

SL(6)661 – The Infrastructure Consent (Miscellaneous Amendments) (Wales) Regulations 2025

Background and Purpose

These Regulations make amendments to several pieces of secondary legislation which implement, and provide details of the processes required under, the Infrastructure (Wales) Act 2024 (the “2024 Act”).

They make corrections to the following regulations in response to points raised by this Committee in its reports:

- a. The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025, which make provision for pre-application and application procedures for applications for infrastructure consent under the 2024 Act;
- b. The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025, which make provision for pre-application procedures, making an application and examination of an application for infrastructure consent made under the 2024 Act that includes an application for compulsory acquisition; and
- c. The Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025, which make provision for the examination of applications for infrastructure consent made under 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 point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 2(1), in the English text, the title of the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025 is noted incorrectly because the year “2025” is missing.



Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Regulation 2 of these Regulations makes corrections to the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025.

The points raised by this Committee in its [report](#) on those Regulations, many of which the Welsh Government [committed](#) to addressing in an amending instrument, are largely addressed by these Regulations.

Regulation 2(2)(a) of these Regulations specifically amends the definition of “EIA development” in regulation 2(1) of the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025 so that the full references to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and the Marine Works (Environmental Impact Assessment) Regulations 2007, as used in that definition, are changed to the defined terms for those Regulations provided in that regulation 2(1), namely to “Planning EIA Regulations” and “Marine EIA Regulations” respectively.

This is in response to reporting point 2 of the Committee’s report referenced above. However, that reporting point also noted that the same full references to the 2017 and 2007 Regulations, rather than the defined terms, are used in the definition of “the EIA Regulations” in regulation 2(1) of the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025.

It is noted that, unlike the definition of “EIA development”, the definition of “the EIA Regulations” is not corrected by these Regulations in line with that relevant reporting point.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Reporting point 22 of the Committee’s report on the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025 highlighted a difference between the English and Welsh text in relation to the numbering of paragraphs in the Schedule to those Regulations, in the text following the heading ‘Interpretation of Table’.

In the English text, the definition of ‘Distribution Network Operators’ appears in paragraph (g), but in the Welsh text, there is no paragraph (g), so that the definition appears in paragraph (f) immediately after the definition of “airport”.

It does not appear that this inconsistency has been addressed by regulation 2 of these Regulations.



Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

5 November 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee