



Infrastructure (Wales) Act 2024

2024 asc 3

PART 9

GENERAL PROVISIONS

Development

133 Meaning of “development”

- (1) In this Act, “development” has the same meaning as it has in TCPA 1990, subject to subsections (2), (3) and (4).
- (2) For the purposes of this Act—
 - (a) the conversion of a generating station with a view to its being fuelled by crude liquid petroleum, a petroleum product or natural gas is treated as a material change in the use of the generating station;
 - (b) an increase in the permitted use of an airport is treated as a material change in the use of the airport.
- (3) For the purposes of this Act, the following works are taken to be development (to the extent that they would not be otherwise)—
 - (a) works for the demolition of a listed building or its alteration or extension in a way that would affect its character as a building of special architectural or historic interest;
 - (b) works for the demolition of a building in a conservation area;
 - (c) works resulting in the demolition or destruction of or any damage to a scheduled monument;
 - (d) works for the purpose of removing or repairing a scheduled monument or any part of it or making any alterations or additions to the monument or any part of it;
 - (e) flooding or tipping operations on land in, on or under which a scheduled monument is situated.

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- (4) For the purposes of this Act, “development” includes operations and changes of use in the sea and other areas covered with waters.
- (5) In this section—
- “conservation area” (“*ardal gadwraeth*”) means an area designated under section 158 of the [Historic Environment \(Wales\) Act 2023](#) (asc 3);
 - “flooding operations” (“*gweithrediadau i foddi tir*”) has the meaning given by section 75(1) of the [Historic Environment \(Wales\) Act 2023](#);
 - “listed building” (“*adeilad rhestredig*”) has the meaning given by section 76 of the [Historic Environment \(Wales\) Act 2023](#);
 - “permitted” (“*a ganiateir*”) means permitted by planning permission or infrastructure consent;
 - “petroleum products” (“*cynhyrchion petroliwm*”) has the meaning given by section 21 of the [Energy Act 1976](#) (c. 76);
 - “scheduled monument” (“*heneb gofrestredig*”) has the meaning given by section 3(7) of the [Historic Environment \(Wales\) Act 2023](#);
 - “tipping operations” (“*gweithrediadau tipio*”) has the meaning given by section 75(1) of the [Historic Environment \(Wales\) Act 2023](#).

Crown land

134 Crown land and “the appropriate Crown authority”

- (1) This section applies for the purposes of this Act.
- (2) “Crown land” means land in which there is a Crown interest or a Duchy interest.
- (3) “Crown interest” means an interest which—
- (a) belongs to His Majesty in right of the Crown or in right of His private estates, or
 - (b) belongs to a government department or is held in trust for His Majesty for the purposes of a government department.
- (4) “Duchy interest” means—
- (a) an interest belonging to His Majesty in right of the Duchy of Lancaster, or
 - (b) an interest belonging to the Duchy of Cornwall.
- (5) “Appropriate Crown authority”, in relation to Crown land, means—
- (a) in the case of land belonging to His Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
 - (b) in relation to any other land belonging to His Majesty in right of the Crown, the government department having the management of the land;
 - (c) in relation to land belonging to His Majesty in right of His private estates, a person appointed by His Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Welsh Ministers;
 - (d) in relation to land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
 - (e) in relation to land belonging to the Duchy of Cornwall, a person appointed by the Duke of Cornwall or by the possessor for the time being of the Duchy;

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- (f) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, the department.
- (6) “The Crown” is to be treated as including the Senedd Commission.
- (7) Any question that arises about who is the appropriate Crown authority in relation to any land must be referred to the Treasury, whose decision is final.
- (8) In this section—
 - (a) references to His Majesty’s private estates are to be read in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37);
 - (b) references to a government department include a Minister of the Crown and the Senedd Commission (and see section 85 of the Government of Wales Act 2006 (c. 32), which provides for references to a government department to include the Welsh Ministers, the First Minister and the Counsel General).

Offences

135 Offences by bodies corporate

- (1) This section applies to an offence under sections 28, 103, 104, 112 and 120.
- (2) Where the offence is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—
 - (a) a senior officer of the body, or
 - (b) a person who was purporting to be a senior officer of the body,the senior officer or person (as well as the body corporate) is guilty of the offence, and is liable to be proceeded against and punished accordingly.
- (3) In this section, “senior officer” means a director, manager, secretary or other similar officer of the body corporate.
- (4) But in the case of a body corporate whose affairs are managed by its members, “director” means a member of the body.

