



Infrastructure (Wales) Act 2024

2024 asc 3

PART 5

DECIDING APPLICATIONS FOR INFRASTRUCTURE CONSENT

The decision

60 Grant or refusal of infrastructure consent

- (1) When the Welsh Ministers have decided an application for infrastructure consent, the Welsh Ministers must either—
 - (a) make an order granting infrastructure consent (“an infrastructure consent order”), or
 - (b) refuse infrastructure consent.
- (2) The Welsh Ministers must notify the following of their decision to either make an infrastructure consent order or refuse infrastructure consent—
 - (a) the applicant;
 - (b) any planning authority or community council that has submitted a local impact report to the Welsh Ministers in respect of the application;
 - (c) Natural Resources Wales if it has submitted a marine impact report to the Welsh Ministers in respect of the application;
 - (d) any other person or persons of a description specified in regulations.
- (3) When the examining authority has decided an application for infrastructure consent, they must either—
 - (a) notify the Welsh Ministers of their decision that an infrastructure consent order is to be made, or
 - (b) refuse infrastructure consent.
- (4) The examining authority must notify the following of its decision either that an infrastructure consent order is to be made or to refuse infrastructure consent—
 - (a) the applicant;

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Changes to legislation: There are currently no known outstanding effects for the Infrastructure (Wales) Act 2024, Cross Heading: The decision. (See end of Document for details)

- (b) any planning authority or community council that has submitted a local impact report to the Welsh Ministers in respect of the application;
 - (c) Natural Resources Wales if it has submitted a marine impact report to the Welsh Ministers in respect of the application;
 - (d) any other person or persons of a description specified in regulations.
- (5) When the Welsh Ministers receive a notice under subsection (3)(a), they must make an infrastructure consent order in respect of the application to which the notice relates.
- (6) Regulations may make provision regulating the procedure to be followed if—
- (a) the Welsh Ministers propose to make an infrastructure consent order on terms which are materially different from those proposed in the application;
 - (b) the Welsh Ministers propose to make an infrastructure consent order on terms which are materially different from those proposed in the application as a result of a notice under subsection (3)(a).

Commencement Information

II S. 60 in force at 4.6.2024, see [s. 147\(1\)\(b\)](#)

PROSPECTIVE

61 Development for which infrastructure consent may be granted

- (1) Infrastructure consent may be granted for development which is—
- (a) development for which infrastructure consent is required;
 - (b) associated development.
- (2) “Associated development” means development which—
- (a) is associated with the development within subsection (1)(a) (or any part of it), and
 - (b) is to be carried out wholly in one or both of the following areas—
 - (i) Wales;
 - (ii) the Welsh marine area.
- (3) To the extent that infrastructure consent is granted for associated development, section 20 applies to the development as it applies to development for which infrastructure consent is required.

Commencement Information

I2 S. 61 not in force at Royal Assent, see [s. 147\(2\)](#)

62 Reasons for decision to grant or refuse infrastructure consent

- (1) When the Welsh Ministers have decided an application for infrastructure consent, they must prepare a statement of their reasons for deciding to—
- (a) make an infrastructure consent order, or

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- (b) refuse infrastructure consent.
- (2) When the examining authority have decided an application for infrastructure consent, it must prepare a statement of its reasons for deciding—
 - (a) that an infrastructure consent order is to be made, or
 - (b) to refuse infrastructure consent.
- (3) The examining authority or the Welsh Ministers (as the case may be) must provide a copy of the statement to—
 - (a) the applicant;
 - (b) any planning authority or community council that has submitted a local impact report to the Welsh Ministers in respect of the application;
 - (c) Natural Resources Wales if it has submitted a marine impact report to the Welsh Ministers in respect of the application;
 - (d) any person or person of a description specified in regulations.
- (4) The examining authority or the Welsh Ministers (as the case may be) must publish the statement in such manner as they think, or it thinks, appropriate.

Commencement Information

I3 S. 62 in force at 4.6.2024, see [s. 147\(1\)\(b\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

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