



# Infrastructure (Wales) Act 2024

2024 asc 3

## INFRASTRUCTURE (WALES) ACT 2024

### PART 1

#### SIGNIFICANT INFRASTRUCTURE PROJECTS

##### *Key term*

- 1 Meaning of “significant infrastructure project”

##### *Energy*

- 2 Electricity infrastructure
- 3 Liquified natural gas facilities
- 4 Gas reception facilities
- 5 Hydraulic fracturing for oil and gas and coal gasification
- 6 Open cast coal mining

##### *Transport*

- 7 Highways
- 8 Railways
- 9 Rail freight interchanges
- 10 Harbour facilities
- 11 Airports

##### *Water*

- 12 Dams and reservoirs
- 13 Transfer of water resources

##### *Waste water*

- 14 Waste water treatment plants

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### *Waste*

- 15 Hazardous waste facilities
- 16 Radioactive waste geological disposal facilities

### *Power to amend*

- 17 Power to add, vary or remove projects

### *Interpretation*

- 18 Cross-border projects

## **PART 2**

### REQUIREMENT FOR INFRASTRUCTURE CONSENT

#### *The requirement*

- 19 Requirement for infrastructure consent
- 20 Effect of requirement for infrastructure consent

#### *Powers to change the requirement or its effect*

- 21 Power to add or remove types of consent
- 22 Directions specifying development as a significant infrastructure project
- 23 Directions for applications to be treated as applications for infrastructure consent
- 24 Directions specifying that development is not a significant infrastructure project
- 25 Directions under section 22 to 24: general provision
- 26 Directions under section 22: regulations about procedure

## **PART 3**

### APPLYING FOR INFRASTRUCTURE CONSENT

#### *Assistance for applicants*

- 27 Provision of pre-application services
- 28 Obtaining information about interests in land

#### *Pre-application procedure*

- 29 Notice of proposed application
- 30 Pre-application consultation and publicity
- 31 Change in the person who proposes to apply for infrastructure consent

#### *Application procedure*

- 32 Applying for infrastructure consent
- 33 Deciding on the validity of an application and notifying the applicant
- 34 Notice of accepted applications and publicity
- 35 Regulations about notices and publicity
- 36 Local impact reports
- 37 Marine impact reports
- 38 Notice of persons interested in land to which compulsory acquisition request relates
- 39 Consultation post-application in relation to compulsory acquisition

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## **PART 4**

### **EXAMINING APPLICATIONS**

#### *Appointing an examining authority*

- 40 Appointing an examining authority

#### *Examining applications*

- 41 Examining authority to examine applications  
42 Choice of inquiry, hearing or written procedure  
43 Open-floor hearings  
44 Examination procedure  
45 Power to enter land in connection with examination  
46 Power to enter Crown land in connection with examination  
47 Power of examining authority to hold local inquiry  
48 Access to evidence at inquiry  
49 Payment of appointed representative where access to evidence restricted  
50 Assessors  
51 Legal assistance  
52 Reports by examining authority  
53 Power to direct further examination  
54 Orders relating to costs of parties on examination proceedings

## **PART 5**

### **DECIDING APPLICATIONS FOR INFRASTRUCTURE CONSENT**

#### *Decision maker*

- 55 Function of deciding applications

#### *Statutory policies and other relevant matters*

- 56 Deciding applications: general considerations  
57 Duty to have regard to specific matters when making decisions on applications  
58 Matters that may be disregarded when making decisions on applications

#### *Timetable*

- 59 Timetable for deciding application for infrastructure consent

#### *The decision*

- 60 Grant or refusal of infrastructure consent  
61 Development for which infrastructure consent may be granted  
62 Reasons for decision to grant or refuse infrastructure consent

## **PART 6**

### **INFRASTRUCTURE CONSENT ORDERS**

#### *Provision in orders: general*

- 63 What may be included in an infrastructure consent order

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*Provision in orders authorising compulsory acquisition*

- 64 Purpose for which compulsory acquisition may be authorised
- 65 Land to which authorisation of compulsory acquisition can relate
- 66 Application of compulsory acquisition provisions
- 67 Compensation for compulsory acquisition
- 68 Statutory undertakers' land
- 69 National Trust land
- 70 Commons, open spaces etc: compulsory acquisition of land
- 71 Commons, open spaces etc: compulsory acquisition of rights over land
- 72 Notice of authorisation of compulsory acquisition

*Provision in orders: specific limitations and powers*

- 73 Public rights of way
- 74 Power to override easements and other rights
- 75 Extinguishment of rights, and removal of apparatus, of statutory undertakers etc.
- 76 Crown land
- 77 Operation of generating stations
- 78 Keeping electric lines installed above ground
- 79 Diversion of watercourses
- 80 Highways
- 81 Harbours
- 82 Discharge of water
- 83 Deemed consent under a marine licence
- 84 Removing consent requirements and deeming consents

*Procedure for infrastructure consent orders*

- 85 Infrastructure consent orders: publication and procedure

*Changing and revoking infrastructure consent orders etc.*

- 86 Meaning of "decision documents" and "error"
- 87 Power to correct errors in decision documents
- 88 Correcting errors: regulations

*Making changes to, and revoking, infrastructure consent orders*

- 89 Definitions
- 90 Power to change or revoke infrastructure consent orders
- 91 Procedure: changing and revoking infrastructure consent orders
- 92 Changing and revoking infrastructure consent orders: formalities
- 93 Changing or revoking an infrastructure consent order: compensation

