

SL(6)677 – The Infrastructure (Wales) Act 2024 (Consequential, Transitional, Revocation and Saving Provisions) Regulations 2025

Background and Purpose

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.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following 21 points are identified for reporting under Standing Order 21.2 in respect of this instrument.



1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Regulation 1(2) and regulations 21 and 22 come into force on 14 December 2025, whereas all other regulations come into force one-day later on 15 December 2025. It is unclear why there is a one-day difference with commencement of these provisions.

2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 3(2), the location for the insertion of the new text in the definition of “relevant consent” is incorrectly described as “after **sub-paragraph** (e)”. However, it should be described as “after **paragraph** (e)” because it is a first division of a definition rather than a division of paragraph (1A) in regulation 2 of the Nuclear Industries Security Regulations 2003. In this regard, there is an existing inconsistency in the cross-references in regulation 2 of the 2003 Regulations where paragraph (aa) within the definition of “nuclear premises” is incorrectly described as a sub-paragraph in a few places unlike the other paragraphs of the same definition.

3. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 5(2)(b), the location for the insertion of the new text in the definition of “appropriate authority” is incorrectly described as “in **sub-paragraph** (a)”. However, it should be correctly described as “in **paragraph** (a)” because it is a first division of the definition rather than a division of paragraph (1) in regulation 2 of the Marine Works (Environmental Impact Assessment) Regulations 2007.

4. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 5(2)(e)(ii), the location for the insertion of the new text in the definition of “regulatory approval” is incorrectly described as “after **sub-paragraph** (d)”. It is also inconsistent with the previous description in regulation 5(2)(e)(i) where it correctly refers to the same provision as “**paragraph** (d)”.

5. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 5(4)(a), the location for the insertion of the new text is incorrectly described as “in **sub-paragraph** (4)”. However, it should be correctly described as “in **paragraph** (4)” because it is a first division of regulation 10A of the Marine Works (Environmental Impact Assessment) Regulations 2007.

6. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation



In regulation 8(2)(c), in the English text, the new definition of “relevant infrastructure consent order” is incorrectly inserted after the definition of “relevant consent order” in regulation 2(1) of the Carbon Capture Readiness (Electricity Generating Stations) Regulations 2013. However, the new definition should have been inserted after the definition of “relevant extension” because the existing definitions are all listed according to English alphabetical order in the English text of that regulation (other than the chronologically ordered definitions of legislation at the beginning).

7. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 8(3)(b), the existing text of regulation 4(1A) in the Carbon Capture Readiness (Electricity Generating Stations) Regulations 2013 is amended so that “or an infrastructure consent order” is inserted after “consent order” in each place it occurs. However, the later amendment made by regulation 8(3)(c)(i) of these Regulations inserts the term “or a **relevant** infrastructure consent order” in regulation 4(3A)(b)(i) and (ii) of the 2013 Regulations which as amended will refer the reader to regulation 4(1A)(a) and (b) of those Regulations. Therefore, should the amendment made by regulation 8(3)(b) insert the term “or a **relevant** infrastructure consent order” rather than “or an infrastructure consent order” in any of those places in regulation 4(1A) of the 2013 Regulations? (both “infrastructure consent order” and “relevant infrastructure consent order” are defined terms)

8. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 12(3)(b), there is a difference between the English and Welsh text. In the English text, it notes “omit the definition of “the 2016 Order” and insert-” without specifying where the new definitions should be inserted. But the meaning given by the Welsh text is “omit the definition of “Gorchymyn 2016” and after the definition of “prif gyngor” insert-” which specifies where the new definition should be inserted in the existing list of definitions. If the intention of the amendment made by the English text is to insert the new definitions in the same place as the omitted definition it should use the description “for the definition of “the 2016 Order” substitute-” to identify that location.

9. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 12(3)(c)(i), the location of the text for amendment is correctly described as found “in paragraph (a)” of the definition of “the consultees” in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, the amendment is described as omitting the words to “the end of **the sub-paragraph**” when still referring to paragraph (a) of that definition. In addition, the existing text of that definition also incorrectly refers to the divisions of that definition as “sub-paragraphs”, but they should be described as “paragraphs”.



10. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 12(3)(d), the location of the text for amendment is incorrectly described as being found “in **sub-paragraph** (a)” of the definition of “EIA application” in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, it should be correctly described as “in **paragraph** (a)” of that definition in the 2017 Regulations. This also occurs in regulation 12(3)(j) where it notes “omit **sub-paragraph** (a)” in the definition of “relevant planning authority” but it should be described as “**paragraph** (a)”.

11. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 12(7)(a) and (b), the description of the location of the text is incorrectly described as “in **paragraph** (a)” and “in **paragraph** (b)” of regulation 4(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, they should be described as “in **sub-paragraph** (a)” and “in **sub-paragraph** (b)” respectively because they are divisions of paragraph (1) in regulation 4 of the 2017 Regulations.

12. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 12(7)(b), the amendment is described as “omit “or the 2016 Order” and insert “the 2025 Application Regulations or the 2025 Examination Regulations”. However, the amendment should be described as “for “the 2016 Order” substitute “, the 2025 Application Regulations or the 2025 Examination Regulations” if it is inserting the new text in the same location as the existing text in regulation 4(1) of Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

13. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 12(17)(d), in the new paragraph (5A)(a) and (b), in the Welsh text, the modifications are made to references to “cais” and “Gweinidogion Cymru” respectively found in regulations 25 and 26 of the 2025 Application Regulations. However, the mutated forms of those phrases are also used in regulations 25 and 26 of the 2025 Application Regulations. Therefore, shouldn't the Welsh text of the new paragraph (5A)(a) and (b) also note the mutated forms that are modified?

14. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 12(25)(a), the location of the text for the amendments is incorrectly described because it notes that the phrases are found “in paragraph (2)(b)” of regulation 27 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, the identified text for the amendment made by regulation 12(25)(a)(ii) is found in the full-out



words after sub-paragraph (b) at the end of paragraph (2) in regulation 27 of the 2017 Regulations.

15. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 12(26)(c), there is a difference between the English and Welsh text. In the English text, the amendment notes that the new text should be inserted “after “planning authority”” in paragraph (2)(b)(i) and (iv) of regulation 28 in the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, the term “planning authority” does not occur in paragraph (2)(b)(iv) of regulation 28 in the 2017 Regulations, where it only refers to “the authority”. In the Welsh text, the corresponding amendment has been described differently so that the new text is inserted after “planning authority” and “the authority” in paragraphs (i) and (iv) respectively of regulation 28(2)(b). Therefore, the amendment does not succeed in the English text although it does in the Welsh text due to the different descriptions in both language texts.

16. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 12(42)(l)(i), the location of the text for amendment is incorrectly described as “in the restatement of **paragraph** 56(1)(a)”. However, it should be correctly described as “in the restatement of **regulation** 56(1)(a)” which is modified by paragraph 20 of Schedule 6 to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

17. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 13(2)(a), the location of the text for amendment is incorrectly described as “at the end of **paragraph** (b)”. However, it should be correctly described as “at the end of **sub-paragraph** (b)” because it is a division of paragraph (1) in regulation 7 of the Conservation of Habitats and Species Regulations 2017. Another provision in regulation 7(1) of the 2017 Regulations is correctly described as “sub-paragraph (c)” in the amendment made by the following regulation 13(2)(b) of these Regulations.

18. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 15(1), in the English text, the title of the SI is incorrectly noted as “the Electricity (Offshore Generating Stations) (Variation of **Consent**) (Wales) Regulations 2019”. However, it should be a plural noun “**Consents**” in the phrase “(Variation of **Consents**)” in the title of that SI as already correctly noted in the heading of that regulation and in the corresponding Welsh text.

19. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts



In regulation 19(2), there is a difference between the English and Welsh text. In the English text, it notes "Omit regulation **4**" but the meaning given by the Welsh text is "Omit regulation **14**".

20. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 20(4), the reference is incomplete as it notes "For the purposes of section 146(3)(b)" but it does not identify the Act where that section is located. In the previous paragraphs in regulation 20, the opening references have all included "of the 2024 Act" after citing the relevant section from that Act.

21. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 20(5), the terms "development" and "planning authority" are defined with a meaning for regulation 20. However, these definitions appear to be superfluous as neither of the terms appear to be used in regulation 20 of these Regulations.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

26 November 2025

