(24) In regulation 26(1) after “Welsh Ministers,” insert “examining authority or specified person”.

(25) In regulation 27—

(a) in paragraph (2)(b)—

(i) after “planning permission” insert “, infrastructure consent”;

(ii) after “(or relevant part of that register)” insert “or appropriate infrastructure register”;

(b) after paragraph (3) insert—

“(4) Where particulars of an application for infrastructure consent or subsequent application

are placed on an infrastructure register, the relevant planning authority and Welsh Ministers must place on the infrastructure register a copy of any—

- (a) screening opinion;
- (b) screening direction;
- (c) scoping opinion;
- (d) scoping direction;
- (e) notification given under regulation 32(2) (applications made without environmental statement);
- (f) direction under regulation 5(4) or (5);
- (g) environmental statement, including any further information and any other information;
- (h) statement of reasons accompanying any of the above.

(5) Where before receiving a notice of proposed application in accordance with section 29 of the 2024 Act for the development in question, the Welsh Ministers

- (a) give a screening direction or scoping direction or a direction under regulation 5(4); or
- (b) receive a request under regulation 31(1) or 33(1),

they must take steps to secure that a copy of the opinion, direction, request and any accompanying statement of reasons are made available for public inspection at all reasonable hours at the place where the appropriate infrastructure register is kept.”

(26) In regulation 28—

- (a) in paragraph (1) after “planning authority” insert “, examining authority, specified person”;
- (b) in paragraph (2)(b) after “planning permission” insert “, infrastructure consent”;
- (c) in paragraphs (2)(b)(i) and (iv) after “planning authority” insert “, examining authority, specified person”;
- (d) in paragraph (2)(c) after “planning permission” insert “, infrastructure consent”.

(27) In regulation 29(2)—

- (a) after “Welsh Ministers” in the first place it appears, insert “, examining authority, specified person”;
- (b) after “Welsh Ministers” in the second place it appears, insert “or specified person if they have determined the application.”.

(28) In the heading of Part 8, after “planning permission” insert “or infrastructure consent”.

(29) In regulation 30(1) after “planning permission” in both places it appears, insert “or infrastructure consent”.

(30) In regulation 31 omit paragraph (2)(e).

(31) In regulation 32(6) after “planning permission” insert “or infrastructure consent”.

(32) In regulation 33—

(a) in paragraph (1) after “planning permission” insert “or infrastructure consent”;

(b) omit paragraph (2)(d).

(33) In the heading of regulation 35 after “planning application” insert “or application for infrastructure consent”.

(34) In regulation 35, in the restatement of regulation 19(2)(a), after “planning permission” insert “or infrastructure consent”.

(35) In regulation 36 for “article 18(2) of the 2016 Order” substitute “regulation 24 of the 2025 Application Regulations”.

(36) In the heading of regulation 40, at the beginning, insert “Notices of unauthorised development, orders under section 90 of the 2024 Act,”.

(37) In regulation 40—

(a) after paragraph (1) insert—

“(1A) This regulation also applies where—

(a) a local planning authority or the Welsh Ministers propose to give a notice of unauthorised development that requires a person to carry out EIA development, or

(b) the Welsh Ministers propose to make an order under section 90 of the 2024 Act that modifies an infrastructure consent order.”;

(b) after paragraph (2) insert—

“(2A) The local planning authority or the Welsh Ministers must not give a notice of unauthorised development that would require a person to carry out Schedule 2 development unless the authority have requested and adopted a screening opinion or the Welsh Ministers have made a screening direction.

(2B) The Welsh Ministers must not make an order under section 90 of the 2024 Act in relation to Schedule 2 development unless they have made a screening direction.”;

- (c) in paragraph (3)(c)(i) after “proposal for” insert “ a notice of unauthorised development, an order under section 90 of the 2024 Act,”;
  - (d) in paragraph (3)(c)(ii)—
    - (i) after “falls to” insert “give a notice of unauthorised development,”;
    - (ii) after “section 102 order” insert “, or make the order under section 90 of the 2024 Act”;
  - (e) in paragraph (3)(c)(iv) after “proposal of” insert “a notice of unauthorised development that requires a person to carry out EIA development, an order made under section 90 of the 2024 Act that modifies an infrastructure consent for Schedule 1 development or Schedule 2 development, or”;
  - (f) in paragraph (5) after “must not” insert “give a notice of unauthorised development, or”;
  - (g) in paragraph (6)—
    - (i) after “must not” insert “give a notice of unauthorised development, or”;
    - (ii) after “confirm or make” insert “an order made under section 90 of the 2024 Act,”;
  - (h) after paragraph (6) insert—

