

# WELSH GOVERNMENT INTEGRATED IMPACT ASSESSMENT

<b>Title of proposal:</b>	<b>Commencement of the Infrastructure (Wales) Act 2024 following Royal Assent and the making of secondary legislation to implement a new consenting process for the determination of significant infrastructure projects.</b>
<b>Official(s) completing the Integrated Impact Assessment (name(s) and name of team):</b>	<b>Kym Scott – Planning Bill Manager (for the Act)  Brian Davies – Planning Bill Manager (review of Integrated Impact Assessment for implementation)  Infrastructure Consenting Team</b>
<b>Department:</b>	<b>CCRA – Planning</b>
<b>Head of Division/SRO (name):</b>	<b>Neil Hemington – Chief Planner</b>
<b>Cabinet Secretary/Minister responsible:</b>	<b>Rebecca Evans MS – Cabinet Secretary for Economy, Energy and Planning</b>
<b>Start Date:</b>	<b>February 2023 – Updated April 2024 for the primary legislation – further updated in March and April 2025 for implementation</b>

## SECTION 1. WHAT ACTION IS THE WELSH GOVERNMENT CONSIDERING AND WHY?

### Summary of Issue

The Wales Act 2017 ("the 2017 Act") provides legislative and executive competence to the Senedd and the Welsh Ministers respectively for the consenting of electricity generating developments of up to and including 350MW in installed generating capacity, and for electricity lines of up to and including 132kv in nominal voltage associated with 'devolved generating stations' (which are those up to and including 350MW as well as all onshore wind generating stations of unlimited capacity), as well as works to harbours and ports, with the exception of reserved trust ports.

Prior to devolution of these powers, the majority of these developments were considered by the Secretary of State as part of the Nationally Significant Infrastructure Project regime, which results in the granting of a "Development Consent Order" under the Planning Act 2008. The 2017 Act, instead of transferring the Planning Act 2008 functions to the Welsh Ministers, places the consenting of these projects in a number of different regimes, which are either former or untested regimes for this scale or type of development, including the Electricity Act 1989 ("the 1989 Act"), the Town and Country Planning Act 1990 ("the 1990 Act"), the Transport and Works Act 1992 ("the TWA") and the Harbours Act 1964 ("the 1964 Act").

The Welsh Government has considered two main options to implement the devolution of these further powers; either the use of existing consenting regimes, with modifications; or to introduce unified and bespoke consenting arrangements both onshore and in Welsh waters.

The majority of the multiple and existing consenting regimes, which are not subject to a statutory timescale, can lead to an unpredictable amount of time to deliver a decision. This can generate uncertainty for all parties and impose significant costs on them as well as potential planning blight.

In addition, differing processes being used for different types of infrastructure can be confusing for those interacting with them, which often means those with the most time, resources and best knowledge are best placed to engage in the consenting process.

### Summary of Proposal

The proposal is for the implementation of a new infrastructure consenting process which will be operational as a result of enacting the Infrastructure (Wales) Act 2024 ("the Act") and supporting subordinate legislation.

The Act was given Royal Assent on 3 June 2024. It provides primary legislation that sets out a new unified and bespoke consenting process for significant infrastructure projects, with an attached statutory timeframe.

The Act introduces a new, single consenting process that will replace those processes for various application types for the consenting of significant infrastructure projects by the Welsh Ministers. This new process, set in the Act and subordinate legislation, will consider all appropriate consents, including secondary consents, as part of the same application and determination process.

This process will ensure decisions are made by persons with the appropriate skills, resources and policy framework, as well as providing a mandated determination period, and will give considerably greater certainty to developers proposing such major schemes.

The process is intended to be dynamic, adjusting the information required and the procedure for determining the application depending on the scale and complexity of the proposal and the issues raised. The process will have a standardised statutory timescale attached to it, which may be varied on a case-by-case basis in advance of acceptance of an application, for proportionality.

The process will also ensure public and community participation, by mandating the requirement for pre-application consultation and engagement, as well as formalising the opportunity for citizens and community groups to participate in hearings or public inquiries (as appropriate) in the decision-making process.

