



# 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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- (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).

## **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.

## **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
  - (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;

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- (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.