“(7) In this regulation and Schedule 6 references to an order made under section 90 of the 2024 Act are only to an order proposed to be made or made without an application being made under section 90(3) or (4) of the 2024 Act.”
- (38) In regulation 42—
- (a) in the definition of “enforcement functions” (“*swyddogaethau gorfodi*”)—
    - (i) in paragraph (e), omit “and”;
    - (ii) after paragraph (f) insert—
      - “(g) the exercise of the power to enter land under section 106 of the 2024 Act (powers to enter land for enforcement purposes);
      - (h) the serving of an information notice under section 111 of the 2024 Act (power to require information);
      - (i) the giving of a notice of unauthorised development under section 113 of the 2024 Act (notice of unauthorised development);
      - (j) the issue of a temporary stop notice under section 117 of the 2024 Act (power to issue a temporary stop notice); and

(k) an application to the court for an injunction under section 122 of the 2024 Act (injunction to restrain prohibited activity);”;

(b) in the definition of “unauthorised EIA development” (“*datblygiad AEA anawdurdodedig*”) at the end of the definition insert “or a notice of unauthorised development under section 113 of the 2024 Act”.

(39) In regulation 56—

(a) in paragraph (3)(c) after “planning permission” insert “, infrastructure consent order or order made under section 90 of the 2024 Act”;

(b) in paragraph (4) after “planning permission” insert “or infrastructure consent”.

(40) In regulation 63(2) omit “other than an application under section 62D of the 1990 Act (developments of national significance: applications for planning permission)”.

(41) In the heading of Schedule 6 at the beginning insert “Notices of unauthorised development, orders made under section 90 of the 2024 Act, and”.

(42) In Schedule 6—

(a) in paragraph 3 after “would fall to” insert “give a notice of unauthorised development or”;

(b) in paragraph 5(a) after “proposal for” insert “a notice of unauthorised development, an order made under section 90 of the 2024 Act,”;

(c) in paragraph 5(c) after “proposal for” insert “a notice of unauthorised development that requires a person to carry out EIA development, an order made under section 90 of the 2024 Act granting or modifying infrastructure consent for EIA development, or”;

(d) in paragraph 6—

(i) after “refusing to” insert “give a notice of unauthorised development, or refusing to”;

(ii) at the end insert “, or refusing to make the order under section 90 of the 2024 Act”;

(e) in paragraph 7, in the restatement of regulation 14(1) after “proposed” insert “notice of unauthorised development, order made under section 90 of the 2024 Act,”;

(f) in paragraph 11, in the restatement of regulation 18—

- (i) in paragraph (1) after “related to” insert “a notice of unauthorised development, an order made under section 90 of the 2024 Act,”;
- (ii) in paragraph (1)(a), after “draft” in the first place it appears, insert “notice of unauthorised development, draft order made under section 90 of the 2024 Act, draft”;
- (g) in paragraph 12(b), in the restatement of regulation 19(2)(b) after “proposed” insert, “notice of unauthorised development, order made under section 90 of the 2024 Act,”;
- (h) in paragraph 14, in the restatement of regulation 22—
  - (i) in paragraph (1) after “propose to” insert “give a notice of unauthorised development or”;
  - (ii) after paragraph (2) insert—

“(2A) Where the initiating body is the Welsh Ministers, they must send to any planning authority for the area in which the proposed development to which the notice of unauthorised development or order made under section 90 of the 2024 Act relates is located, a copy of the environmental statement prepared in relation to the proposed notice or order.”;
  - (iii) in paragraph (3) after “paragraph (2)” insert “or (2A)”;
- (i) in paragraph 16—
  - (i) in sub-paragraph (a) after “whether to” insert “give a notice of unauthorised development or” and after “102 order” insert “or make an order under section 90 of the 2024 Act”;
  - (ii) omit “and” at the end of sub-paragraph (a);
  - (iii) after sub-paragraph (b) insert—
    - “(c) “planning permission” read “a notice of unauthorised development, planning permission or infrastructure consent”;
    - (d) “granted” read “given or granted”.”;
- (j) in paragraph 18, in the restatement of regulation 28(1)—
  - (i) after “initiating body” insert “gives a notice of unauthorised development, or”;
  - (ii) after “makes” insert “an order under section 90 of the 2024 Act,”;
- (k) in paragraph 19, in the restatement of regulation 29—

