
Infrastructure 47, Transport for Wales

Senedd Cymru | Welsh Parliament

**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change,
Environment, and Infrastructure Committee**

Bil Seilwaith (Cymru) | Infrastructure (Wales) Bill

Ymateb gan Trafnidiaeth Cymru | Evidence from Transport for Wales



**TRAFNIDIAETH
CYMRU
TRANSPORT
FOR WALES**

3 Llys Cadwyn
Pontypridd,
CF37 4TH,
029 2167 3434

trc.cymru

3 Llys Cadwyn
Pontypridd
CF37 4TH
029 2167 3434

tfw.wales

Llyr Gruffydd MS
Chair
Climate Change, Environment, and Infrastructure Committee

25 August 2023

Dear Chair Llyr Gruffydd MS,

I am writing to you regarding the Infrastructure (Wales) Bill and to provide evidence from Transport for Wales to the Climate Change, Environment and Infrastructure Committee

Bill provisions

Transport for Wales welcomes the intent behind the Bill to simplify the current planning regime related to significant infrastructure projects (SIPs) within Wales.

Transport for Wales aims to work at pace in delivering our projects and subscribes to the aims within the wider industry to aim to deliver complex and significant schemes in half the time, and half the cost. As such, the fixed time-period for deciding applications under the Bill is welcome as it removes the risks of applications becoming open ended, with the consequential risk of direct costs being incurred for the additional duration as well as the indirect costs of inflation, of repeating expired surveys and of procured contracts expiring.

In line with that same aspiration to significantly reduce the time and cost to deliver improvements to the transport network, it should be considered whether the statutory periods within the Bill could be reviewed. Would it be feasible to arrive at consent within a shorter period than 52 weeks?

When combined with the pre-application period, as drafted, there would be over a year where no design or construction activities could proceed on a significant project, which is a long period of time when we are seeking to deliver early benefits to communities as part of our schemes.

It is noted that the Bill provides flexibility for the Welsh Ministers in defining what developments may be considered as significant infrastructure projects. Transport for Wales welcomes this as it would give greater flexibility to our pipeline of future projects. Many of those projects would be unlikely to trigger the definition of SIPs due to lengths of new infrastructure being less than 2km.

However, these projects are often viewed as highly complex and of relatively high cost to the public purse, so having the additional option of consents under the Bill may be a desirable option to reduce risk and increase certainty of delivery timescales.



Mae Trafnidiaeth Cymru yn eiddo i
Lywodraeth Cymru
Transport for Wales is owned by the
Welsh Government

Cwmni Cyfyngedig drwy Warrant. Cofrestrwyd yng Nghymru. Rhif Cwmni 09476013. Cyfeiriad
Swyddfa Gofrestredig: 3 Llys Cadwyn, Pontypridd, CF37 4TH

A Company Limited by Guarantee. Registered in Wales. Company No. 09476013. Registered Office Address: 3 Llys
Cadwyn, Pontypridd, CF37 4TH



**TRAFNIDIAETH
CYMRU
TRANSPORT
FOR WALES**

3 Llys Cadwyn
Pontypridd,
CF37 4TH,
029 2167 3434

trc.cymru

3 Llys Cadwyn
Pontypridd
CF37 4TH
029 2167 3434

tfw.wales

We also welcome the provision in Section 8 of the Bill that the construction or alteration of a railway may not be considered a SIP if it constitutes permitted development under the Town and Country Planning (General Permitted Development) Order 1995. This is of relevance to potential projects on the Core Valley Lines network.

Financial Analysis

The financial analysis that accompanies the Bill estimates the costs to the Welsh Government and the public purse of assessing applications and determining their outcome. What the analysis does not clearly consider is that the cost to the developer may be funded fully or partially by the Welsh Government.

It can be reasonably expected that the costs to a developer working to currently recognised standards and regulations for statutory and public consultation, and environmental impact assessment, may not change substantially from the status quo in the initial appraisal period.

But it should be noted that in the time since the equivalent legislation in England was implemented, several key trends have developed which could significantly impact on cost:¹

- The average length of time to reach a decision has increased from 2.6 years to 4.2 years
- The volume of documentation created during the consenting process has increased
- The number of projects that are subject to successful legal challenge is increasing

This leads to several linked considerations. The first is that although a statutory period for determination may be set through the Bill, that is not the only factor in the time taken for the determination. The Welsh Government may wish to consider how that period could be protected through the primary legislation.

The second consideration is that the volume of documentation created has increased over time, from an already very high level to the point where some applications are now in excess of 90,000 pages.

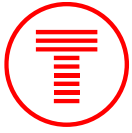
This is in part due to the nature of the consenting mechanism, as it is widely considered that the level of detail required at the time of application must be greater than for other consenting means because the terms of the consent are more precise and there is less room for manoeuvre after the consent is granted so the level of detail and certainty in the application must be higher. This comes at a cost to the developer. This is also linked to the third consideration.

¹ [Nationally Significant Infrastructure: action plan for reforms to the planning process - GOV.UK \(www.gov.uk\)](http://www.gov.uk)



Cwmni Cyfyngedig drwy Warrant. Cofrestrwyd yng Nghymru. Rhif Cwmni 09476013. Cyfeiriad Swyddfa Gofrestredig: 3 Llys Cadwyn, Pontypridd, CF37 4TH

A Company Limited by Guarantee. Registered in Wales. Company No. 09476013. Registered Office Address: 3 Llys Cadwyn, Pontypridd, CF37 4TH



**TRAFNIDIAETH
CYMRU
TRANSPORT
FOR WALES**

3 Llys Cadwyn
Pontypridd,
CF37 4TH,
029 2167 3434

trc.cymru

3 Llys Cadwyn
Pontypridd
CF37 4TH
029 2167 3434

tfw.wales

The third consideration is that of increasing legal challenge. Projects which may be put forward for consent under the Bill would rightly be subject to significant public scrutiny, particularly on contemporary considerations such as contribution to climate change and their environmental impact.

As the grounds for a large number of legal challenges to the equivalent legislation in England have been on public policy grounds, there would have to be significant effort from the Welsh Government to ensure that published policy documents for infrastructure projects remain relevant and consistent with other policy set by the Welsh Government. This cost may not have been considered in the analysis.

Yours sincerely

Geoff Ogden



Cwmni Cyfyngedig drwy Warrant. Cofrestrwyd yng Nghymru. Rhif Cwmni 09476013. Cyfeiriad Swyddfa Gofrestredig: 3 Llys Cadwyn, Pontypridd, CF37 4TH

A Company Limited by Guarantee. Registered in Wales. Company No. 09476013. Registered Office Address: 3 Llys Cadwyn, Pontypridd, CF37 4TH