*Effect of infrastructure consent orders*

- 94 Duration of infrastructure consent order
- 95 When development begins
- 96 Legal challenges
- 97 Benefit of infrastructure consent order
- 98 Planning obligations
- 99 Blighted land
- 100 Nuisance: statutory authority
- 101 Compensation in case where defence of statutory authority applies

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### *Interpretation*

102 Meaning of “land”

## **PART 7**

### **ENFORCEMENT**

#### *Offences*

103 Development without infrastructure consent  
104 Breach of terms of infrastructure consent order  
105 Time limits  
106 Powers to enter land for enforcement purposes  
107 Warrant to enter land  
108 Rights of entry: supplementary provisions  
109 Rights of entry: Crown land  
110 Marine enforcement powers

#### *Information notices*

111 Power to require information  
112 Offences of failing to comply with information notices

#### *Notices of unauthorised development*

113 Notice of unauthorised development

#### *Compliance with notices of unauthorised development*

114 Order to permit steps required by notice of unauthorised development  
115 Power to enter land and take steps required by notice of unauthorised development  
116 Recovery of costs of compliance with notice of unauthorised development

#### *Temporary stop notices*

117 Power to issue temporary stop notice  
118 Restrictions on power to issue temporary stop notice  
119 Duration etc. of temporary stop notice  
120 Offence of breaching temporary stop notice  
121 Compensation for loss due to notice  
122 Injunction to restrain prohibited activity

#### *General*

123 Meaning of “relevant planning authority”

## **PART 8**

### **SUPPLEMENTARY FUNCTIONS**

#### *Fees*

124 Fees for performance of infrastructure consent functions and services

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*Right of entry*

- 125 Powers of entry to survey land
- 126 Powers of entry to survey land: Crown land

*Infrastructure policy statements*

- 127 Infrastructure policy statements

*Register of applications and pre-application services*

- 128 Register of applications and pre-application services

*Statutory consultees*

- 129 Power to consult and duty to respond to consultation

*Welsh Ministers' directions*

- 130 Directions to public authorities
- 131 Power to disapply requirements

*Regulations about Crown applications*

- 132 Applications by the Crown

**PART 9**

**GENERAL PROVISIONS**

*Development*

- 133 Meaning of “development”

*Crown land*

- 134 Crown land and “the appropriate Crown authority”

*Offences*

- 135 Offences by bodies corporate

*Giving notices and other documents*

- 136 Giving notices and other documents
- 137 Giving notices etc. to persons occupying or with an interest in land
- 138 Giving documents to the Crown

*General*

- 139 Duties to publish
- 140 Regulations and orders: restrictions
- 141 Regulations: procedure
- 142 Directions: general
- 143 General interpretation
- 144 Power to make consequential and transitional provision etc.
- 145 Consequential amendments and repeals
- 146 Transitional and saving provision
- 147 Coming into force

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148 Short title

SCHEDULE 1 — 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...
  - 3 The abrogation or modification of agreements relating to land.
  - 4 Carrying out specified excavation, mining, quarrying or boring operations in...
  - 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...
  - 9 Carrying out surveys or taking soil samples.
  - 10 Cutting down, uprooting, topping or lopping trees or shrubs or...
  - 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...
  - 17 The specification of the classes of traffic authorised to use...
  - 18 The appropriation of a highway for which the person proposing...
  - 19 The transfer to the person proposing to construct or improve...
  - 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...
  - 25 Deeming any such conditions to have been attached to the...
  - 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...
  - 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....

SCHEDULE 2 — COMPENSATION FOR CHANGING OR REVOKING INFRASTRUCTURE CONSENT ORDERS

- 1 Changing or revoking an infrastructure consent order: compensation
- 2 Compensation for depreciation: introduction and key terms

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- 3 Apportionment of compensation for depreciation and determination of disputes
- 4 Notice of compensation for depreciation
- 5 Development not to be carried out until compensation paid or secured
- 6 Amount recoverable by Welsh Ministers in respect of compensation
- 7 Payment etc. of amount recoverable
- 8 Recovery of compensation from acquiring authority on compulsory acquisition or sale
- 9 General provisions about compensation for depreciation
- 10 Determination of claims for compensation

#### SCHEDULE 3 — CONSEQUENTIAL AMENDMENTS AND REPEALS

- 1 Harbours Act 1964 (c. 40)
- 2 Highways Act 1980 (c. 66)
- 3 Electricity Act 1989 (c. 29)
- 4 Town and Country Planning Act 1990 (c. 8)
- 5 Planning (Hazardous Substances) Act 1990 (c. 10)
- 6 New Roads and Street Works Act 1991 (c. 22)
- 7 Transport and Works Act 1992 (c. 42)
- 8 Coal Industry Act 1994 (c. 21)
- 9 Planning and Compulsory Purchase Act 2004 (c. 5)
- 10 Marine and Coastal Access Act 2009 (c. 23)
- 11 Flood and Water Management Act 2010 (c. 29)
- 12 Planning (Wales) Act 2015 (anaw 4)
- 13 Infrastructure Act 2015 (c. 7)
- 14 Housing and Planning Act 2016 (c. 22)
- 15 Historic Environment (Wales) Act 2023 (asc 3)