



# Infrastructure (Wales) Act 2024

2024 asc 3

## PART 1

### SIGNIFICANT INFRASTRUCTURE PROJECTS

#### *Waste*

#### **15 Hazardous waste facilities**

- (1) The construction of a hazardous waste facility is a significant infrastructure project if—
  - (a) the facility is in Wales or the Welsh marine area,
  - (b) the main purpose of the facility is the final disposal or recovery of hazardous waste, and
  - (c) the facility is expected to have the capacity specified in subsection (2).
- (2) The capacity is—
  - (a) in the case of the disposal of hazardous waste by landfill or in a deep storage facility, more than 100,000 tonnes per year;
  - (b) in any other case, more than 30,000 tonnes per year.
- (3) The alteration of a hazardous waste facility is significant infrastructure project if—
  - (a) the facility is in Wales or the Welsh marine area,
  - (b) the main purpose of the facility is the final disposal or recovery of hazardous waste, and
  - (c) the alteration is expected to increase the capacity of the facility—
    - (i) in the case of the disposal of hazardous waste by landfill or in a deep storage facility, by more than 100,000 tonnes per year;
    - (ii) in any other case, by more than 30,000 tonnes per year.
- (4) In this section, “deep storage facility” means a facility for the storage of waste underground in a deep geological cavity.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (5) The following terms used in this section have the same meanings as in the Hazardous Waste (England and Wales) Regulations 2005 (S.I. 2005/894) (as amended from time to time)—

“disposal” (“*gwaredu*”);  
 “hazardous waste” (“*gwastraff peryglus*”);  
 “recovery” (“*adfer*”).

## 16 Radioactive waste geological disposal facilities

- (1) Development relating to a radioactive waste geological disposal facility within subsection (4) or (6) is a significant infrastructure project.

- (2) A radioactive waste geological disposal facility means a facility which meets the conditions in subsection (3).

- (3) The conditions are that—

- (a) the main purpose of the facility is expected to be the final disposal of radioactive waste,
- (b) the part of the facility where radioactive waste is to be disposed of is expected to be constructed at a depth of at least 200 metres beneath the surface of the ground or seabed, and
- (c) the natural environment which surrounds the facility is expected to act, in combination with any engineered measures, to inhibit the transit of radionuclides from the part of the facility where radioactive waste is to be disposed of to the surface.

- (4) Development is within this subsection if—

- (a) it is the construction of one or more boreholes, and the carrying out of any associated excavation, construction or building work,
- (b) the borehole or boreholes will be constructed, and any associated excavation, construction or building work will be carried out, in Wales or the Welsh marine area, and
- (c) the conditions in subsection (5) are met in relation to each borehole.

- (5) The conditions are that—

- (a) the borehole is expected to be constructed to a depth of at least 150 metres beneath the surface of the ground or seabed, and
- (b) the main purpose of constructing the borehole is to obtain information, data or samples to determine the suitability of a site for the construction or use of a radioactive waste geological disposal facility.

- (6) Development is within this subsection if—

- (a) it is the construction of a radioactive waste geological disposal facility, and
- (b) the facility (when constructed) will be in Wales or the Welsh marine area.

- (7) In this section—

“disposal” (“*gwaredu*”) in relation to radioactive waste means emplacement in an appropriate facility without the intention to retrieve;

“radioactive waste” (“*gwastraff ymbelydrol*”) has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2016 (S.I.

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[2016/1154](#) (as amended from time to time) (see paragraph 3(1) of Part 2 of Schedule 23 to those regulations).