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Changes to legislation: There are currently no known outstanding effects for the Infrastructure (Wales) Act 2024, SCHEDULE 3. (See end of Document for details)

PROSPECTIVE

SCHEDULE 3

(Introduced by section 145)

CONSEQUENTIAL AMENDMENTS AND REPEALS

Harbours Act 1964 (c. 40)

- 1 (1) The Harbours Act 1964 is amended as follows.
- (2) In section 14(1A), after paragraph (b) insert—
 - “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development to the extent that infrastructure consent is required);
 - (d) section 63(8) of that Act (exclusion of power to include ancillary provision in orders).”
- (3) In section 16(3A), after paragraph (b) insert—
 - “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development to the extent that infrastructure consent is required);
 - (d) section 63(8) of that Act (exclusion of power to include ancillary provision in orders).”

Commencement Information

- II** Sch. 3 para. 1 not in force at Royal Assent, see [s. 147\(2\)](#)

Highways Act 1980 (c. 66)

- 2 (1) The Highways Act 1980 is amended as follows.
- (2) In section 10(2A), after “required” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (3) In section 14(1A), after “required” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (4) In section 16(3A), after “required” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (5) In section 18(1A), after “required” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (6) In section 106(4A), after “required” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders or schemes in relation to highways for which infrastructure consent required)”.

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- (7) In section 108(1A), after “required)” insert “and section 20(3) of the Infrastructure (Wales) Act 2024 (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent required)”.
- (8) In section 110(1A), after “required)” insert “and section 20(4) of the Infrastructure (Wales) Act 2024 (exclusion of power to authorise diversion of non-navigable waters in relation to highways for which infrastructure consent required)”.
- (9) In section 329(1)—
- (a) in the definition of “special road” after “2008” insert “or an infrastructure consent order under the Infrastructure (Wales) Act 2024”;
 - (b) in the definition of “trunk road” after “2008,” insert “or an infrastructure consent order under the Infrastructure (Wales) Act 2024.”.
- (10) In section 337—
- (a) omit “or” at the end of paragraph (a);
 - (b) after paragraph (b) insert—
 - “(c) the carrying out of any development for which infrastructure consent is required under the Infrastructure (Wales) Act 2024 and for which infrastructure consent has not been given under that Act.”

Commencement Information

I2 Sch. 3 para. 2 not in force at Royal Assent, see [s. 147\(2\)](#)

Electricity Act 1989 (c. 29)

- 3 (1) The Electricity Act 1989 is amended as follows.
- (2) In section 36—
- (a) in subsection (1A), after “required)” insert “and section 20(1) of the Infrastructure (Wales) Act 2024 (exclusion of requirement for other consents for development for which infrastructure consent is required).”;
 - (b) in subsection (1B), after “2008” insert “and subsection (1) does not apply if the operation is authorised by an infrastructure consent order under the Infrastructure (Wales) Act 2024.”
- (3) In section 37(2A)(b), after “planning permission” insert “, infrastructure consent order.”.

Commencement Information

I3 Sch. 3 para. 3 not in force at Royal Assent, see [s. 147\(2\)](#)

Town and Country Planning Act 1990 (c. 8)

- 4 (1) The TCPA 1990 is amended as follows.

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- (2) In section 57(1A), after “required)” insert “and section 20(1) of the Infrastructure (Wales) Act 2024 (exclusion of requirement for planning permission etc. for development for which infrastructure consent is required)”.
- (3) Omit sections 62D to 62L.
- (4) In section 62M(4)(a) omit “, provided that the development to which it relates is not a development of national significance for the purpose of section 62D”.
- (5) In section 62P—
 - (a) in subsection (1), omit “62D,”;
 - (b) in subsection (2), omit “62D or”.
- (6) In section 62Q—
 - (a) in subsection (1)(a), omit “62D, 62F,”;
 - (b) in subsection (4)(a)—
 - (i) omit “section 62D or”;
 - (ii) for “the section in question” substitute “that section”;
 - (c) in subsection (4)(b)—
 - (i) omit “62F or”;
 - (ii) for “the section in question” substitute “that section”.
- (7) In section 62R(1)—
 - (a) omit “62D,”;
 - (b) omit “62F,” in both places it occurs.
- (8) In section 62S—
 - (a) omit “developments of national significance and”;
 - (b) after “Welsh Ministers” insert “under section 62M or 62O”.
- (9) In section 70(1)(a), omit “section 62D(5),”.
- (10) In section 70A(1)(a), as it applies in relation to Wales, omit “62D, 62F,”.
- (11) In section 75A—
 - (a) in subsection (1)(a), omit “62D,”;
 - (b) in subsection (2), omit “62D,”;
 - (c) in subsection (3), omit “62D,”.
- (12) In section 87, omit subsection (5).
- (13) In section 88, omit subsection (11).
- (14) In section 211 (preservation of trees in conservation areas)—
 - (a) in subsection (1A) after “consent” insert “or by infrastructure consent order”;
 - (b) in subsection (5A) after “consent” insert “or by infrastructure consent order”.
- (15) In section 252—
 - (a) omit subsections (3A), (6B), (6C) and (6D);
 - (b) in subsection (12), omit the definition of “development of national significance”.
- (16) In section 253(2)(aa), omit “62D, 62F,”.