- (i) in paragraph (1) after “decision to” in the second place it appears, insert “give a notice of unauthorised development or”;
  - (ii) in paragraph (2) and (3) after “Where a” insert “notice of unauthorised development is given or a”;
  - (iii) in paragraph (3)(b) after “public inspection” insert “, in relation to a section 97 order or section 102 order”, and after “is kept” insert “, in any other case at any place that is reasonable in the circumstances”;
- (1) in paragraph 20—
- (i) in sub-paragraph (b), in the restatement of paragraph 56(1)(a) after “permit by” insert “a notice of unauthorised development, an order made under section 90 of the 2024 Act,”;
  - (ii) at the end of sub-paragraph (b) omit “and”;
  - (iii) in sub-paragraph (c) after “proposed” insert “notice of unauthorised development, order made under section 90 of the 2024 Act,”;
  - (iv) after sub-paragraph (c) insert—
    - “(d) in paragraph (3)(c) “planning permission” read “planning permission or infrastructure consent order”; and
    - (e) in paragraph (4) “planning permission” read “planning permission or infrastructure consent”, and after the word “granted” is inserted “or a notice of unauthorised development is given”.

(43) In Schedule 9, omit paragraph 2.

(44) The Regulations referred to in paragraph (1) have effect as if the amendments in paragraphs (2) to (43) had not been made so far as the provisions of those Regulations relate to a development to which sections 19 and 20 do not apply by virtue of section 146 of the 2024 Act.

### **The Conservation of Habitats and Species Regulations 2017**

**13.**—(1) The Conservation of Habitats and Species Regulations 2017(1) are amended as follows.

(2) In regulation 7(1)—

- (a) omit the “and” at the end of paragraph (b);

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(1) S.I. 2017/1012, there are amendments not relevant to these Regulations.

(b) after sub-paragraph (c), insert—

“; and

(d) an examining authority appointed under section 40 of the Infrastructure (Wales) Act 2024.”

(3) In regulation 9(2)—

(a) omit the “and” after sub-paragraph (m);

(b) after sub-paragraph (n), insert—

“; and

(o) the Infrastructure (Wales) Act 2024.”

(4) In regulation 65, after paragraph (4), insert—

“(5) Where the plan or project to which this regulation applies was consented to by an examining authority appointed under section 40 of the Infrastructure (Wales) Act 2024, the duties and functions in paragraphs (1) to (3) must be carried out by the Welsh Ministers.”

#### **The Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019**

**14.**—(1) The Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019(1) are amended as follows.

(2) In regulation 2(1), after the definition of “application” (“*cais*”), insert—

““infrastructure consent development” (“*datblygiad cydsyniad seilwaith*”) means any development in respect of which an applicant is applying for consent in accordance with the provisions of the Infrastructure (Wales) Act 2024;”.

(3) In regulation 3—

(a) omit the “and” at the end of paragraph (a);

(b) after paragraph (b), insert—

“; and

(c) any infrastructure consent development will be situated.”

#### **The Electricity (Offshore Generating Stations) (Variation of Consents) (Wales) Regulations 2019**

**15.**—(1) The Electricity (Offshore Generating Stations) (Variation of Consent) (Wales) Regulations 2019(2) are amended as follows.

(2) In regulation 2—

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(1) S.I. 2019/295 (W. 73).

(2) S.I. 2019/297 (W. 75).