Giving notices and other documents

136 Giving notices and other documents

- (1) This section applies where a provision in or made under this Act requires or authorises a person to—
 - (a) notify another person of something, or
 - (b) give a document to another person (whether the provision uses the word “serve” or “give” or other term).
- (2) The notification or other document may be given to the person in question—
 - (a) by handing it to the person, or, in the case of a person who is a body corporate, handing it to the secretary or clerk of the body at its registered or principal office;
 - (b) by leaving it at the person’s usual or last known place of residence or, if the person has given an address for service, at that address,

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- (c) by sending it by post in a pre-paid letter—
 - (i) addressed to the person at the person’s usual or last known place of residence, or, in the case of a person who is a body corporate, addressed to the secretary or clerk of the body at its registered or principal office;
 - (ii) if the person has given an address for service, addressed to the person at that address;
 - (d) if the person has given an address for service using electronic communications, by sending it to the person at that address using an electronic communication which complies with the conditions in subsection (3);
 - (e) by any other way specified in regulations.
- (3) The conditions are that the document is—
- (a) capable of being accessed by the person to whom it is sent,
 - (b) legible in all material respects, and
 - (c) capable of being used for subsequent reference.
- (4) A requirement to give more than one copy of a document to a person is complied with by sending only one copy of the document to the person electronically, unless the provision requires the copies to be given in hard copy.
- (5) For the purposes of this section the principal office of a company registered outside the United Kingdom is their principal office within the United Kingdom.
- (6) A notification or other document given to a person by leaving it at the person’s address under subsection (2)(b) is to be treated for the purposes of this Act as having been given at the time at which it was left at that address.
- (7) A notification or other document given to a person by sending it electronically in accordance with this section is to be treated for the purposes of this Act as having been given, unless the contrary is proved, on the day on which the electronic communication was sent.
- (8) Subsection (2)(c) and (d) do not apply to the giving of—
- (a) notice under section 106(4) (notice to enter land without warrant);
 - (b) notice under section 111 (information notices);
 - (c) notice under section 113 (notice of unauthorised development).
- (9) See section 233 of the Local Government Act 1972 (c. 70) for additional provision about the methods by which local authorities may serve documents.

137 Giving notices etc. to persons occupying or with an interest in land

- (1) This section (in addition to section 136) applies where a provision contained in or made under this Act requires or authorises notification or a document to be given—
- (a) to a person as having an interest in land, or
 - (b) to a person as an occupier of land.
- (2) Where the notification or other document is to be given to a person as having an interest in land, and the name of the person cannot be discovered after making reasonable inquiries, the notification or document may be addressed to the person as “the owner” of the land, describing the land.

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- (3) Where the notification or other document is to be given to a person as an occupier of land it may be addressed to the person by name or as “the occupier” of the land, describing the land.
- (4) Subsection (5) applies—
 - (a) where—
 - (i) a notification or other document is to be given to a person as having an interest in land,
 - (ii) the person’s usual or last known place of residence cannot be discovered after making reasonable inquiries, and
 - (iii) the person has not given an address for the service of the document, or
 - (b) where a document is to be given to a person as an occupier of land.
- (5) The notification or other document is given for the purpose of this Act if it is addressed to the person, clearly marked as an important communication affecting the person’s property, and is—
 - (a) sent to the land by post and not returned as undelivered,
 - (b) handed to a person who is, or appears to be, resident or employed in or on the land, or
 - (c) attached conspicuously to the land or to an object on or near the land.

138 Giving documents to the Crown

- (1) This section applies where a provision contained in or made under this Act requires a notification or other document to be given to the Crown.
- (2) The notification or other document must be given to the appropriate Crown authority.
- (3) Sections 136 and 137 (general provisions about methods of service) do not apply.
- (4) In this section, “the Crown” includes—
 - (a) the Duchy of Lancaster;
 - (b) the Duchy of Cornwall.