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- (17) In section 257(4)(c), omit “62D, 62F”.
- (18) In section 284(3), omit paragraphs (aa) and (ab).
- (19) In section 303—
 - (a) in subsection (1B)(a), omit “section 62D (developments of national significance)”;
 - (b) in subsection (1C)—
 - (i) omit paragraph (a);
 - (ii) in paragraph (b), omit “62D, 62F”.
- (20) In section 319B—
 - (a) in subsection (5A), omit “62D”;
 - (b) in subsection (7), omit paragraph (za);
 - (c) in subsection (8A), omit “62D”.
- (21) In section 324(1), omit paragraph (bb).
- (22) In section 333—
 - (a) in subsection (3F), omit paragraphs (b) and (c);
 - (b) in subsection (5C), omit “62L(9)”.
- (23) In section 336(1) (interpretation), at the appropriate place, insert—
 - ““infrastructure consent order has the meaning given in section 143 of the Infrastructure (Wales) Act 2024;”.
- (24) In Schedule 1A, in paragraph 8(2A), omit “62D, 62F”.
- (25) In Schedule 4D—
 - (a) in the Schedule title, omit “DEVELOPMENTS OF NATIONAL SIGNIFICANCE AND”;
 - (b) omit paragraph 1;
 - (c) in paragraph 3—
 - (i) omit “1 or” in both places it occurs;
 - (ii) omit “or consent” in both places it occurs;
 - (iii) omit “(as the case may be)”;
 - (d) in paragraph 4—
 - (i) omit “1 or” in both places it occurs;
 - (ii) omit “or consent” in both places it occurs;
 - (e) in paragraph 7, omit “or consent”;
 - (f) omit paragraph 8(2);
 - (g) in paragraph 9—
 - (i) omit “or consent”;
 - (ii) omit “paragraph 1 or”;
 - (h) in paragraph 10—
 - (i) omit “or consent” in both places it occurs;
 - (ii) omit “1 or”;
 - (i) in paragraph 11(1)—
 - (i) omit “or consent”;
 - (ii) omit “1 or”;

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- (j) in paragraph 11(2), omit “1 or”;
 - (k) in paragraph 12—
 - (i) omit “or consent”;
 - (ii) omit “1 or”;
 - (l) in paragraph 13—
 - (i) omit “or consent” in each place it occurs;
 - (ii) omit “1 or” in each place it occurs;
 - (iii) omit “, as the case may be,”;
 - (m) in paragraph 14, omit “or consent”.
- (26) In Schedule 16, in Part 1, for “62D” substitute “62M”.

Commencement Information

I4 Sch. 3 para. 4 not in force at Royal Assent, see [s. 147\(2\)](#)

Planning (Hazardous Substances) Act 1990 (c. 10)

- 5 (1) The Planning (Hazardous Substances) Act 1990 is amended as follows.
- (2) In section 9(2)(c), after “permission in principle” insert “, infrastructure consent”.
 - (3) In section 10(1), after “specified planning permission” insert “, infrastructure consent”.
 - (4) In section 12, after subsection (2B) insert—

“(2C) On making an order granting infrastructure consent in respect of development that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the person making the order may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.”
 - (5) In section 14(2)(b), after “planning permission”, in each place it appears, insert “, infrastructure consent”.
 - (6) In section 39, in the appropriate place, insert—

““infrastructure consent has the meaning given in section 143 of the Infrastructure (Wales) Act 2024;”.

