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## SCHEDULE 1

(introduced by section 63)

## PROVISION RELATING TO, OR TO MATTERS ANCILLARY TO, DEVELOPMENT

## PART 1

## THE MATTERS

- 1 The acquisition of land, compulsorily or by agreement.
- 2 The creation, suspension or extinguishment of, or interference with, interests in or rights over land (including navigation over water), compulsorily or by agreement.
- 3 The abrogation or modification of agreements relating to land.
- 4 Carrying out specified excavation, mining, quarrying or boring operations in a specified area.
- 5 The operation of a generating station.
- 6 Keeping electric lines installed above ground.
- 7 The protection of the property or interests of any person.
- 8 The imposition or exclusion of obligations or liability in respect of acts or omissions.
- 9 Carrying out surveys or taking soil samples.
- 10 Cutting down, uprooting, topping or lopping trees or shrubs or cutting back their roots.
- 11 The removal, disposal or re-siting of apparatus.
- 12 Carrying out civil engineering or other works.
- 13 The diversion of navigable or non-navigable watercourses.
- 14 The stopping up or diversion of highways.
- 15 Charging tolls, fares (including penalty fares) and other charges.
- 16 The designation of a highway as a trunk road or special road.
- 17 The specification of the classes of traffic authorised to use a highway.
- 18 The appropriation of a highway for which the person proposing to construct or improve a highway is the highway authority.
- 19 The transfer to the person proposing to construct or improve a highway of a highway for which that person is not the highway authority.
- 20 The specification of the highway authority for a highway.
- 21 The operation and maintenance of a transport system.
- 22 Entering into an agreement for the provision of police services.
- 23 The discharge of water into inland waters or underground strata.
- 24 Deeming a marine licence under Part 4 of the Marine and Coastal Access Act 2009 (c. 23) to have been given by the Welsh Ministers for activities specified in the order and subject to such conditions as may be specified in the order.

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- 25 Deeming any such conditions to have been attached to the marine licence by the Welsh Ministers under that Part.
- 26 The creation of a harbour authority.
- 27 Changing the powers and duties of a harbour authority.
- 28 The making of byelaws by any person and their enforcement.
- 29 (1) The creation of offences within sub-paragraph (2) in connection with—
- (a) non-payment of tolls, fares or other charges,
  - (b) a person’s failure to give the person’s name or address in accordance with provision relating to penalty fares,
  - (c) enforcement of byelaws, or
  - (d) construction, improvement, maintenance or management of a harbour.
- (2) An offence is within this sub-paragraph if—
- (a) it is triable only summarily,
  - (b) a person guilty of the offence is not liable to imprisonment, and
  - (c) any fine to which a person guilty of the offence may be liable cannot be higher than level 3 on the standard scale.
- 30 The transfer of property, rights, liabilities or functions.
- 31 The transfer, leasing, suspension, discontinuance and revival of undertakings.
- 32 The payment of contributions.
- 33 The payment of compensation.
- 34 The submission of disputes to arbitration.
- 35 The alteration of borrowing limits.

## PART 2

### INTERPRETATION

- 36 (1) This paragraph applies for the purposes of this Schedule.
- (2) “Transport system” means any of the following—
- (a) a railway;
  - (b) a tramway;
  - (c) a trolley vehicle system;
  - (d) a system using a mode of guided transport prescribed by order under section 2 of the Transport and Works Act 1992 (c. 42).
- (3) “Maintenance”, in relation to a transport system, includes the inspection, repair, adjustment, alteration, removal, reconstruction or replacement of the system.
- (4) The following terms have the meanings given by section 67(1) (interpretation) of the Transport and Works Act 1992 (c. 42)—
- “guided transport” (“*trafnidiaeth gyfeiriedig*”);
  - “tramway” (“*tramffordd*”);
  - “trolley vehicle system” (“*system cerbydau troli*”).