- (a) after the definition of “generating station” (“*gorsaf gynhyrchu*”), insert—
  - ““infrastructure consent development” (“*datblygiad cydsyniad seilwaith*”) means any development associated with the relevant section 36 consent in respect of which—
    - (a) an order under section 60(1) or 90(1) of the Infrastructure (Wales) Act 2024 has been granted; or
    - (b) the applicant, on making a variation application, is making an application for consent under the provisions of the Infrastructure (Wales) Act 2024.”;
- (b) in the definition of “proposed development” (“*datblygiad arfaethedig*”)—
  - (i) omit the “and” at the end of paragraph (b);
  - (ii) after paragraph (c), insert—
    - “; and
    - (d) any infrastructure consent development in respect for which section 36 consent is not required;”.
- (3) In regulation 3(2)—
  - (a) omit the “and” at the end of subparagraph (c),
  - (b) after subparagraph (d) insert—
    - “(e) any order granted under section 60(1) or 90(1) of the Infrastructure (Wales) Act 2024 associated with the relevant section 36 consent; and
    - (f) any application submitted for, or for variation of, an infrastructure consent associated with the relevant section 36 consent, made in accordance with the provisions of the Infrastructure (Wales) Act 2024.”

**The Electricity (Offshore Generating Stations) (Inquiries Procedure) (Wales) Regulations 2019**

**16.**—(1) The Electricity (Offshore Generating Stations) (Inquiries Procedure) (Wales) Regulations 2019(1) are amended as follows.

- (2) In regulation 2(1)—
  - (a) after the definition of “electronic communication” (“*cyfathrebiad electronig*”), insert—
    - ““infrastructure consent development” (“*datblygiad cydsyniad seilwaith*”) means

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(1) S.I. 2019/304 (W. 77).

any development in respect of which an applicant is applying for consent in accordance with the provisions of the Infrastructure (Wales) Act 2024.”;

- (b) in the definition of “place” (“*lle*”)—
  - (i) omit the “and” at the end of paragraph (a);
  - (ii) after paragraph (b), insert—  
“; and
  - (c) any infrastructure consent development will be situated;”.

#### **The Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024**

**17.**—(1) The Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024(1) are amended as follows.

(2) In Schedule 4, omit paragraphs 11 to 13 and their headings.

(3) The Regulations referred to in paragraph (1) have effect as if the amendment in paragraph (2) had not been made so far as the provisions of those Regulations relate to a development to which sections 19 and 20 do not apply by virtue of section 146 of the 2024 Act.

#### **The Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024**

**18.**—(1) The Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024(2) are amended as follows.

(2) Omit regulations 75 to 83.

(3) The Regulations referred to in paragraph (1) have effect as if the amendment in paragraph (2) had not been made so far as the provisions of those Regulations relate to a development to which sections 19 and 20 do not apply by virtue of section 146 of the 2024 Act.

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(1) S.I. 2024/930 (W. 155), amended by S.I. 2024/1258 (W. 211).

(2) S.I. 2024/924 (W. 151), amended by S.I. 2024/1258 (W. 211).

**The Applications for Scheduled Monument Consent (Wales) Regulations 2024**

**19.**—(1) The Applications for Scheduled Monument Consent (Wales) Regulations 2024<sup>(1)</sup> are amended as follows.

(2) Omit regulation 4 and its heading.

(3) The Regulations referred to in paragraph (1) have effect as if the amendment in paragraph (2) had not been made so far as the provisions of those Regulations relate to a development to which sections 19 and 20 do not apply by virtue of section 146 of the 2024 Act.

**PART 2**

Transitional, revocation and savings provisions

**Transitional provision**

**20.**—(1) For the purposes of section 146(2)(a) of the 2024 Act, an application described in the first column of the following table is not made until the requirements in the second column of that table which are applicable to the application are met—

<p>(a) An application for planning permission under Part 3 of the Town and Country Planning Act 1990, other than under section 62D;</p>	<p>Article 22(3) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012<sup>(2)</sup>.</p>
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<sup>(1)</sup> S.I. 2024/932 (W. 156).

<sup>(2)</sup> S.I. 2012/801 (W. 110), amended by S.I. 2016/59 (W. 29); there are other amending instruments but none is relevant to these Regulations.

