

Government Response: The Infrastructure Consent (Fees) (Wales) Regulations 2025

Technical Scrutiny point 1: The Welsh Government notes the Committee's point. Whilst it is agreed that the term 'financial year' does not need to be defined and the definition in Legislation (Wales) Act 2019 could be relied upon, it was decided that in this instance it would be beneficial to include the term within this SI.

Technical Scrutiny point 2: The Welsh Government is grateful to the Committee for raising this point. The draft Regulations will be amended prior to making as set out in the table below to ensure consistent use of the defined term "relevant pre-application services". Whilst it is considered that the draft Regulations would be interpreted in this way as it is currently drafted, ensuring that the defined term is used consistently will aid accessibility.

Technical Scrutiny point 3: The Welsh Government is grateful to the Committee for raising this point. It is considered that the timescales are clear in each case. As set out in the table below, the Welsh will be amended in regulations 3(6) and 4(6) prior to making to ensure consistency with the English text.

Technical Scrutiny point 4: The Welsh Government notes the Committee's point. It is considered that there is no ambiguity in the use of the word 'will' in the context highlighted.

Technical Scrutiny point 5: The Welsh Government is grateful to the Committee for raising this point. As set out in the table below, the words "relevant pre-application" in regulation 5(9)(b) will be inserted before the word "services" prior to making. This will align the English text with the equivalent Welsh text in regulation 5(9)(b).

Technical Scrutiny point 6: The Welsh Government is grateful to the Committee for raising this point. Regulation 7(1) will be amended prior to making as set out in the table below to use the defined term "the 2024 Act", rather than "the Act".

Technical Scrutiny point 7: The Welsh Government is grateful to the Committee for raising this point. Regulations 10(2)(a) and (b) and 11(2)(a) and (b) will be amended prior to making as set out in the table below to clarify the references are to 'the 2024 Act'. In addition, the references to section 37(b) in regulations 11(2)(a) and (b) will be corrected to refer to section 37(2) of the 2024 Act. It is clear the cross-reference was meant to be to section 37(2) as the reference is to a direction specifying a deadline within which Natural Resources Wales must submit a marine impact report, which is what section 37(2) provides for.

Technical Scrutiny point 8: The Welsh Government is grateful to the Committee for raising this point. The cross reference will be corrected prior to making as set out in the table below.

Technical Scrutiny point 9: The Welsh Government notes the point. The term “relevant planning authority” used in regulations 4 and 10 are not intended to have the definition given by either regulation 13, or section 123 of the Act (which uses the term in the context of enforcement). In both regulations 4 and 10, there is reference to a “planning authority” (as defined in regulation 2(1)). The following references to “the relevant planning authority” within regulations 4 and 10 are references to the first “planning authority” e.g. either the planning authority that provides the pre-application services, or the planning authority which submits a local impact report.

Technical Scrutiny point 10: The Welsh Government is grateful to the Committee for raising this point. The second paragraph of the preamble will be corrected prior to making as set out in the table below to include reference to section 141(4)(h) of the 2024 Act.

Minor corrections to be made prior to making the Regulations

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
Rheoliadau Cydsyniad Seilwaith (Ffioedd) (Cymru) 2025	The Infrastructure Consent (Fees) (Wales) Regulations 2025
In the second paragraph of the preamble, “a 4(h)” will be inserted after “adran 141(3)”.	In the second paragraph of the preamble “and (4)(h)” will be inserted after “section 141(3)”.
Regulation 3(4)(b) will be amended so that “gwasanaethau perthnasol” is replaced with “gwasanaethau cyn gwneud cais perthnasol”.	Regulation 3(4)(b) will be amended so that “relevant services” is replaced with “relevant pre-application services”.
Regulation 3(6) will be amended so that “sy'n dechrau ar y diwrnod” is replaced with “sy'n dechrau y diwrnod”.	
Regulation 4(3)(d) will be amended so that “gwasanaethau perthnasol” is replaced with “gwasanaethau cyn gwneud cais perthnasol”.	Regulation 4(3)(d) will be amended so that “relevant services” is replaced with “relevant pre-application services”.

Regulation 4(4)(b) will be amended so that “gwasanaethau perthnasol” is replaced with “gwasanaethau cyn gwneud cais perthnasol”.	Regulation 4(4)(b) will be amended so that “relevant services” is replaced with “relevant pre-application services”.
Regulation 4(6) will be amended so that "sy'n dechrau ar y diwrnod" is replaced with "sy'n dechrau y diwrnod".	
Regulation 5(3)(d) will be amended so that “gwasanaethau perthnasol” is replaced with “gwasanaethau cyn gwneud cais perthnasol”.	Regulation 5(3)(d) will be amended so that “relevant services” is replaced with “relevant pre-application services”.
Regulation 5(4)(b) will be amended so that “gwasanaethau perthnasol” is replaced with “gwasanaethau cyn gwneud cais perthnasol”.	Regulation 5(4)(b) will be amended so that “relevant services” is replaced with “relevant pre-application services”.
No amendment required. The amendment to the English aligns with the existing Welsh text.	In regulation 5(9)(b) the words “relevant pre-application” will be inserted before “services”.
Regulation 7(1) will be amended to replace the words “o’r Ddeddf” after “adran 126(1)” with “o Ddeddf 2024”.	Regulation 7(1) will be amended to insert the words “2024” before the word “Act” in the second place it occurs in that paragraph.
In regulation 10(2)(a) the words “o Ddeddf 2024” will be added after “adran 34(2)(a) neu (b)”.	In regulation 10(2)(a) the words “of the 2024 Act” will be added after “section 34(2)(a) or (b)”.
In regulation 10(2)(b) the words “o Ddeddf 2024” will be added after “adran 34(2)(a) neu (b)”.	In regulation 10(2)(b) the words “of the 2024 Act” will be added after “section 34(2)(a) or (b)”.
In regulation 11(2)(a) the words “o Ddeddf 2024” will be added after “adran 34(2)(b)”.	In regulation 11(2)(a) the words “of the 2024 Act” will be added after “section 34(2)(b)”.
In regulation 11(2)(a) the words “adran 37(b)” will be replaced with “adran 37(2) o Ddeddf 2024”.	In regulation 11(2)(a) the words “section 37(b)” will be replaced with “section 37(2) of the 2024 Act”.

In regulation 11(2)(b) the words “o Ddeddf 2024” will be added after “adran 34(2)(b)”.	In regulation 11(2)(b) the words “of the 2024 Act” will be added after “section 34(2)(b)”.
In regulation 11(2)(b) the words “adran 37(b)” will be replaced with “adran 37(2) o Ddeddf 2024”.	In regulation 11(2)(b) the words “section 37(b)” will be replaced with “section 37(2) of the 2024 Act”.
In regulation 13(5) the cross reference to “ym mharagraff (5)” will be amended to “ym mharagraff (4)”.	In regulation 13(5) the cross reference to “paragraph (5)” will be amended to “paragraph (4)”.
Minor issues such as formatting, changes to the explanatory note, footnotes and typographical errors will also be corrected prior to making.	