

SL(6)621 – The Infrastructure Consent (Miscellaneous Provisions) (Wales) 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 broadly applies to significant infrastructure projects that are energy, transport, waste and water projects.

These Regulations make provision for miscellaneous matters that ensure the purpose of the 2024 Act is appropriately implemented. The matters specified and the requirements set out in these Regulations are in addition to any contained in other regulations that implement the 2024 Act.

The Regulations make provision in respect of requests for directions to be given under the 2024 Act, obtaining information about land interests, disapplying requirements of the 2024 Act, annual reports and statutory consultees, requests for pre-application services, pre-application meetings, registers of pre-application services and applications for infrastructure consent, and removing consent requirements and deeming consents. They also list the projects that may be directed to be significant infrastructure projects.

Procedure

Draft affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

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

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

In regulation 2, there is a difference between the English and Welsh text. In the Welsh text, there is an additional unnumbered paragraph at the end of the regulation which states that any other expressions used in these Regulations and in the 2024 Act have the same meaning as in the 2024 Act.

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



In regulation 2, in the definition of “applicant”, it should explain to the reader that the definition does not apply to regulation 7 as a different definition has been given to the term “applicant” for that regulation.

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

In regulation 6(2)(b), there is a difference between the English and Welsh text. In the English text, it notes that “they give notice... to the developer”. But it could be argued that the meaning given by the Welsh text is “that they inform...the developer” because “rhei gwybod” rather than “rhei hysbysiad” has been used to express the phrase “give notice”. In addition, it means that it is inconsistent with the Welsh text of regulation 6(4) and other provisions of these Regulations.

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

In regulation 10(3), there is a difference between the English and Welsh text. In the English text, it states that “The notice of acceptance must **specify** the date...”. But it could be argued that the meaning given by the Welsh text is “The notice of acceptance must note the date...” because “nodi” rather than “pennu” has been used to express the word “specify”.

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

In regulation 11(1)(e) and (2)(d), in the Welsh text, there is an inconsistent approach in the meaning given to “may” when stating “advice on any pre-application consultation that **may** be carried out”. In regulation 11(1)(e), in the Welsh text, it notes “y **caniateir** ei gynnal” which means that there is legal discretion or permission to carry out a pre-application consultation. However, in regulation 11(2)(d), in the Welsh text, it notes “y **gellir** ei gynnal” which means that there is only a possibility of carrying out a pre-application consultation.

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

In Schedule 1, in paragraphs 21 and 22, in the Welsh text, there is an inconsistency in how the term “plant” is expressed. In paragraph 21, it is noted as “**gwaith**” on each occasion in the corresponding terms in the Welsh text. But in paragraph 22 it is expressed by using “safle” in “**safle** trin dŵr gwastraff” (“waste water treatment plant”) followed by a later use of “gwaith” where “plant” occurs on its own. As a result, it suggests to the reader of the Welsh text that “plant” has a different meaning on a single occasion in paragraph 22 although the English text uses the same word in all of the corresponding places.

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



In Schedule 1, in paragraph 27, several of the definitions are defined by given them the same meaning as in the 2024 Act. However, the terms “waste water” and “wind generating station” are defined by using descriptions that are identical to those found in sections 14(5) and 2(2) respectively of the 2024 Act. Could the Welsh Government explain why they adopted this inconsistent approach and did not expressly state that the definitions of “waste water” and “wind generating station” have the same meaning as in those sections of the 2024 Act?

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

In Schedule 1, in paragraph 27, in the Welsh text, the term “generating station” is defined as “gorsaf gynhyrchu” where a form of “cynhyrchu” is used to express the meaning of “generating”. However, in the terms “solar generating station” and “wind generating station”, the word “ynni” meaning “power” or “energy” rather than “cynhyrchu” has been used to express “generating”. Could the Welsh Government explain why they have not used “cynhyrchu” in the Welsh terms for “solar generating station” and “wind generating station” as found in “gorsaf gynhyrchu” (“generating station”)?

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

2 July 2025