<p>(b) An application for planning permission under section 62D of the Town and Country Planning Act 1990<sup>(1)</sup>;</p>	<p>(i) Article 12(1) to (4) and (8), (ii) article 12A as may be inserted by regulation 41(c) of the Developments of National Significance (Wales) Regulations 2016<sup>(2)</sup>, and (iii) article 13, if applicable, of the Developments of National Significance (Procedure) (Wales) Order 2016<sup>(3)</sup>.</p>
<p>(c) An application for consent under section 36 of the Electricity Act 1989<sup>(4)</sup>;</p>	<p>Regulation 3 of the Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019<sup>(5)</sup>.</p>
<p>(d) An application for authorisation under Chapter 3 of Part 2 (control of works affecting scheduled monuments) of the Historic Environment (Wales) Act 2023<sup>(6)</sup>;</p>	<p>Section 14 of the Historic Environment (Wales) Act 2023 and regulation 2 of Applications for Scheduled Monument Consent (Wales) Regulations 2024<sup>(7)</sup>.</p>
<p>(e) An application</p>	<p>(i) Sections 90(2) and</p>

- (1) Section 62D was inserted by section 19 of the Planning (Wales) Act 2015 (anaw 4).
- (2) S.I. 2016/56 (W. 26).
- (3) S.I. 2016/55 (W. 25), modified by S.I. 2016/56 (W. 26), amended by S.I. 2019/290 (W. 68), there is another amending instrument which is not relevant.
- (4) 1989 c. 29. Section 36 was amended by the Energy Act 2004 (c. 20), sections 78, 93(1) and (3), by the Planning Act 2008 (c. 29) (“the 2008 Act”), Schedule 2, paragraphs 31 and 32, by the Wales Act 2017 (c. 4), section 39(7) to (11), Schedule 6, Part 3, paragraph 47 and by the Infrastructure (Wales) Act 2024, Schedule 3, paragraph 3(1) and (2); there are other amendments but none is relevant to these Regulations.
- (5) S.I. 2019/295, to which there are amendments not relevant to these Regulations.
- (6) 2023 asc 3.
- (7) S.I. 2024/932 (W. 156), to which there are amendments not relevant to these Regulations.

<p>for authorisation under Chapter 2 of Part 3 (control of works affecting listed buildings) of the Historic Environment (Wales) Act 2023;</p>	<p>106(2) and (3)(a) of the Historic Environment (Wales) Act 2023, and (ii) regulations 3, 4, 6, 19 and 21 of the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024(1).</p>
<p>(f) An application for authorisation under Part 4 (control of demolition in conservation areas), of the Historic Environment (Wales) Act 2023 (<i>see</i> section 163 of that Act);</p>	<p>(i) Sections 90(2) and 106(2) and (3)(a) of the Historic Environment (Wales) Act 2023, and (ii) regulations 3, 4, 6, 19 and 21 of the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024(2).</p>

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(1) S.I. 2024/930 (W. 155), to which there are amendments not relevant to these Regulations.  
(2) S.I. 2024/930 (W. 155), to which there are amendments not relevant to these Regulations.

(g) An order under section 14 or section 16 of the Harbours Act 1964(1);	Paragraph 7 of Schedule 3 to the Harbours Act 1964(2).
(h) An order under section 1 or 3 of the Transport and Works Act 1992(3).	Rules 9 to 12 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(4).

(2) For the purposes of section 146(2)(b) of the 2024 Act, a notification under section 62E(1) of the Town and Country Planning Act 1990(5) is not made until the requirements of article 5 of the Developments of National Significance (Procedure) (Wales) Order 2016, as may be modified by regulation 41(a) of the Developments of National Significance (Wales) Regulations 2016 are met.

(3) For the purposes of section 146(2)(c) of the 2024 Act, an order or scheme in the first column of the