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## SCHEDULE 2

(Introduced by section 93)

### COMPENSATION FOR CHANGING OR REVOKING INFRASTRUCTURE CONSENT ORDERS

#### *Changing or revoking an infrastructure consent order: compensation*

- 1 (1) This paragraph applies where—
  - (a) an infrastructure consent order is changed or revoked by an order under section 90, and
  - (b) the case in which the power is exercised is one falling within section 90(6).
- (2) Any person interested in the land to which the infrastructure consent order relates or interested in minerals on such land, or for whose benefit the infrastructure consent order has effect, is entitled, on making a claim to the Welsh Ministers, to be paid compensation by the Welsh Ministers for—
  - (a) any expenditure incurred by the person in carrying out work that becomes abortive because of the change or revocation of the infrastructure consent order;
  - (b) any other loss or damage suffered by the person that is directly attributable to the change or revocation.
- (3) Regulations may make provision about the way in which, and the period within which, a claim for compensation under this paragraph must be made.
- (4) For the purpose of this paragraph, expenditure incurred in the preparation of plans for the purposes of any work, or on other similar matters preparatory to any work, is to be treated as expenditure incurred in carrying out the work.
- (5) Subject to that, no compensation is payable under this paragraph in respect of—
  - (a) work carried out before the making of the infrastructure consent order that is changed or revoked, or
  - (b) other loss or damage (other than loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the infrastructure consent order was made.

#### *Compensation for depreciation: introduction and key terms*

- 2 (1) Paragraphs 3 to 9 apply where compensation becomes payable by the Welsh Ministers under paragraph 1 which includes compensation for depreciation of more than the minimum amount specified in regulations.
- (2) In this paragraph and paragraphs 3 to 10—
  - (a) “acquiring authority”, in relation to the acquisition or proposed acquisition of an interest in land (whether compulsorily or by agreement), means the public authority or other person by whom the interest is acquired or is proposed to be acquired;
  - (b) “compulsory acquisition” does not include the transfer of property from one person to another by an enactment;
  - (c) “compensation for depreciation” means compensation payable in respect of loss or damage consisting of depreciation of the value of an interest in land;
  - (d) “interest in land” means the fee simple or a tenancy of the land (and does not include any other interest in it);

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- (e) “compensation notice” has the meaning given in paragraph 4(1);
- (f) “registered”, in relation to a compensation notice, means registered in the local land charges register kept under section 3 of the Local Land Charges Act 1975 (c. 76).

*Apportionment of compensation for depreciation and determination of disputes*

- 3 (1) The Welsh Ministers—
- (a) if they consider that it is practicable to do so, must apportion the compensation for depreciation between different parts of the land to which the claim for compensation relates, and
  - (b) if they apportion the compensation, must give details of the apportionment to the claimant and to any other person with an interest in land which the Welsh Ministers consider is substantially affected by the apportionment.
- (2) In carrying out an apportionment, the Welsh Ministers must divide the land into parts and distribute the compensation for depreciation between those parts according to how they consider different parts of the land are differently affected by the order in consequence of which the compensation is payable.
- (3) If any of the following persons dispute an apportionment of compensation, they may refer the apportionment to the Upper Tribunal—
- (a) the claimant;
  - (b) any other person to whom details of the apportionment have been given;
  - (c) any other person who establishes that they have an interest in land which is substantially affected by the apportionment.
- (4) The claimant and every other person to whom details of an apportionment have been given are entitled to be heard by the Upper Tribunal on the reference.
- (5) On a reference of an apportionment, the Upper Tribunal must—
- (a) either confirm or vary the apportionment, and
  - (b) notify the parties of its decision.
- (6) Where on a reference to the Upper Tribunal it is shown that an apportionment—
- (a) relates wholly or partly to the same matters as a previous apportionment, and
  - (b) is consistent with the previous apportionment so far as it relates to those matters,
- the Tribunal must not vary the apportionment in a way that is inconsistent with the previous apportionment so far as it relates to those matters.
- (7) Sub-paragraphs (1) and (2) apply to an apportionment by the Upper Tribunal as if references to the Welsh Ministers were references to the Tribunal.

*Notice of compensation for depreciation*

- 4 (1) Where compensation becomes payable which includes compensation for depreciation of more than the minimum amount specified in regulations under paragraph 2 the Welsh Ministers must cause notice of that fact (a “compensation notice”) to be served—
- (a) on the council of the county or county borough for the area in which the land or any part of the land to which the notice relates is situated, and

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- (b) if that council is not the planning authority for the area in which the land or any part of the land is situated, on the planning authority for the area.
- (2) A compensation notice must specify—
- (a) the order in consequence of which the compensation is payable and the land to which the claim for compensation relates, and
  - (b) the amount of the compensation and any apportionment of it under paragraph 3.
- (3) A compensation notice is a local land charge, and for the purposes of the Local Land Charges Act 1975 (c. 76) the county or county borough council on which the notice is served is the originating authority as respects the charge.

