



Infrastructure (Wales) Act 2024

2024 asc 3

PART 1

SIGNIFICANT INFRASTRUCTURE PROJECTS

Key term

1 Meaning of “significant infrastructure project”

In this Act, a “significant infrastructure project” means—

- (a) development specified in this Part as a significant infrastructure project;
- (b) development specified in a direction made by the Welsh Ministers under section 22 as a significant infrastructure project;
- (c) development specified in the National Development Framework for Wales under section 60(3) of the Planning and Compulsory Purchase Act 2004 (c. 5) as a significant infrastructure project.

Energy

2 Electricity infrastructure

(1) The following kinds of development are significant infrastructure projects—

- (a) the construction of—
 - (i) a generating station in Wales (other than a wind generating station), or
 - (ii) a generating station in the Welsh marine area,that is expected to have an installed generating capacity of between 50 and 350 megawatts when constructed;
- (b) the extension or alteration of—
 - (i) a generating station in Wales (other than a wind generating station), or
 - (ii) a generating station in the Welsh marine area,

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where the effect of the extension or alteration is expected to increase the installed generating capacity by at least 50 megawatts, but not so that the installed generating capacity exceeds 350 megawatts;

- (c) the construction of a wind generating station in Wales that is expected to have an installed generating capacity of at least 50 megawatts when constructed;
- (d) the extension or alteration of a wind generating station in Wales where the effect of the extension or alteration is expected to increase the installed generating capacity by at least 50 megawatts;
- (e) the installation of an electric line above ground in Wales that is—
 - (i) expected to have a nominal voltage of 132 kilovolts and be no less than 2 kilometres long (to the extent it is in Wales), and
 - (ii) associated with the construction, extension or alteration of a generating station to which paragraphs (a) to (d) apply.

(2) In this section—

“installed generating capacity” (“*capasiti cynyrchu gosodedig*”) means the maximum capacity of electricity generation (in megawatts) at which that generating station could be operated for a sustained period without damage being caused to it (assuming the source of energy used to generate electricity is available without interruption);

“wind generating station” (“*gorsafynni gwyni*”) means a generating station which generates electricity from wind.

3 **Liquified natural gas facilities**

(1) The construction of an LNG facility in Wales or the Welsh marine area is a significant infrastructure project if—

- (a) the storage capacity of the facility is expected to be at least 43 million standard cubic metres, or
- (b) the maximum flow rate of the facility is expected to be at least 4.5 million standard cubic metres per day.

(2) The alteration of an LNG facility in Wales or the Welsh marine area is a significant infrastructure project if the expected effect of the alteration is to increase—

- (a) the storage capacity of the facility by at least 43 million standard cubic metres, or
- (b) the maximum flow rate of the facility by at least 4.5 million standard cubic metres per day.

(3) In this section—

“LNG facility” (“*cyfleuster LNG*”) means a facility for—

- (a) the reception of liquid natural gas from outside Wales and the Welsh marine area,
- (b) the storage of that gas, and
- (c) the regasification of that gas;

“maximum flow rate” (“*cyfradd llif uchaf*”) means the maximum rate at which gas is able to flow out of the facility, on the assumption that—

- (a) the facility is filled to maximum capacity, and
- (b) the rate is measured after regasification of the liquid natural gas and any other processing required on the recovery of the gas from storage;

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“storage capacity” (“*cynhwysedd storio*”) means the capacity of the facility for storage of liquid natural gas measured as if the gas were stored in regasified form.

4 Gas reception facilities

- (1) The construction of a gas reception facility is a significant infrastructure project if—
 - (a) the facility is in Wales or the Welsh marine area,
 - (b) the facility is within subsection (3), and
 - (c) the maximum flow rate of the facility is expected to be at least 4.5 million standard cubic metres per day.
- (2) The alteration of a gas reception facility is a significant infrastructure project if—
 - (a) the facility is in Wales or the Welsh marine area,
 - (b) the facility is within subsection (3), and
 - (c) the expected effect of the alteration is to increase the maximum flow rate of the facility by at least 4.5 million standard cubic metres per day.
- (3) A gas reception facility is within this subsection if the gas handled by the facility—
 - (a) does not originate in—
 - (i) Wales or the Welsh marine area,
 - (ii) England or waters adjacent to England up to the seaward limits of the territorial sea,
 - (iii) Scotland or waters adjacent to Scotland up to the seaward limits of the territorial sea, or
 - (iv) the Renewable Energy Zone,
 - (b) does not arrive at the facility from England or Scotland, and
 - (c) has not already been handled at another facility after its arrival in Wales or the Welsh marine area.
- (4) In this section—

“gas reception facility” (“*cyfleuster derbyn nwy*”) means a facility for—

 - (a) the reception of natural gas in gaseous form from outside Wales and the Welsh marine area, and
 - (b) the handling of natural gas (other than its storage);

“maximum flow rate” (“*cyfradd llif uchaf*”) means the maximum rate at which gas is able to flow out of the facility;

“Renewable Energy Zone” has the meaning given by section 84(4) of the Energy Act 2004 (c. 20).