Commencement Information

I5 Sch. 3 para. 5 not in force at Royal Assent, see [s. 147\(2\)](#)

New Roads and Street Works Act 1991 (c. 22)

- 6 (1) The New Roads and Street and Works Act 1991 is amended as follows.
- (2) In section 6(1A), after “required)” insert “and section 20(3) (exclusion of powers to make or confirm orders in relation to highways for which infrastructure consent is required)”.

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Commencement Information

I6 Sch. 3 para. 6 not in force at Royal Assent, see [s. 147\(2\)](#)

Transport and Works Act 1992 (c. 42)

- 7 (1) The Transport and Works Act 1992 is amended as follows.
- (2) In section 1(1A) (exclusions relating to orders as to railways, tramways etc.) after paragraph (b) insert—
- “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development for which infrastructure consent is required);
 - (d) section 63(8) of that Act (exclusion of powers to include ancillary provision in orders).”
- (3) In section 3(1A) (exclusions relating to orders as to inland waterways etc.) after paragraph (b) insert—
- “(c) section 20(2) of the Infrastructure (Wales) Act 2024 (exclusion of powers to authorise development for which infrastructure consent is required);
 - (d) section 63(8) of that Act (exclusion of powers to include ancillary provision in orders).”

Commencement Information

I7 Sch. 3 para. 7 not in force at Royal Assent, see [s. 147\(2\)](#)

Coal Industry Act 1994 (c. 21)

- 8 (1) The Coal Industry Act 1994 is amended as follows.
- (2) In section 53—
- (a) in subsection (1), after “planning permission” insert “or infrastructure consent”;
 - (b) in subsection (2), after “such an application” insert “for planning permission, or where an examining authority or the Welsh Ministers consider any coal-mining proposals included in such an application for infrastructure consent.”;
 - (c) in subsection (4)—
 - (i) in paragraph (a), after “Town and Country Planning Act 1990” insert “, but “development” has the meaning given by section 133 of the Infrastructure (Wales) Act 2024 so far as it relates to coal-mining proposals included in an application for infrastructure consent”;
 - (ii) after the definition of ““development” and “planning permission””, insert—
 - ““examining authority” has the meaning given by section 40(7) of the Infrastructure (Wales) Act 2024;
 - “infrastructure consent has the meaning given by section 143 of the Infrastructure (Wales) Act 2024.”

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Commencement Information

I18 Sch. 3 para. 8 not in force at Royal Assent, see [s. 147\(2\)](#)

Planning and Compulsory Purchase Act 2004 (c. 5)

- 9 (1) The Planning and Compulsory Purchase Act 2004 is amended as follows.
- (2) In section 60(3), for “development of national significance for the purposes of section 62D of the principal Act (development of national significance: applications to be made to Welsh Ministers)” substitute “a significant infrastructure project for the purposes of the Infrastructure (Wales) Act 2024”.

Commencement Information

I19 Sch. 3 para. 9 not in force at Royal Assent, see [s. 147\(2\)](#)

Marine and Coastal Access Act 2009 (c. 23)

- 10 (1) The Marine and Coastal Access Act 2009 is amended as follows.
- (2) In section 58, after subsection (5) insert—
- “(5A) This section does not apply to a decision on an application for infrastructure consent under the Infrastructure (Wales) Act 2024.”

Commencement Information

I10 Sch. 3 para. 10 not in force at Royal Assent, see [s. 147\(2\)](#)

Flood and Water Management Act 2010 (c. 29)

- 11 (1) The Flood and Water Management Act 2010 is amended as follows.
- (2) In Schedule 3, in paragraph 7(3) after “(nationally significant infrastructure projects)” insert “or work requiring infrastructure consent under section 19 of the Infrastructure (Wales) Act 2024.”.

Commencement Information

I11 Sch. 3 para. 11 not in force at Royal Assent, see [s. 147\(2\)](#)

Planning (Wales) Act 2015 (anaw 4)

- 12 (1) The Planning (Wales) Act 2015 is amended as follows.
- (2) In section 1(6), for “to the Welsh Ministers. It makes provision” to the end substitute “either to the Welsh Ministers or a local planning authority”.
- (3) Omit sections 19 to 22.