General

139 Duties to publish

- (1) Where this Act imposes a duty to publish something, it must be published electronically.
- (2) The duty to publish electronically is, where the person has a website, a duty to publish on that website.
- (3) Nothing in this section prevents the person subject to the duty from publishing in another way as well as publishing electronically.

140 Regulations and orders: restrictions

- (1) Subsection (2) applies to—
 - (a) regulations under section 30, section 34, section 35, section 48(6), section 63(5), section 91(3), section 124 and section 129;

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- (b) infrastructure consent orders and orders under section 90.
- (2) Regulations and orders—
 - (a) may include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru;
 - (b) may include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.
- (3) Regulations and orders under this Act, except regulations and orders to which subsection (2) applies in so far as they make provision authorised by subsection (2)—
 - (a) may not include provision that would require the consent of the appropriate Minister under paragraph 8, 10 or 11 of Schedule 7B to the Government of Wales Act 2006 if the provision were included in an Act of Senedd Cymru;
 - (b) may not include provision that would require consultation of the appropriate Minister under paragraph 11(2) or (2A) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.
- (4) In this section, “appropriate Minister” has the meaning given by paragraph 8(5) of Schedule 7B to the Government of Wales Act 2006.

141 Regulations: procedure

- (1) A power to make regulations under this Act is to be exercised by statutory instrument.
- (2) A power to make regulations under this Act includes power to make—
 - (a) different provision for different purposes or different areas;
 - (b) incidental, supplementary, consequential, transitional or saving provision.
- (3) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.
- (4) Subsection (3) applies to a statutory instrument containing regulations under any of the following provisions—
 - (a) section 17;
 - (b) section 21;
 - (c) section 22(2)(c);
 - (d) section 55(1)
 - (e) section 58(3);
 - (f) section 59(6);
 - (g) section 63(5);
 - (h) section 124;
 - (i) section 130;
 - (j) section 131;
 - (k) section 132;
 - (l) section 144, but only where the regulations amend, repeal or otherwise modify a provision of an Act of Parliament or an Act or Measure of Senedd Cymru;
 - (m) paragraph 2(1) of Schedule 2.

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- (5) A statutory instrument containing regulations made by the Welsh Ministers under this Act to which subsection (4) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru.

142 Directions: general

A direction given under or by virtue of this Act must be in writing.

143 General interpretation

- (1) In this Act—

“airport” (“*maes awyr*”) has the meaning given by section 82(1) of the Airports Act 1986 (c. 31);

“alteration” (“*addasu*”), in relation to an airport, must be read in accordance with section 11(4);

“alteration” (“*addasu*”), in relation to a highway, includes stopping up the highway or diverting, improving, raising or lowering it;

“building” (“*adeilad*”) has the meaning given by section 336(1) of TCPA 1990;

“construction” (“*adeiladu*”), in relation to so much of a generating station as comprises or is to comprise renewable energy installations, has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (c. 20) (see section 104 of that Act) (and related expressions must be read accordingly); and in this definition “renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004 (see section 104 of that Act);

“Crown land” (“*tir y Goron*”) has the meaning given by section 134;

“development” (“*datblygiad*”) has the meaning given by section 133;

“devolved Welsh authority” (“*awdurdod Cymreig datganoledig*”) has the meaning given by section 157A of the Government of Wales Act 2006 (c. 32);

“electric line” (“*llinell drydan*”) has the same meaning as in Part 1 of the Electricity Act 1989 (c. 29) (see section 64(1) of that Act);

“enactment” (“*deddfiad*”) includes any enactment whenever passed or made;

“examining authority” (“*awdurdod archwilio*”) has the meaning given by section 40(7);

“extension” (“*estyniad*”), in relation to a generating station, has the meaning given by section 36(9) of the Electricity Act 1989 (and “extend” must be read accordingly);

“gas” (“*nwy*”) includes natural gas;

“generating station” (“*gorsaf gynhyrchu*”) has the same meaning as in Part 1 of the Electricity Act 1989 (see section 64(1) of that Act);

“goods” (“*nwyddau*”) has the meaning given by section 83(1) of the Railways Act 1993 (c. 43);

“harbour” (“*harbwr*”) and “harbour authority” (“*awdurdod harbwr*”) have the meanings given by section 57(1) of the Harbours Act 1964 (c. 40);