*Development not to be carried out until compensation paid or secured*

- 5
- (1) A person must not carry out development to which this paragraph applies on land in respect of which a compensation notice has been registered until any amount that is recoverable in respect of the compensation specified in the notice by virtue of paragraph 6 has been paid or secured to the satisfaction of the Welsh Ministers in accordance with paragraph 7.
- (2) This paragraph applies to—
- (a) development that—
    - (i) is of a residential, commercial or industrial character, and
    - (ii) consists wholly or mainly of the construction of houses, flats, shop or office premises or industrial buildings (including warehouses), or any combination of them;
  - (b) development that consists of mining operations;
  - (c) development to which, having regard to the probable value of the development, the Welsh Ministers consider it reasonable that this paragraph should apply.
- (3) This paragraph does not apply to development by virtue of subparagraph (2)(c) if, on an application made to them, the Welsh Ministers have certified that, having regard to the probable value of the development, they do not consider it reasonable that this paragraph should apply.
- (4) Where the compensation specified in the compensation notice became payable in consequence of an order changing an infrastructure consent order, this paragraph does not apply to development in accordance with the changed infrastructure consent order.

*Amount recoverable by Welsh Ministers in respect of compensation*

- 6
- (1) The amount recoverable in respect of the compensation specified in a registered compensation notice is—
- (a) if the land on which development is to be carried out includes all of the land to which the notice relates (whether alone or with other land), the amount of compensation specified in the notice;
  - (b) if the land on which development is to be carried out includes only part of the land to which the notice relates (whether alone or with land to which the notice does not relate), the amount of the compensation specified in the notice that is attributable to that part.

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- (2) But the Welsh Ministers may defer recovery of all or part of the amount that would otherwise be recoverable in connection with a particular development of land if they consider, having regard to the probable value of any proper development of that land, that no proper development of it is likely to be carried out unless they exercise their powers under this sub-paragraph.
- (3) If the Welsh Ministers defer recovery of only part of the amount that would otherwise be recoverable in respect of any land, they must cause the registered compensation notice in question to be amended so that the amount of compensation stated in it, so far as attributable to that land, is the amount they have deferred.
- (4) Where an amount has become recoverable in respect of compensation in connection with the development of land, no amount is recoverable in respect of the compensation attributable to that land in connection with any later development of it.
- (5) Sub-paragraph (4) does not apply to an amount to the extent that recovery of the amount was deferred in connection with the earlier development.
- (6) No amount is recoverable by virtue of this paragraph in respect of any compensation by reference to which an amount has become recoverable from an acquiring authority under paragraph 8 (recovery on compulsory acquisition or sale).
- (7) For the purposes of this Schedule, the amount of the compensation specified in a compensation notice that is attributable to a part of the land to which the notice relates is to be calculated—
  - (a) if the notice includes an apportionment of the compensation between different parts of the land under paragraph 3, on the basis that—
    - (i) the compensation is distributed between those parts in accordance with the apportionment, and
    - (ii) the compensation attributed to each part is distributed evenly by area over that part;
  - (b) if the notice does not include an apportionment, on the basis that the compensation is distributed evenly by area over the land to which the notice relates.

*Payment etc. of amount recoverable*

- 7 (1) An amount recoverable by virtue of paragraph 6 in connection with the development of land is payable to the Welsh Ministers—
  - (a) as a single capital payment,
  - (b) as a series of instalments of capital and interest combined, or
  - (c) as a series of other annual or periodical payments, of the amounts, and payable at the times, that the Welsh Ministers direct.
- (2) Before giving a direction under sub-paragraph (1)(c), the Welsh Ministers must take into account any representations made by the person by whom the development is to be carried out.
- (3) If the amount payable under sub-paragraph (1) is not paid as a single capital payment, it must be secured by the person by whom the development is to be carried out in the way (whether by mortgage, covenant or otherwise) that the Welsh Ministers direct.
- (4) If a person begins development to which paragraph 5 applies in breach of that paragraph, the Welsh Ministers may serve a notice on the person—

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- (a) specifying the amount they consider to be recoverable under paragraph 6 in respect of the compensation in question, and
  - (b) requiring the person to pay that amount to the Welsh Ministers within a period specified in the notice.
- (5) The period specified in the notice must be at least 3 months beginning with the day after the day on which the notice is served.

