

Explanatory Memorandum to the Infrastructure Consent (Consequential and Miscellaneous Amendments) (Wales) Regulations 2026.

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 (Consequential and Miscellaneous Amendments) (Wales) Regulations 2026.

Rebecca Evans MS

Cabinet Secretary for Economy, Energy and Planning

19 March 2026

PART 1

Description

1. The Infrastructure Consent (Consequential and Miscellaneous Amendments) (Wales) Regulations 2026 (“the Regulations”) make necessary amendments to secondary legislation implementing the Infrastructure (Wales) Act 2024 (“the 2024 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 ¹;
 - The Infrastructure (Wales) Act 2024 (Consequential, Transitional, Revocation and Saving Provisions) Regulations 2025 ²; and
 - The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ³;
3. A correction has also been made to regulation 9(4) of the Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025, which changes the word “of” to “or”.

Legislative Background

4. These Regulations are made under powers conferred on the Welsh Ministers by sections 27(1)(a), 29(2), (3) and (5), 141(2), 144(1)(a) and (2) and 146(6) of the 2024 Act.
5. Section 27(1)(a) of the 2024 Act enables regulations to make provision for or in connection with the provision of pre-application services by a planning authority, Natural Resources Wales or the Welsh Ministers, including provision about the circumstances in which pre-application services are required to be provided (including provision about the form and content of requests for pre-application services, and information that is to accompany a request).
6. Section 29(2) of the 2024 Act specifies notices of proposed applications must comply with requirements specified in regulations. Section 29(3) and (5)

¹ [SL\(6\)625 - The Infrastructure Consent \(Pre-Application and Application Procedure and Transitional Provisions\) \(Wales\) Regulations 2025](#)

² [SL\(6\)677 - The Infrastructure \(Wales\) Act 2024 \(Consequential, Transitional, Revocation and Saving Provisions\) Regulations 2025](#)

³ [SL\(5\)100 - The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#)

specifies what may be included in regulations, including (among other things) the form and content of notices.

7. Sections 141(2) and 144(1)(a) of the 2024 Act provide the power to make different provision for different purposes or different areas and to make incidental, supplementary, consequential, transitional or savings provision.
8. Section 146(6) of the 2024 Act enables regulations to make provision about when an application or notification is to be treated as made.
9. In accordance with section 141(5) of the 2024 Act, the instrument is subject to the Senedd annulment procedure.

Purpose and intended effect of the legislation

10. 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.
11. They make minor amendments to the secondary legislation that implements the Act. They ensure clarity in those instruments amended and ensure that the Welsh and English texts are equivalent.

Consultation

12. 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:

[Implementing the Infrastructure \(Wales\) Act 2024 | GOV.WALES](#)

Regulatory Impact Assessment (RIA)

13. 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.
14. 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>