“highway” (“*priffordd*”) has the meaning given by section 328 of the Highways Act 1980;

“highway authority” (“*awdurdod priffyrdd*”) has the same meaning as in the Highways Act 1980 (c. 66) (see sections 1 to 3 of that Act);

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“improvement” (“*gwella*”), in relation to a highway, has the meaning given by section 329(1) of the Highways Act 1980;

“infrastructure consent” (“*cydsyniad seilwaith*”) means the consent required by section 19;

“infrastructure consent order” (“*gorchymyn cydsyniad seilwaith*”) means an order made under this Act granting infrastructure consent;

“infrastructure policy statement” (“*datganiad polisi seilwaith*”) has the meaning given by section 127(2);

“land” (“*tir*”) includes buildings, monuments and land covered with waters (including the sea bed); and in relation to Part 6 (infrastructure consent orders) must be read in accordance with section 102;

“LNG facility” (“*cyfleuster LNG*”) must be read in accordance with section 3;

“local impact report” (“*adroddiad ar yr effaith leol*”) has the meaning given by section 36(4);

“marine impact report” (“*adroddiad effaith ar y môr*”) has the meaning given by section 37(4);

“minerals” (“*mwynau*”) includes all substances ordinarily worked for removal (including in the sea);

“monument” (“*heneb*”) has the same meaning as in the [Historic Environment \(Wales\) Act 2023 \(asc. 3\)](#) (see section 2 of that Act);

“natural gas” (“*nwy naturiol*”) means any gas derived from natural strata (including gas originating outside the United Kingdom);

“planning authority” (“*awdurdod cynllunio*”) means a local planning authority within the meaning given by Part 1 of the TCPA 1990 for an area in Wales;

“planning permission” (“*caniatâd cynllunio*”) means permission under Part 3 of TCPA 1990;

“pre-application services” (“*gwasanaethau cyn gwneud cais*”) is to be interpreted in accordance with section 27(2);

“public authority” (“*awdurdod cyhoeddus*”) means any person who has any function of a public nature;

“rail freight interchange” (“*cyfnewidfa nwyddau rheilffordd*”) means a facility for the transfer of goods between railway and road, or between railway and another form of transport;

“railway” (“*rheilffordd*”) has the meaning given by section 67(1) of the Transport and Works Act 1992 (c. 42);

“regulations” (“*rheolidau*”) means regulations made by the Welsh Ministers;

“section 20 consent” (“*cydsyniad adran 20*”) means a permission, authorisation, consent, order, or scheme mentioned in section 20 (effect of requirement for infrastructure consent on other consenting regimes);

“significant infrastructure project” (“*prosiect seilwaith arwyddocaol*”) has the meaning given by Part 1;

“special road” (“*ffordd arbennig*”) means a highway which is a special road in accordance with section 16 of the Highways Act 1980 (c. 66) or by virtue of an infrastructure consent order;

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“special Senedd procedure” (“*gweithdrefn arbennig y Senedd*”) means the procedure specified in the standing orders of Senedd Cymru for subordinate legislation that is subject to special Senedd procedure;

“standard” (“*safonol*”), in relation to a volume of gas, means the volume of gas at a pressure of 101.325 kiloPascals and a temperature of 273 Kelvin;

“TCPA 1990” (“*DCGTh 1990*”) means the Town and Country Planning Act 1990 (c. 8);

“trunk road” (“*cefnffordd*”) means a highway which is a trunk road by virtue of—

- (a) section 10(1) or 19 of the Highways Act 1980,
- (b) an order or direction under section 10 of that Act, or
- (c) an infrastructure consent order,

or under any other enactment;

“use” (“*defnyddio*”) has the meaning given by section 336(1) of TCPA 1990;

“Wales” (“*Cymru*”) means the combined area of the counties and county boroughs in Wales (see Parts 1 and 2 of Schedule 4 to the Local Government Act 1972 (c. 70));

“Welsh marine area” (“*ardal forol Cymru*”) means the sea adjacent to Wales out as far as the seaward boundary of the territorial sea; and the question of which parts of the sea are adjacent to Wales is to be determined in accordance with article 6 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

- (2) A reference in this Act to a right over land includes—
 - (a) a reference to a right to do, or to place and maintain, anything in, on or under land or in the space above its surface;
 - (b) a reference to a restrictive covenant.
- (3) A reference in this Act to the acquisition of land, as it applies to a right over land, and a reference to the acquisition of a right over land includes—
 - (a) acquiring the right by the creation of a new right as well as by the acquisition of an existing one;
 - (b) the imposition of a restrictive covenant.
- (4) A reference in this Act to the sea includes the bed and subsoil of the sea.

