



Infrastructure (Wales) Act 2024

2024 asc 3

PART 6

INFRASTRUCTURE CONSENT ORDERS

Making changes to, and revoking, infrastructure consent orders

89 Definitions

- (1) This section applies for the purposes of sections 90 and 91.
- (2) “The applicant”, in relation to an infrastructure consent order, means the person who applied for the order.
- (3) “A successor in title of the applicant” means a person who—
 - (a) derives title to the land from the applicant (whether directly or indirectly), and
 - (b) has an interest in the land.
- (4) “The land”, in relation to an infrastructure consent order, means the land to which the order relates or any part of that land.

90 Power to change or revoke infrastructure consent orders

- (1) The Welsh Ministers may by order make a change to, or revoke, an infrastructure consent order.
- (2) The provision that may be made by way of a change to an infrastructure consent order includes provision that may be made under section 63, subject to this section.
- (3) The power conferred by subsection (1) may be exercised on an application made by—
 - (a) the applicant or a successor in title of the applicant;
 - (b) a person with an interest in the land;
 - (c) any other person for whose benefit the infrastructure consent order has effect.

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- (4) The power to revoke an infrastructure consent order conferred by subsection (1) may be exercised on an application made by a planning authority if the Welsh Ministers are satisfied that—
- (a) the infrastructure consent order grants infrastructure consent for development on land all or part of which is in the planning authority's area,
 - (b) the development has begun but has been abandoned, and
 - (c) the amenity of other land in the planning authority's area or an adjoining area is adversely affected by the condition of the land.
- (5) The Welsh Ministers may refuse to exercise the power on an application made under subsection (3) or (4) if, in particular, the Welsh Ministers consider that the development that would be authorised as a result of the change should properly be the subject of an application under section 32 for infrastructure consent.
- (6) The power conferred by subsection (1) may be exercised by the Welsh Ministers without an application being made under subsection (3) or (4).
- (7) The power conferred by subsection (1) includes power to—
- (a) require the removal or alteration of building works;
 - (b) require the discontinuance of a use of land;
 - (c) impose specified requirements in connection with the continuance of a use of land;
 - (d) impose new requirements in connection with the development for which consent is granted by the infrastructure consent order;
 - (e) remove or vary existing requirements;
 - (f) make new provision relating to, or to matters ancillary to, the development for which consent is granted;
 - (g) remove or vary existing provision of that kind.
- (8) Subject to subsection (7)(a), the exercise of the power does not affect any building or other operations carried out in pursuance of the infrastructure consent order before the power is exercised.
- (9) The power conferred by subsection (1) may not be exercised in relation to provision included in an infrastructure consent order by virtue of paragraph 24 or 25 of Schedule 1 (deemed marine licence under Marine and Coastal Access Act 2009 (c. 23)).

91 Procedure: changing and revoking infrastructure consent orders

- (1) An application under section 90 must—
- (a) be made in the form specified by regulations;
 - (b) be made in the way specified in the regulations;
 - (c) be accompanied by information of a kind specified by regulations.
- (2) Where a person has an interest in some, but not all, of the land to which an infrastructure consent order relates, the person may make an application under section 90 only in respect of as much of the consent as order as affects the land in which the person has an interest.
- (3) Regulations may make provision about the procedure for changing or revoking an infrastructure consent order and may (among other things) make provision about—

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- (a) the procedure to be followed before an application under section 90 is made;
 - (b) the making of such application;
 - (c) the decision-making process in relation to the exercise of the power conferred by section 90(1);
 - (d) the making of the decision as to whether to exercise the power conferred by section 90(1);
 - (e) the effect of a decision to exercise the power in section 90(1).
- (4) Paragraphs (c) to (e) of subsection (3) apply in relation to the exercise of the power conferred by section 90(1)—
- (a) on an application under section 90, or
 - (b) without an application being made (see section 90(6)).
- (5) Regulations under subsection (3) may confer a function, including a function involving the exercise of a discretion, on any person.
- (6) If an infrastructure consent order is changed or revoked in the exercise of the power conferred by section 90(1), the Welsh Ministers must give notice of the change or revocation to—
- (a) the applicant or a successor in title of the applicant,
 - (b) the person who made the application under section 90 (if different to the person mentioned in paragraph (a)), and
 - (c) any person or person of a description specified in regulations.
- (7) If an infrastructure consent order was required to be contained in a statutory instrument, an order changing or revoking the infrastructure consent order made in the exercise of the power conferred by section 90(1) must also be contained in a statutory instrument.

92 Changing and revoking infrastructure consent orders: formalities

- (1) This section applies to—
- (a) an order made under section 87;
 - (b) a notice issued under section 87;
 - (c) an order made under section 90.
- (2) The Welsh Ministers must publish the order or the notice (as the case may be) in such manner as they think appropriate.
- (3) But if the order is required to be contained in a statutory instrument (by virtue of section 87(4) or section 91(7)), as soon as practicable after the instrument containing the order is made, the Welsh Ministers must lay before Senedd Cymru a copy of the instrument.

93 Changing or revoking an infrastructure consent order: compensation

Schedule 2 makes provision about compensation for changing or revoking an infrastructure consent order.