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- (1) 1964 c. 40 (“the 1964 Act”). The functions of the appropriate Minister under sections 14 and 16 were transferred to the National Assembly for Wales so far as they relate to fishery harbours in Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the 1999 Order”), article 2(a) and the entry in Schedule 1 in relation to the 1964 Act, as amended by the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253, article 4 and Schedule 3(a)). Those functions were transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32) (“the 2006 Act”), Schedule 11, paragraph 30. Section 29 of the Wales Act 2017 (c. 4) (“the 2017 Act”) transferred functions in relation to harbours that are wholly in Wales other than a reserved trust port under sections 14 and 16 of the 1964 Act (so far as not previously transferred) to the Welsh Ministers. Section 30(2), (6) and (7) of the 2017 Act make further relevant amendments to the 1964 Act. Sections 14 and 16 were amended by the Infrastructure (Wales) Act 2024 asc 3 (“the 2024 Act”), Schedule 3 paragraph 1. There are other amendments but none is relevant to this instrument.
- (2) Paragraph 7 was substituted by S.I. 2017/1070, Schedule 1 paragraph 8(9).
- (3) 1992 c. 42 (“the 1992 Act”). Sections 1 and 3 were amended by the 2024 Act, Schedule 3, paragraph 7. There are other amendments but none is relevant to this instrument. Functions of the Secretary of State under sections 1 and 3 of the 1992 Act were transferred to the National Assembly for Wales by the 1999 Order, article 2 and the entry in relation to the 1992 Act in Schedule 1 of that Order. Those functions were transferred to the Welsh Ministers by the Government of Wales Act 2006 (c. 32) (“the 2006 Act”), Schedule 11, paragraph 30.
- (4) S.I. 2006/1466; relevant amending instruments are S.I. 2013/755 (W. 90), S.I. 2017/1070, S.I. 2023/795, S.I. 2024/924 (W.151).
- (5) Section 62E was inserted by section 19 of the Planning (Wales) Act 2015 (anaw 4).

following table is not treated as being under consideration until the requirement in the second column of that table is met—

(a) An order under section 10 of the Highways Act 1980(1) (directing that highway should become trunk road);	The publication of a draft of the order in accordance with Schedule 1 to the Highways Act 1980, paragraph 1(2).
(b) An order under section 14 of the Highways Act 1980(3) (supplementary orders relating to trunk roads);	The publication of a draft of the order in accordance with Schedule 1 to the Highways Act 1980, paragraph 1.
(c) An order under section 16 of the Highways Act 1980(4) (schemes authorising the provision of special roads);	The publication of a draft of the order in accordance with Schedule 1 to the Highways Act 1980, paragraph 10(5).
(d) An order under section 18 of the	The publication of a draft of the order in

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- (1) 1980 c. 66 (“the 1980 Act”). Section 10 was amended by the New Roads and Street Works Act 1991 (c. 22), section 22(2) and the Infrastructure Act 2015 (c. 7), section 1(6) and paragraph 10 of Schedule 1. The functions of the Secretary of State under the 1980 Act were transferred to the National Assembly for Wales so far as exercisable in relation to Wales by the 1999 Order, article 2(a) and the entry in Schedule 1 in relation to the 1990 Act. Those functions were transferred to the Welsh Ministers by the 2006 Act, Schedule 11, paragraph 30.
  - (2) Paragraph 1 was amended by the Infrastructure Act 2015 (c. 7) (“the 2015 Act”), section 57(1) and paragraph 63(2) of Schedule 1.
  - (3) Section 14 was amended by the Water Act 1989 (c. 15) (“the 1989 Act”), Part 1 of Schedule 27 and by the 2015 Act, paragraph 12 of Schedule 1; there are other amendments not relevant to this instrument.
  - (4) Section 16 was amended by the Planning Act 2008 (c. 29) (“the 2008 Act”), section 36 and paragraphs 21 and 24 of Schedule 2; by the 2015 Act, section 1(6) and paragraphs 1 and 13(1) to (4) of Schedule 1 and by the 2024 Act, section 145 and paragraph 2(1) and (4) of Schedule 3.
  - (5) Schedule 1 was amended by the 2015 Act, section 1(6) and paragraphs 1 and 63(1) and (7) of Schedule 1; there are other amendments not relevant to this instrument.

Highways Act 1980(1) (supplementary orders relating to special roads);	accordance with Schedule 1 to the Highways Act 1980, paragraph 1.
(e) An order under section 106 of the Highways Act 1980(2) (orders and schemes providing for construction of bridges over or tunnels under navigable waters);	The publication of a draft of the order in accordance with Schedule 1 to the Highways Act 1980, paragraph 1.
(f) An order under section 108 of the Highways Act 1980(3) (orders authorising the diversion of navigable watercourses);	The publication of a draft of the order in accordance with Schedule 1 to the Highways Act 1980, paragraph 1.
(g) An order under section 6 of the New Roads and Street Works Act 1991(4) (toll orders).	The publication of a draft of the order in accordance with Schedule 1 to the New Roads and Street Works Act 1991,