5 Hydraulic fracturing for oil and gas and coal gasification

The following developments are significant infrastructure projects—

- (a) the exploration, appraisal or production of coal bed methane, shale oil or shale gas using hydraulic fracturing in Wales or the Welsh marine area, except the making of exploratory boreholes for the purpose of core sampling in a way that does not involve the carrying out of hydraulic fracturing;
- (b) the gasification of coal in the strata in Wales or the Welsh marine area, except the making of exploratory boreholes for the purpose of core sampling.

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6 Open cast coal mining

The carrying out of operations in Wales for the purpose of—

- (a) creating an open cast coal mine, or
- (b) winning and working of coal from an open cast mine,

is a significant infrastructure project.

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.
- (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);

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“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);
 - “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

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- (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”*).

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;

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- (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.

- (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),

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- (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—
- “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.

Water

12 Dams and reservoirs

The following kinds of development are significant infrastructure projects—

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- (a) the construction of a dam or reservoir in Wales if the volume of water to be held back by the dam or stored in the reservoir is expected to exceed 10 million cubic metres;
- (b) the alteration of a dam or reservoir in Wales if the additional volume of water to be held back by the dam or stored in the reservoir as a result of the alteration is expected to exceed 10 million cubic metres.

13 Transfer of water resources

(1) Development relating to the transfer of water resources is a significant infrastructure project if—

- (a) the development is carried out by one or more water undertakers,
- (b) the development takes place in Wales,
- (c) the volume of water to be transferred as a result of the development is expected to exceed 100 million cubic metres per year,
- (d) the development enables the transfer of water resources—
 - (i) between river basins in Wales,
 - (ii) between water undertakers' areas in Wales, or
 - (iii) between a river basin in Wales and a water undertaker's area in Wales,and
- (e) the development does not relate to the transfer of drinking water.

(2) In this section—

“river basin” (“*basn afon*”) means an area of land drained by a river and its tributaries;

“water undertaker” (“*ymgymerwr dŵr*”) means a company appointed as a water undertaker under section 6 of the Water Industry Act 1991 (c. 56) (appointment of relevant undertakers);

“water undertaker's area” (“*ardal ymgymerwr dŵr*”) means the area for which a water undertaker is appointed under that Act.

Waste water

14 Waste water treatment plants

(1) The construction of a waste water treatment plant is a significant infrastructure project if—

- (a) the treatment plant is in Wales or the Welsh marine area, and
- (b) the treatment plant (when constructed) is expected to have a capacity exceeding a population equivalent of 500,000.

(2) The construction of infrastructure for the transfer or storage of waste water is a significant infrastructure project if—

- (a) the infrastructure is in Wales or the Welsh marine area,
- (b) the main purpose of the infrastructure is—
 - (i) the transfer of waste water for treatment, or
 - (ii) the storage of waste water prior to treatment,or both, and

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- (c) the infrastructure is expected to have a capacity for the storage of waste water exceeding 350,000 cubic metres.
- (3) The alteration of a waste water treatment plant is a significant infrastructure project if—
- (a) the plant is in Wales or the Welsh marine area, and
 - (b) the effect of the alteration is expected to be to increase by more than a population equivalent of 500,000 the capacity of the plant.
- (4) The alteration of infrastructure for the transfer or storage of waste water is a significant infrastructure project if—
- (a) the infrastructure is in Wales or the Welsh marine area,
 - (b) the main purpose of the infrastructure is—
 - (i) the transfer of waste water for treatment, or
 - (ii) the storage of waste water prior to treatment,
 or both, and
 - (c) the effect of the alteration is expected to be to increase the capacity of the infrastructure for the storage of waste water by more than 350,000 cubic metres.
- (5) In this section, “waste water” includes domestic waste water, industrial waste water and urban waste water.
- (6) The following terms used in this section have the meanings given by regulation 2(1) of the Urban Waste Water Treatment (England and Wales) Regulations 1994 ([S.I. 1994/2841](#)) (as amended from time to time)—
- “domestic waste water” (“*dŵr gwastraff domestig*”);
 - “industrial waste water” (“*dŵr gwastraff diwydiannol*”);
 - “population equivalent” (“*cyfwerth poblogaeth*”);
 - “urban waste water” (“*dŵr gwastraff trefol*”).

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

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- (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.
- (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.

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

Power to amend

17 Power to add, vary or remove projects

(1) Regulations may—

- (a) amend this Part to add a new type of significant infrastructure project or vary or remove an existing significant infrastructure project;
- (b) make further provision, or amend or repeal existing provision, about the type of project that is, or is not, a significant infrastructure project.

(2) Regulations under subsection (1)(b) may amend this Act.

(3) Regulations under subsection (1) may only add a new type of project or vary an existing type of project if—

- (a) the project, or any variation of an existing project, is for the carrying out of works in one or more of the fields specified in subsection (4), and
- (b) the works are to be carried out in Wales or the Welsh marine area or both.

(4) The fields are—

- (a) energy;
- (b) flood prevention;
- (c) minerals;
- (d) transport;
- (e) water;
- (f) waste water;
- (g) waste.

Interpretation

18 Cross-border projects

(1) In this Part, references to development being in Wales include development partly in Wales, unless reference is made to a development being wholly in Wales.

(2) In this Part, references to development being in the Welsh marine area include development partly in the Welsh marine area.

(3) If infrastructure consent is required for development that is partly in Wales or partly in Welsh marine area, infrastructure consent is required to the extent it is in Wales or the Welsh marine area (as the case may be).