The Act will be underpinned by a suite of subordinate legislation currently being prepared, namely:

- The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025
- The Infrastructure Consent (Examination and Decision) (Wales) Regulations 2025
- The Infrastructure Consent (Fees) (Wales) Regulations 2025
- The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025
- The Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025
- The Infrastructure (Wales) Act 2024 (Consequential, Transitional and Saving Provision) (Wales) Regulations 2025

The subordinate legislation will provide further detail underpinning the new consenting process. That detail has been informed by a consultation on implementation of the consenting provisions which took place between September and December 2024. The consultation can be found here: [Implementing the Infrastructure \(Wales\) Act 2024 | GOV.WALES](#)

Following the coming into force of the subordinate legislation later this year, the new consenting process is expected to be operational by late 2025.

## **Application of the Well-being of Future Generations (Wales) Act 2015 Five Ways of Working to the Proposed Actions**

The Five Ways of Working have been considered throughout the development of this proposal for a new infrastructure consenting process, and are discussed below.

### *Ways of Working - Long term*

- ♦ The Act and the subordinate legislation will provide Wales with a strategic and co-ordinated approach to significant infrastructure projects, and enable long-term investment decisions and infrastructure plans to be made in the context of a unified strategy. It will provide greater certainty for these projects, both in the light of consistent policy, and in the unification of consents.

### *Ways of Working - Prevention*

- ♦ The Act and the subordinate legislation will unify consents, requiring all or most aspects of proposed development to be considered as part of a single decision. This will ensure that consent is only granted for developments which do not have an unacceptable impact on any aspect of the environment or community – including biodiversity, landscape, environmental quality, community amenity and many other areas. This will create movement towards our broader zero carbon goals.

### *Ways of Working - Integration*

- ♦ The Act and the subordinate legislation will unify consenting regimes, ensuring they fall within the Welsh Government's statutory duties as expressed in Well-Being of Future Generations (Wales) Act 2015 to ensure the planning system delivers sustainable development, and each decision takes into account the ways of working.
- ♦ An integrated consenting process for significant infrastructure projects will result in decisions being made which reflect the Programme for Government's commitments, and of statutory and policy requirements.
- ♦ In practical application, the decision-making on each specific case will ensure decisions are made which adhere to the Welsh Government's well-being objectives.

### *Ways of Working - Collaboration*

- ♦ The major partners are LPAs, Natural Resources Wales ("NRW"), Planning and Environment Decisions Wales ("PEDW") and developers, among others, who were engaged as part of the consultation exercise and whose views were informed to develop proposals for the Act and subordinate legislation.

- ♦ The Act and the subordinate legislation will also bring together functions and scrutiny from across Welsh Government including planning, energy, transport and nature conservation, into a single decision-making entity.

#### *Ways of Working - Involvement*

- ♦ The initial proposals for a new infrastructure consenting process were subject to [public consultation](#) in 2018 and responses were used to inform [development of these proposals](#). The Act was subject to scrutiny by the Senedd and details of that process, including consultation, can be found here: [Infrastructure \(Wales\) Act 2024](#). Further [consultation](#) was undertaken on detail that will underpin the Act and responses have been used to inform development of the subordinate legislation. As well as the public being able to participate in Welsh Government and Senedd consultations on the proposals, specific stakeholder groups were targeted for engagement throughout the development of a new infrastructure consenting process, including:
  - LPAs;
  - Public sector bodies with a role in decision making, including PEDW and NRW;
  - Community and Town Councils;
  - Third sector organisations, including Planning Aid Wales and environmental organisations; and
  - Statutory consultees on development proposals.
- ♦ The Act and the subordinate legislation will also formalise community engagement in decision making, which is currently informal in certain elements of various permitting regimes captured under the proposed legislation, and does not exist in others. This will make sure people feel involved in and heard on decisions which affect them.

#### **Impact of the Proposal**

- ♦ The main arguments for the proposal are rehearsed above, but can be summarised as:
  - Consistency of decision-making in the context of national policy and strategic objectives across multiple existing consenting areas.
  - Certainty for applicants in terms of integrated decision-making and timeliness of decisions.

