



# Infrastructure (Wales) Act 2024

2024 asc 3

## PART 5

### DECIDING APPLICATIONS FOR INFRASTRUCTURE CONSENT

#### *Statutory policies and other relevant matters*

#### **56 Deciding applications: general considerations**

- (1) In deciding an application for infrastructure consent, the examining authority or the Welsh Ministers (as the case may be) must—
  - (a) have regard to—
    - (i) any infrastructure policy statement that has effect in relation to the kind of development to which the application relates (a “relevant policy statement”),
    - (ii) the National Development Framework for Wales so far as relevant to the kind of development to which the application relates,
    - (iii) any marine plan (within the meaning of section 51(3) of the Marine and Coastal Access Act 2009 (c. 23)) prepared and adopted by the Welsh Ministers so far as relevant to the kind of development to which the application relates, and
  - (b) make their decision or its decision (as the case may be) in accordance with the relevant policy statement, framework or plan unless relevant considerations indicate otherwise.
- (2) The fact that any relevant policy statement, framework or plan identifies a location as suitable (or potentially suitable) for a particular kind of development does not prevent the Welsh Ministers or examining authority (as the case may be) from deciding an application otherwise than in accordance with the relevant policy statement, framework or plan if relevant considerations indicate otherwise.

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*Status: This is the original version (as it was originally enacted).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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**57 Duty to have regard to specific matters when making decisions on applications**

In deciding an application for infrastructure consent, the examining authority or the Welsh Ministers (as the case may be) must have regard to—

- (a) any local impact report submitted to the Welsh Ministers before the deadline specified under section 36;
- (b) any marine impact report submitted to the Welsh Ministers before the deadline specified under section 37;
- (c) any examination carried out under Part 4;
- (d) any matters specified in regulations in relation to development of the kind to which the application relates;
- (e) the desirability of mitigating, and adapting to, climate change;
- (f) any other relevant consideration.

**58 Matters that may be disregarded when making decisions on applications**

(1) In deciding an application for infrastructure consent, the Welsh Ministers or the examining authority may disregard representations if the Welsh Ministers consider, or the examining authority considers (as the case may be), that the representations—

- (a) are vexatious or frivolous,
- (b) relate to the merits of policy set out in—
  - (i) an infrastructure policy statement,
  - (ii) the National Development Framework for Wales, or
  - (iii) any marine plan (within the meaning of section 51(3) of the Marine and Coastal Access Act 2009 (c. 23)) prepared and adopted by the Welsh Ministers, or
- (c) relate to compensation for compulsory acquisition of land or of an interest in or right over land.

(2) In subsection (1), “representations” includes evidence.

(3) Regulations may amend subsection (1)—

- (a) to specify further matters that may be disregarded;
- (b) to change or remove matters specified under paragraph (a).