

Government Response: The Infrastructure Consent (Correcting Errors and Applications to Change or Revoke Infrastructure Consent Orders) (Procedure) (Wales) Regulations 2026

Technical Scrutiny points 1, 2, 3, 6, 9 and 16:

The Welsh Government accepts the reporting points and will seek to make the changes by correction slip.

Technical Scrutiny point 4:

The Welsh Government is grateful to the Committee for identifying the linguistic inconsistencies. Amendments will be considered when the Regulations are next amended.

Technical Scrutiny point 5:

The Welsh Government notes the suggestion of signposting or repeating definitions which are used in more than one regulation.

We do not think this is necessary in the case of the prospective definitions of “correction of errors decision notice” in regulation 4 or “infrastructure policy statement” in regulation 57(3). The regulations in which the term “correction of errors decision notice” are found, form part of the procedure for correcting errors and will, accordingly be read together. Likewise, the regulations in which “infrastructure policy statement” are found, concern decision making by an examining authority or the Welsh Ministers and will accordingly be read together.

The Welsh Government accepts there may be benefit in signposting the definition of “closing submissions” (defined in regulation 41(11)) in regulation 42. However, we consider the lack of a signpost does not affect the operation of the provision and is unlikely to give rise to confusion in practice but we will keep this under review.

Technical Scrutiny point 7:

The Welsh Government confirms “common”, “open space” and “fuel or field garden allotment” in the definition of “special category land” are intended to bear the same meaning as given by section 70(9) of the Infrastructure (Wales) Act 2024 (“the 2024 Act”).

We accept it would have been clearer to have defined these terms with the same meaning as in section 70(9) of the 2024 Act in regulation 17(3) of these Regulations. However, the Welsh Government considers that this is unlikely to cause confusion in practice because the Regulations will be read in the context of the 2024 Act.

In this regard we note the same definition of “special category land” was included in the Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025 without “common”, “open space” and “fuel or field garden allotment” being defined by reference to the 2024 Act.

Technical Scrutiny point 8:

The Welsh Government accepts that a mixture of conjunctions can cause confusion in some cases. However, we consider that regulation 20(2) is sufficiently clear when read as a whole. It is clear that regulation 20(2)(b) and (c) cover different situations and therefore that what is intended is (a) and (b) or (c).

Technical Scrutiny point 10:

The Welsh Government confirms the phrase used in regulation 24 does not differ in meaning from “examining authority” as defined in regulation 2(1) and accepts it would have been clearer to have used the term “examining authority”. We do not anticipate any confusion in practice but will keep this under review.

Technical Scrutiny point 11:

The Welsh Government confirms that the terms have the same meaning. Consideration was given to using “post-application representation period” in Part 4. However, it was felt that it was simpler to use the term “representation period”. This was because the distinction between pre-application and post-application representation period is not relevant in Part 4. We do not anticipate any confusion in practice but will keep this under review.

Technical Scrutiny point 12:

The use of the term “written representations” in regulations 60 and 67 was intended to refer to the procedure by which an application is to be examined (as to which see section 42(2) of the 2024 Act). The Welsh Government accepts that it would have been clearer to have used the term “representations in writing”. We do not anticipate any confusion in practice but will keep this under review.

Technical Scrutiny point 13:

The term “further representations” is an umbrella term to cover any oral or written representations received after initial written representations. The additional representations in writing could be “further written representations” or written representations received other than under regulation 40 (see for example regulations 52(10) and 67). The Welsh Government considers that in practice it will be clear that the term is an umbrella term but will keep this under review.

Technical Scrutiny point 14:

The Welsh Government is grateful to the Committee for identifying the linguistic inconsistency and noting that regulation 36(7) could have been more clearly drafted. However, we do not anticipate any confusion in practice when regulation 36 is read as a whole but will keep this under review.

Technical Scrutiny point 15:

The Welsh Government is grateful to the Committee for identifying the linguistic inconsistencies. Amendments will be considered when the Regulations are next amended.

Technical Scrutiny point 17:

The Welsh Government notes that the term “railway” has been used without definition in the same context as in paragraph (b) of the Table in the Schedule in both:

- paragraph (e) of the Table in Schedule 4 to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012; and
- paragraph (b) of the Table in the Schedule to the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025 (“the Applications Regulations”).

The wording in paragraph (b) of the Table in the Schedule has operated in practice since at least 2012 and therefore the Welsh Government do not consider a definition is required.

The terms “network” and “operator” in paragraph (q) of the Table in the Schedule are intended to have the same meaning as given in the Railways Act 1993. The same wording was used in the Table in the Schedule to the Applications Regulations. We do not anticipate any confusion in practice but will keep this under review.