- Reduction in cost to applicants and the public purse from the avoidance of rehearsing the same arguments for or against development proposals across multiple separate regimes.
- Formalising and frontloading community engagement in significant infrastructure projects which affect them, and in the case of some development types, introducing those rights where none exist.
- Providing clarity and consistency for such development in devolved legislation, fixing an issue arising from the method used to devolve the powers.
- ◆ The main arguments against the proposal are rehearsed above, but can be summarised as:
  - Since these powers were devolved in 2017, interim measures and systems have been put into place to determine relevant applications. These have been taken up and adjusted to by developers. The legislation would introduce another change to procedure.
  - There are cost implications to Welsh Government in terms of staffing an Act team, drafting and developing appropriate subordinate legislation following assent of a subsequent Act and then implementing procedures to enable the new process to take effect.

### **Proposal Costs and Savings**

- ◆ An Explanatory Memorandum which includes a Regulatory Impact Assessment (“RIA”) was prepared for the Act and that can be found here: [Infrastructure \(Wales\) Act Explanatory Memorandum Regulatory Impact Assessment](#). A further Explanatory Memorandum RIA is being developed to support the subordinate legislation which will update potential costs and savings arising from the new consenting process. This will be available alongside this IIA.
- ◆ Evidence has been produced to determine current and prospective costs to stakeholders. This evidence has informed both RIAs and is available [here](#).

### **Proposal Mechanism**

- ◆ The Act and subordinate legislation will implement the new infrastructure consenting process.

## SECTION 7. RECORD OF FULL IMPACT ASSESSMENTS REQUIRED

You have now decided which areas need a more detailed impact assessment. Please list them below.

Impact Assessment	Yes/No	If yes, you should
Children's rights	No	Complete the Children's Rights Impact Assessment below
Equality	Yes*	Complete the <b>Error! Reference source not found.</b> below
Socio-economic Duty	No	Complete the Socio-economic Duty Assessment below
Rural Proofing	Yes	Complete the <b>Error! Reference source not found.</b> below
Health	No	Refer to the Integrated Impact Assessment Guidance
Privacy	Yes	Complete the <b>Error! Reference source not found.</b> below
Welsh Language	Yes	Complete the Welsh Language Impact Assessment below
Economic / RIA	Yes	Refer to the Integrated Impact Assessment Guidance
Justice	Yes	Complete the Justice System Impact Identification form on the intranet
Biodiversity	Yes*	Complete the <b>Error! Reference source not found.</b> below
Climate Change	No	Refer to the Integrated Impact Assessment Guidance
Strategic Environmental Assessment	No	Refer to the Integrated Impact Assessment Guidance
Habitat Regulations Assessment	No	Refer to the Integrated Impact Assessment Guidance

Environmental Impact Assessment	No	Refer to the Integrated Impact Assessment Guidance
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\* Mandatory for all proposals in order to meet statutory obligations.



## SECTION 8. CONCLUSION

### 8.1 How have people most likely to be affected by the proposal been involved in developing it?

The initial proposals for a new infrastructure consenting process were subject to [public consultation](#) in 2018 and responses were used to inform [development of these proposals](#). The Act was subject to scrutiny by the Senedd and details of that process, including consultation, can be found here: [Infrastructure \(Wales\) Act 2024](#). Further [consultation](#) was undertaken on detail that will underpin the Act and responses have been used to inform development of the subordinate legislation. As well as the public being able to participate in Welsh Government and Senedd consultations on the proposals, specific stakeholder groups were targeted for engagement throughout the development of a new infrastructure consenting process, including:

- LPAs;
- Public sector bodies with a role in decision making, including PEDW and NRW;
- Community and Town Councils;
- Third sector organisations, including Planning Aid Wales and environmental organisations; and
- Statutory consultees on development proposals.