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(4) In Schedule 4—

- (a) in paragraph 5, omit “section 62D(5)”;
- (b) in paragraph 6, omit “62D, 62F,”;
- (c) in paragraph 7, in the inserted section 75A of the TCPA 1990—
 - (i) in subsection (1)(a), omit “62D,”;
 - (ii) in subsection (2), omit “62D,”;
 - (iii) in subsection (3), omit “62D,”;
- (d) omit paragraphs 8 and 9;
- (e) in paragraph 13, omit “62D, 62F,”;
- (f) in paragraph 14(b), omit “62D, 62F,”;
- (g) in paragraph 15(3)(c), omit paragraphs (aa) and (ab) inserted into section 284(3) of the TCPA 1990;
- (h) in paragraph 18, in the inserted section 303 of the TCPA 1990—
 - (i) in subsection (1B)(a), omit “section 62D (developments of national significance),”;
 - (ii) in subsection (1C), omit paragraph (a) and in paragraph (b), omit “62D, 62F,”;
- (i) in paragraph 20—
 - (i) in sub-paragraph (2), omit “62D,”;
 - (ii) in sub-paragraph (3), omit paragraph (za) inserted into section 319B(7) of the TCPA 1990;
 - (iii) in sub-paragraph (4), in subsection (8A) inserted into section 319B of the TCPA 1990, omit “62D,”;
- (j) in paragraph 21, omit paragraph (bb) inserted into section 324(1) of the TCPA 1990;
- (k) in paragraph 22, in sub-paragraph (2A) inserted into paragraph 8 of Schedule 1A to the TCPA 1990, omit “62D, 62F,”;
- (l) in paragraph 23(2), for “62D” substitute “62M”.

Commencement Information

I12 Sch. 3 para. 12 not in force at Royal Assent, see [s. 147\(2\)](#)

Infrastructure Act 2015 (c. 7)

- 13 (1) The Infrastructure Act 2015 is amended as follows.
- (2) In Schedule 6, in paragraph 11(6), after paragraph (a) insert—
 “(aa) infrastructure consent under the Infrastructure (Wales) Act 2024;”.

Commencement Information

I13 Sch. 3 para. 13 not in force at Royal Assent, see [s. 147\(2\)](#)

Housing and Planning Act 2016 (c. 22)

- 14 (1) The Housing and Planning Act 2016 is amended as follows.

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- (2) In section 205(1), in the definition of “planning consent”—
- (a) in paragraph (a), after “Act,” omit “or”;
 - (b) in paragraph (b), after “2008” insert—

“, or
 - (c) infrastructure consent under the Infrastructure (Wales) Act 2024”.

Commencement Information

I14 Sch. 3 para. 14 not in force at Royal Assent, see [s. 147\(2\)](#)

Historic Environment (Wales) Act 2023 (asc 3)

- 15 (1) The Historic Environment (Wales) Act 2023 is amended as follows.
- (2) In section 11 (requirement for works to be authorised by scheduled monument consent), after subsection (2) insert—
- “(3) This section is subject to section 20(1)(c)(i) of the Infrastructure (Wales) Act 2024 (class authorisations and authorisation by scheduled monument consent not required for development to the extent that infrastructure consent required).”
- (3) In section 58(4) (exception to offence of damaging certain monuments of special historical interest), after paragraph (b) insert—
- “(c) works for which infrastructure consent has been given under the Infrastructure (Wales) Act 2024.”
- (4) In section 88 (requirement for works to be authorised by listed building consent: exceptions), after subsection (3) insert—
- “(4) This section is subject to section 20(1)(c)(ii) of the Infrastructure (Wales) Act 2024 (authorisation by listed building consent not required for development to the extent that infrastructure consent is required).”
- (5) In section 118(2) (exception to offence of intentionally damaging listed building), after paragraph (e) insert—
- “(f) anything for which infrastructure consent has been given under the Infrastructure (Wales) Act 2024.”
- (6) In section 161 (requirement for demolition to be authorised by conservation area consent), after subsection (5) insert—
- “(6) This section is subject to section 20(1)(c)(iii) of the Infrastructure (Wales) Act 2024 (authorisation by conservation area consent not required for development to the extent that infrastructure consent required).”

Commencement Information

I15 Sch. 3 para. 15 not in force at Royal Assent, see [s. 147\(2\)](#)

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