



Infrastructure (Wales) Act 2024

2024 asc 3

PART 9

GENERAL PROVISIONS

General

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to the development was made before the coming into force of sections 19 and 20 and the application has not been withdrawn,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to the development was made before the coming into force of sections 19 and 20 and the notification has not been withdrawn, or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

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (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)—
 - (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.