



Infrastructure (Wales) Act 2024

2024 asc 3

PART 1

SIGNIFICANT INFRASTRUCTURE PROJECTS

Transport

7 Highways

- (1) The following kinds of development are significant infrastructure projects—
 - (a) the construction of a highway in a case falling within subsection (2);
 - (b) the alteration or improvement of a highway in a case falling within subsection (3),unless they are excluded by any of subsections (4) to (6).
- (2) Construction of a highway is within this subsection only if—
 - (a) the highway will (when constructed) be in Wales,
 - (b) the Welsh Ministers will be the highway authority for the highway, and
 - (c) the highway (when constructed) will be a continuous length of more than 1 kilometre.
- (3) Alteration or improvement of a highway is within this subsection only if—
 - (a) the highway will (when constructed) be in Wales,
 - (b) the Welsh Ministers will be the highway authority for the highway, and
 - (c) the alteration or improvement is likely to have a significant effect on the environment.
- (4) This section does not apply to the construction, alteration or improvement of a highway if—
 - (a) an order mentioned in section 20(3) has been made in relation to the development before the coming into force of that section,
 - (b) a further order is needed in relation to the development, and
 - (c) not more than 7 years have elapsed since the making of the earlier order.

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- (5) This section does not apply to the alteration of a highway if—
- (a) planning permission has been granted for a development,
 - (b) the alteration is necessary as a result of the development, and
 - (c) the developer has asked for the alteration to be made to the highway.
- (6) This section does not apply to the alteration of a highway if—
- (a) an order mentioned in section 20(3) has been made in relation to local highway works,
 - (b) the alteration is necessary as a result of the local highway works, and
 - (c) the local highway authority responsible for the local highway works has asked for the alteration to be made to the highway.
- (7) In this section—
- “local highway authority” (“*awdurdod priffyrdd lleol*”) has the meaning given by section 329(1) of the Highways Act 1980 (c. 66);
- “local highway works” (“*gwaith priffordd leol*”) means works carried out by or on behalf of a local highway authority in relation to a highway for which it is the highway authority (and the local highway authority is referred to in this section as “responsible” for those works).

8 Railways

- (1) The construction of a railway is a significant infrastructure project if—
- (a) the railway will (when constructed) start, end and remain in Wales,
 - (b) the railway will (when constructed) be part of a network operated by an approved operator,
 - (c) the railway will (when constructed) include a stretch of track that is a continuous length of more than 2 kilometres, and
 - (d) the construction of the railway is not permitted development.
- (2) The alteration of a railway is a significant infrastructure project if—
- (a) the part of the railway to be altered is part of a railway that starts, ends and remains in Wales,
 - (b) the railway is part of a network operated by an approved operator,
 - (c) the alteration of the railway will include laying a stretch of track that is a continuous length of more than 2 kilometres, and
 - (d) the construction of the railway is not permitted development.
- (3) This section does not apply to construction or alteration of a railway to the extent that the railway forms part (or will when constructed form part) of a rail freight interchange.
- (4) In this section—
- “approved operator” (“*gweithredwr a gymeradwywyd*”) means—
- (a) a person who is authorised to be the operator of a network by a licence granted under section 8 of the Railways Act 1993 (c. 43) (licences for operation of railway assets), or
 - (b) a wholly-owned subsidiary of a company that is such a person;
- “network” (“*rhwydwaith*”) has the meaning given by section 83(1) of the Railways Act 1993 (c. 43);

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“permitted development” (“*datblygu a ganiateir*”) means development in relation to which planning permission is granted by article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418) (as it has effect from time to time);

“wholly-owned subsidiary” (“*is-gwmni o dan berchnogaeth lwyr*”) has the same meaning as in the Companies Act 2006 (c. 46) (see section 1159 of that Act).

9 Rail freight interchanges

- (1) The construction of a rail freight interchange is a significant infrastructure project if (when constructed) each of the conditions in subsections (3) to (7) is expected to be met in relation to it.
- (2) The alteration of a rail freight interchange is a significant infrastructure project if—
 - (a) following the alteration, each of the conditions in subsections (3)(a) and (4) to (7) is expected to be met in relation to it, and
 - (b) the alteration is expected to have the effect specified in subsection (8).
- (3) The land on which the rail freight interchange is situated must—
 - (a) be in Wales, and
 - (b) be at least 60 hectares in area.
- (4) The rail freight interchange must be capable of handling—
 - (a) consignments of goods from more than one consignor and to more than one consignee, and
 - (b) at least four goods trains per day.
- (5) The rail freight interchange must be part of the railway network in Wales.
- (6) The rail freight interchange must include warehouses to which goods can be delivered from the railway network in Wales either directly or by means of another form of transport.
- (7) The rail freight interchange must not be part of a military establishment.
- (8) The effect referred to in subsection (2)(b) is to increase by at least 60 hectares the area of the land on which the rail freight interchange is situated.
- (9) In this section—

“goods train” (“*trên nwyddau*”) means a train that (ignoring any locomotive) consists of items of rolling stock designed to carry goods;

“military establishment” (“*sefydliad milwrol*”) means an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence.
- (10) The following terms have the meanings given by section 83(1) of the Railways Act 1993 (c. 43)—

“network” (“*rhwydwaith*”);

“rolling stock” (“*cerbydau rheilffyrdd*”);

“train” (“*trên*”).