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- (1) Section 18 was amended by the 2008 Act, section 36 and paragraphs 21 and 25 of Schedule 2; by the 2024 Act, section 145 and paragraph 2(1) and (5) of Schedule 3; by the 1989 Act, section 190 and Part 1 of Schedule 27; by the 2015 Act, section 1(6) and paragraphs 1 and 14 of Schedule 1; by the Local Government Act 1985 (c. 51), section 102 and Schedule 17 and by the Statute Law (Repeals) Act 1995 (c. 44), section 1 and Schedule 1, Part V.
- (2) Section 106 was amended by the 2008 Act, section 36 and paragraphs 21 and 26 of Schedule 2; by the 2024 Act, section 145 and paragraph 2(1) and (6) of Schedule 3 and by the 2015 Act, section 1(6) and paragraphs 1 and 34(1) and (3) of Schedule 1; there are other amendments not relevant to this instrument.
- (3) Section 108 was amended by the 2008 Act, section 36 and paragraphs 21 and 27 of Schedule 2; by the 2024 Act, section 145 and paragraph 2(1) and (7) of Schedule 3 and by the 2015 Act, section 1(6) and paragraphs 1 and 35 of Schedule 1.
- (4) 1991 c. 22 (“the 1991 Act”). Section 6 was amended by the 2008 Act, section 36 and paragraphs 48 and 49 of Schedule 2 and by the 2024 Act, section 145 and paragraph 6 of Schedule 3; there are other amendments not relevant to this instrument. The functions of the Secretary of State under the 1991 Act were transferred to the National Assembly for

	paragraph 1 or 2, as the case may be.
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(4) For the purposes of section 146(3)(b), an application is not made under section 62D of the Town and Country Planning Act 1990 until the requirements of articles 12(1) to (4) and (8) and 13 of the Developments of National Significance (Procedure) (Wales) Order 2016 which are applicable to the application are met.

(5) In this regulation—

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

“planning authority” (“*awdurdod cynllunio*”) means a local planning authority within the meaning given by Part 1 of the Town and Country Planning Act 1990.

### Revocation provision

**21.** Subject to savings the following instruments are revoked—

- (a) the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016(1);
- (b) the Developments of National Significance (Application of Enactments) (Wales) Order 2016(2);
- (c) the Developments of National Significance (Procedure) (Wales) Order 2016;
- (d) the Developments of National Significance (Wales) Regulations 2016;
- (e) the Developments of National Significance (Fees) (Wales) Regulations 2016(3);
- (f) the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) (Amendment) Regulations 2016(4);
- (g) the Developments of National Significance (Specified Criteria, Fees and Fees for Deemed Applications) (Wales) (Amendment) Regulations 2019(5);
- (h) the Developments of National Significance (Wales) (Amendment) Regulations 2019(6);

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Wales so far as exercisable in relation to Wales by the 1999 Order, article 2(a) and the entry in Schedule 1 in relation to the 1990 Act. Those functions were transferred to the Welsh Ministers by the 2006 Act, Schedule 11, paragraph 30.

- (1) S.I. 2016/53 (W. 23).
- (2) S.I. 2016/54 (W. 24).
- (3) S.I. 2016/57 (W. 27).
- (4) S.I. 2016/358 (W. 111).
- (5) S.I. 2019/283 (W. 65).
- (6) S.I. 2019/288 (W. 67).

- (i) the Developments of National Significance (Procedure) (Wales) (Amendment) Order 2019<sup>(1)</sup>;
- (j) the Developments of National Significance (Wales) (Amendment) Regulations 2024<sup>(2)</sup>;
- (k) the Developments of National Significance (Fees) (Wales) (Amendment) Regulations 2024<sup>(3)</sup>.

**Saving provision**

22. Section 146(10) of the 2024 Act saves the provisions of the Town and Country Planning Act 1990 as if the amendments in paragraph 4 of Schedule 3 to the 2024 Act had not been made, in so far as they relate to a development to which sections 19 and 20 of the 2024 Act do not apply by virtue of section 146 of that Act, and accordingly the instruments referred to in regulation 21 continue to apply to such a development.

*Rebecca Evans*  
Cabinet Secretary for Economy, Energy and Planning  
11 November 2025

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(1) S.I. 2019/290 (W. 68).  
(2) S.I. 2024/1256 (W. 210).  
(3) S.I. 2024/1325 (W. 224).