144 Power to make consequential and transitional provision etc.

- (1) If the Welsh Ministers consider it appropriate for the purposes of, in consequence of, or for giving full effect to any provision of this Act, they may, by regulations, make—
 - (a) supplementary, incidental or consequential provision;
 - (b) transitional or saving provision.
- (2) Regulations under subsection (1) may amend, modify, repeal or revoke any enactment (including an enactment contained in this Act).

145 Consequential amendments and repeals

Schedule 3 makes provision in consequence of this Act.

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146 Transitional and saving provision

- (1) Sections 19 and 20 have no effect in relation to a development if the conditions in subsections (2) and (3) apply.
- (2) The first condition is that—
 - (a) an application for a section 20 consent in relation to the development was made before the coming into force of sections 19 and 20 and the application has not been withdrawn,
 - (b) a notification under section 62E(1) of the TCPA 1990 of a proposed application in relation to the development was made before the coming into force of sections 19 and 20 and the notification has not been withdrawn, or
 - (c) on the coming into force of sections 19 and 20, the making or confirmation of an order or scheme mentioned in subsection (2) or (3) of section 20 in relation to the development is under consideration by the Welsh Ministers, other than in response to an application.
- (3) The second condition is that—
 - (a) the question of whether to grant or make the section 20 consent is under consideration, where the transition period has not ended,
 - (b) where subsection (2)(b) applies and the transition period has not ended—
 - (i) the first 12 months of the transition period has not ended without an application for planning permission being made in relation to the development, or
 - (ii) an application is made during the first 12 months of the transition period and the question of whether to grant planning permission is under consideration;
 - (c) the section 20 consent is granted or made before the end of the transition period.
- (4) In subsection (3), the “transition period” means the period of 24 months beginning with the day sections 19 and 20 come into force.
- (5) The Welsh Ministers may, in relation to a development, direct that—
 - (a) a different transition period applies for the purposes of subsection (3)(a), (b) or (c), or
 - (b) a period other than 12 months applies for the purposes of paragraph (b) of that subsection.
- (6) Regulations may make provision for the purposes of subsection (2) or (3) about—
 - (a) when an application or notification is to be treated as made;
 - (b) what under consideration means.
- (7) If a section 20 consent (“the original consent”) has effect (whether by virtue of subsection (1) or otherwise), nothing in section 20 prevents the original consent, or a section 20 consent that replaces it, from being varied or replaced.
- (8) If the original consent, or a section 20 consent that replaces it, is varied or replaced, section 19 does not apply to the development to which the consent as varied, or the replacement consent, relates (and so infrastructure consent is not required for that development).
- (9) A section 20 consent replaces an earlier section 20 consent for the purposes of this section if (but only if)—

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- (a) it is granted or made on an application for consent for development without complying with conditions subject to which the earlier section 20 consent was granted or made, and
 - (b) it is granted subject to, or made on, different conditions or unconditionally.
- (10) The provisions of the TCPA 1990 have effect as if the amendments made to that Act by paragraph 4 of Schedule 3 had not been made in so far as the provisions of the TCPA 1990 relate to a development to which sections 19 and 20 do not apply by virtue of this section.

147 Coming into force

- (1) The following provisions of this Act come into force on the day after the day on which this Act receives Royal Assent—
- (a) Part 1;
 - (b) the provisions of Parts 2 to 8 that—
 - (i) confer power to make regulations, or
 - (ii) make provision about what is (or is not) permitted to be done in the exercise of a power to make regulations;
 - (c) this Part, except section 145.
- (2) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (3) An order under subsection (2) may—
- (a) appoint different days for different purposes;
 - (b) make transitory, transitional or saving provision in connection with the coming into force of a provision brought into force by the order.

148 Short title

The short title of this Act is the Infrastructure (Wales) Act 2024.