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10 Harbour facilities

- (1) The construction of harbour facilities is a significant infrastructure project if (when constructed) the harbour facilities—
- (a) will be wholly in Wales, the Welsh marine area or both,
 - (b) will not be, or will not form part of, a reserved trust port, and
 - (c) are expected to be capable of handling the embarkation or disembarkation of at least the relevant quantity of material per year.
- (2) The alteration of harbour facilities is a significant infrastructure project if—
- (a) the harbour facilities are wholly in Wales, the Welsh marine area or both,
 - (b) the harbour facilities are not, or do not form part of, a reserved trust port, and
 - (c) the effect of the alteration is expected to be to increase by at least the relevant quantity per year the quantity of material the embarkation or disembarkation of which the facilities are capable of handling.
- (3) “The relevant quantity” is—
- (a) in the case of facilities for container ships, 50,000 TEU;
 - (b) in the case of facilities for roll-on roll-off ships, 25,000 units;
 - (c) in the case of facilities for cargo ships of any other description, 500,000 tonnes;
 - (d) in the case of facilities for more than one of the types of ships mentioned in paragraphs (a) to (c), an equivalent quantity of material.
- (4) For the purposes of subsection (3)(d), facilities are capable of handling an equivalent quantity of material if the sum of the relevant fractions is one or more.
- (5) The relevant fractions are—
- (a) to the extent that the facilities are for container ships—

$$\frac{x}{50,000}$$

Figure 1

where x is the number of TEU that the facilities are capable of handling;

- (b) to the extent that the facilities are for roll-on roll-off ships—

$$\frac{y}{25,000}$$

Figure 2

where y is the number of units that the facilities are capable of handling;

- (c) to the extent that the facilities are for cargo ships of any other description—

$$\frac{z}{500,000}$$

Figure 3

where z is the number of tonnes of material that the facilities are capable of handling.

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(6) In this section—

- “cargo ship” (“*llong gargo*”) means a ship which is used for carrying cargo;
- “container ship” (“*llong gynwysyddion*”) means a cargo ship which carries all or most of its cargo in containers;
- “reserved trust port” (“*porthladd ymddiriedolaeth a gedwir yn ôl*”) has the meaning given in section 32 of the Wales Act 2017 (c. 4);
- “roll-on roll-off ship” (“*llong gyrru i mewn ac allan*”) means a ship which is used for carrying wheeled cargo;
- “TEU” (“*UCU*”) means a twenty-foot equivalent unit;
- “unit” (“*uned*”) in relation to a roll-on roll-off ship means any item of wheeled cargo (whether or not self-propelled).

11 Airports

- (1) The following kinds of development are significant infrastructure projects—
- (a) the construction of an airport in Wales or the Welsh marine area in a case within subsection (2),
 - (b) the alteration of an airport in Wales or the Welsh marine area in a case within subsection (3), or
 - (c) an increase in the permitted use of an airport in Wales or the Welsh marine area in a case within subsection (5).
- (2) Construction of an airport is within this subsection if (when constructed) the airport is expected to be capable of providing—
- (a) air passenger transport services for at least 1 million passengers per year, or
 - (b) air cargo transport services for at least 5,000 air transport movements of cargo aircraft per year.
- (3) Alteration of an airport is within this subsection if the alteration is expected—
- (a) to increase by at least 1 million per year the number of passengers for whom the airport is capable of providing air passenger transport services, or
 - (b) to increase by at least 5,000 per year the number of air transport movements of cargo aircraft for which the airport is capable of providing air cargo transport services.
- (4) “Alteration”, in relation to an airport, includes the construction, extension or alteration of—
- (a) a runway at the airport,
 - (b) a building at the airport, or
 - (c) a radar or radio mast, antenna or other apparatus at the airport.
- (5) An increase in the permitted use of an airport is within this subsection only if—
- (a) it is an increase of at least 1 million per year in the number of passengers for whom the airport is permitted to provide air passenger transport services, or
 - (b) it is an increase of at least 5,000 per year in the number of air transport movements of cargo aircraft for which the airport is permitted to provide air cargo transport services.
- (6) In this section—

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“air cargo transport services” (“*gwasanaethau cludo cargo awyr*”) means services for the carriage by air of cargo;

“air passenger transport services” (“*gwasanaethau cludo teithwyr awyr*”) means services for the carriage by air of passengers;

“air transport movement” (“*symudiad cludo awyr*”) means a landing or take-off of an aircraft;

“cargo” (“*cargo*”) includes mail;

“cargo aircraft” (“*awyren cargo*”) means an aircraft which is—

- (a) designed to transport cargo but not passengers, and
- (b) engaged in the transport of cargo on commercial terms;

“permitted” (“*a ganiateir*”) means permitted by planning permission or infrastructure consent.