

Infrastructure 48, Welsh Local Government Association

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 Mae Cymdeithas Llywodraeth Leol Cymru | Evidence from Welsh Local Government Association

General principles

What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

1. The principles of the Bill are supported in that it is considered that a single Infrastructure Consent regime will consolidate and simplify a myriad of consenting regimes.
 2. Local Authorities are correctly and rightly seen to have an important, central role in the proposed consenting process from pre-application stages through to the discharge of conditions, etc.
 3. Local Authorities are well placed to provide their local and specialist knowledge on issues and potential impacts of proposed Significant Infrastructure Projects but crucially they must be sufficiently resourced to support the proposed single infrastructure consenting regime.
 4. As the proposed regime is a single consenting regime which will consolidate and replace a number of separate consenting regimes, the process will draw in a wide range of Local Authority services and their supporting specialist consultants e.g. local highway authority, land drainage, sustainable drainage approval body, common land, rights of way, environmental health, planning, biodiversity / ecology, solicitor costs for preparing agreements and obligations, etc. As such, the proposed fee regulations must reflect this wider input and involvement and the cost to be borne by Local Authorities and should not duplicate the DNS fee regulations because the DNS system is much narrower in its scope.
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5. Local Authorities are supportive of assisting the examination process and attending the examination if required, but they must be recompensed for doing so.
 6. As another example, experiences drawn from the existing DNS regime have shown that the discharge of planning conditions can require Local Authorities to procure specialist consultancy support not available internally within an Authority. This additional cost should be reflected in the proposed fee regulations.
 7. It is expected that the proposed approach will result in prospective applicants wishing to front-load the preparation of Significant Infrastructure Project applications in order to ensure that applications are sound at the time of their submission. Prospective applicants can be expected to want to engage early with Local Authorities in order to ensure issues are addressed by the time of submission and that Local Impact Reports are positive and favourable. As such Local Authorities can be expected under the proposed regime to be placed under further and increased demands to engage and support the early development and evolution of Significant Infrastructure Projects. This has resource and capacity implications for Local Authorities.
 8. Whilst Planning Performance Agreements have been successfully used by Local Authorities, capacity, resource and procurement challenges are already experienced by Local Authorities and are a significant challenge. These are current practical issues and potential barriers that will need to be addressed if the regime is to meet its objectives as intended.
 9. The WLGA would welcome further discussion with Welsh Government on the detailed implementation of the Bill and in particular how efficiencies can best be achieved to enable the Bill's objectives to be met. Moreover, some Local Authorities, as well as PEDW, are already being put under significant pressure by Development of National Significance projects as applicants look to escalate projects and there is the real prospect that the number of DNS applications combined with SIP applications cannot be adequately supported by Local Authorities. Consideration should be given to validation requirements and potentially to a prioritisation system for potential SIP applications in order to ensure limited resources are used and managed in the most effective way.
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10. The proposed 5 week period for Local Authorities to prepare and approve a Local Impact Report is challenging. It is considered that this should be extended to 8 weeks.

Specific Comments:

11. Clarity is required on the amendment process and procedures (material or non-material amendments) post IC approval e.g. will sustainable drainage amendments be possible? Which Authority is responsible for determining the amendment?

12. Welcome the opportunity for further consultation and input in relation to:

- The supporting regulations to be prepared e.g. Local Impact Reports and Fees;
- The proposed Relevant Policy Statements. Clarity is required over the process and timescale for preparing these as these will be critical to determination. The timing and materiality of these for DNS applications and the transition period will need to be made clear.

13. Clarity over the enforcement responsibilities of different authorities is required.

14. The National Development Framework is referenced, but Strategic Development Plans and Local Development Plans / LDP-lites should also be material considerations.

What are your views on the Bill's provisions (set out according to parts below), in particular are they workable and will they deliver the stated policy intention?

Part 1 - Significant infrastructure projects

No response.

Part 2 - Requirement for infrastructure consent

No response.

Part 3 - Applying for infrastructure consent

No response.

Part 4 - Examining applications

No response.

Part 5 - Deciding applications for infrastructure consent

No response.

Part 6 - Infrastructure consent orders

No response.

Part 7 - Enforcement

No response.

Part 8 - Supplementary functions

No response.

Part 9 - General provisions

No response.

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

No response.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

No response.

Are any unintended consequences likely to arise from the Bill?

No response.

What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

No response.

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

No response.