*Recovery of compensation from acquiring authority on compulsory acquisition or sale*

- 8 (1) This paragraph applies where—
- (a) an interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers,
  - (b) a compensation notice is registered in respect of any of the land, whether before or after the completion of the acquisition or sale, and
  - (c) the compensation specified in the notice is payable in consequence of a change or revocation of an infrastructure consent order that was made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected.
- (2) The Welsh Ministers are entitled to recover from the acquiring authority an amount equal to the amount of the compensation specified in the compensation notice that is attributable to the land acquired or sold.
- (See paragraph 6(7) for provision about calculating the amount of compensation that is attributable to a part of the land to which a compensation notice relates.)
- (3) If, immediately after the completion of the acquisition or sale, a person other than the acquiring authority continues to have an interest in the land acquired or sold, the amount that is recoverable under this paragraph does not become payable until that interest either ceases to exist or becomes vested in the acquiring authority.
- (4) No amount is recoverable under this paragraph in connection with the acquisition or sale if the Welsh Ministers are satisfied that the interest in question is being acquired for the purposes of the use of the land as an open space.
- (5) A power under any enactment to pay a grant in respect of expenditure incurred by the acquiring authority in connection with the acquisition or sale includes the power to pay a grant in respect of any amount recoverable from the authority under this paragraph.
- (6) In sub-paragraph (1)(a), “authority possessing compulsory purchase powers” means—
- (a) a person who could be or has been authorised to acquire the interest in question compulsorily for the purpose for which the interest is sold, or
  - (b) a community council on whose behalf a county council or county borough council could be or has been authorised to acquire the interest for that purpose (see section 125 of the Local Government Act 1972 (c. 70)).
- (7) In a case where a notice to treat is deemed to be served by virtue of an enactment, the reference in sub-paragraph (1)(c) to the service of the notice to treat is to be read as a reference to the date on which the notice is deemed to be served.
- (8) For the purpose of assessment of compensation for the compulsory acquisition of an interest in land where a compensation notice relating to the land is registered under

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this Schedule, section 12 of the Land Compensation Act 1961 (c. 33) applies subject to any necessary modifications.

*General provisions about compensation for depreciation*

- 9 (1) The rules in section 5 of the Land Compensation Act 1961 (c. 33) have effect for the purpose of assessing any compensation for depreciation that is payable under this Schedule, so far as relevant and with any necessary modifications, as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (2) Where an interest in land is subject to a mortgage—
- (a) any compensation for depreciation that is payable under this Schedule in respect of the interest must be assessed as if the interest were not subject to the mortgage;
  - (b) a claim for compensation for depreciation may be made by any mortgagee of the interest, but that does not affect the right of the person whose interest is subject to the mortgage to make a claim;
  - (c) no compensation for depreciation is payable in respect of the interest of the mortgagee (as distinct from the interest that is subject to the mortgage);
  - (d) any compensation for depreciation that is payable in respect of the interest subject to the mortgage must be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee; and it must be applied by the mortgagee to whom it is paid as if it were proceeds of sale.

*Determination of claims for compensation*

- 10 (1) Any question of disputed compensation under this Schedule is to be referred to and determined by the Upper Tribunal.
- (2) Section 4 of the Land Compensation Act 1961 (c. 33) applies to the determination of a question referred under this paragraph as it applies to the determination of a question referred under section 1 of that Act, but as if references to the acquiring authority were references to the Welsh Ministers.

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—



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- “(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).”

### *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)”.
  - (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.”

### *Electricity Act 1989 (c. 29)*

- 3 (1) The Electricity Act 1989 is amended as follows.

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- (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.”.

*Town and Country Planning Act 1990 (c. 8)*

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

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- (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,”.
- (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;

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- (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”;
  - (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”.

*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;”.

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#### *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)”.

#### *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).”

#### *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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*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”.

*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.”

*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.”.

*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.
- (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—

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- (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”.

#### *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;”.

#### *Housing and Planning Act 2016 (c. 22)*

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

#### *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).”

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- (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).”