### 8.2 What are the most significant impacts, positive and negative?

The most significant impact of the proposal is to commence a single consenting process which unifies and simplifies consenting for significant infrastructure projects in Wales. This will make the process more predictable and consistent for developers, and create a single, more understandable process for communities to participate in decisions which affect them. This will also ensure resulting decisions on related consents are made “in the round” and due regard is given to all aspects of development proposals at the same time. This is considered to be a positive impact.

### 8.3 In light of the impacts identified, how will the proposal:

- **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
- **avoid, reduce or mitigate any negative impacts?**

#### Well-being Goals

A Prosperous Wales – The new consenting process will make it quicker and easier for appropriate carbon-reducing development, particularly renewable energy development, to secure consent. It

will also ensure decisions on energy generating development are being made in the context of national policy on climate change and low carbon.

A Resilient Wales – unified decisions made under the new consenting process will be considered in accordance with the statutory duty of the Welsh Ministers to deliver sustainable development, as well as being made in the context of national policy on biodiversity and climate change.

A Globally Responsible Wales – as stated above, unified decisions made under the new consenting process will be considered in accordance with the statutory duty of the Welsh Ministers to deliver sustainable development.

### Well-being Objectives

The Welsh Government has 10 well-being objectives used to maximise contribution to the well-being goals.

The 10 well-being objectives are as follows:

- 1) Provide effective, high quality and sustainable healthcare.

The new consenting process will not directly impact this objective.

- 2) Continue our long-term programme of education reform, and ensure educational inequalities narrow and standards rise.

The new consenting process will not directly impact this objective.

- 3) Protect, re-build and develop our services for vulnerable people.

The new consenting process will not directly impact this objective.

- 4) Celebrate diversity and move to eliminate inequality in all of its forms.

Whilst the new consenting process will not directly impact on diversity, any applications for significant infrastructure projects submitted under the new process will require consultation and engagement with communities. This will help ensure future development does not negatively impact on equality.

- 5) Build an economy based on the principles of fair work, sustainability and the industries and services of the future.

The new consenting process will ensure decisions on significant infrastructure projects will be made in accordance with the statutory duty of the Welsh Ministers to deliver sustainable development. Therefore, it will contribute to an economy based on these principles.

- 6) Push towards a million Welsh speakers, and enable our tourism, sports and arts industries to thrive.

Whilst the new consenting process will not directly encourage an increase in Welsh speakers; decisions on significant infrastructure projects will be made in accordance with the Welsh Government's policies on the Welsh language, including national planning policies.

- 7) Build a stronger, greener economy as we make maximum progress towards decarbonisation.

The new consenting process will make it quicker and easier for carbon-reducing development, particularly renewable energy development, to secure consent. It will also ensure decisions on energy generating development are being made in the context of national policy on climate change and low carbon.

- 8) Make our cities, towns and villages even better places in which to live and work.

The new consenting process will ensure decisions on infrastructure development are made in line with national planning policy, namely Planning Policy Wales and Future Wales. The development of these policies has included the well-being goals and objectives of the Welsh Government, which should therefore result in development that will make cities, towns and villages better places to live and work.

- 9) Embed our response to the climate and nature emergency in everything we do.

As stated above, the new consenting process will make it quicker and easier for carbon-reducing development, particularly renewable energy development, to secure consent. It will also ensure decisions on energy generating development are being made in the context of national policy on climate change and low carbon.

- 10) Lead Wales in a national civic conversation about our constitutional future, and give our country the strongest possible presence on the world stage.

The new consenting process will not directly impact this objective.

#### **8.4 How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?**

The new consenting process will include a statutory timeframe for decisions on significant infrastructure projects. Performance against these targets will be subject to ongoing review and monitoring, and there will be a statutory requirement to publish this performance. We will also maintain continuous engagement with stakeholders to monitor the effectiveness of the consenting process and its impact on decision outcomes.

The success of the process will be monitored through the soundness of decisions which are made through it. Where decisions do not attract legal challenge or are subject to an unsuccessful judicial review, the process will be considered successful. Where a successful review in relation to a decision is sought, lessons learnt will be documented in relation to the case to ensure futureproofing of the process.

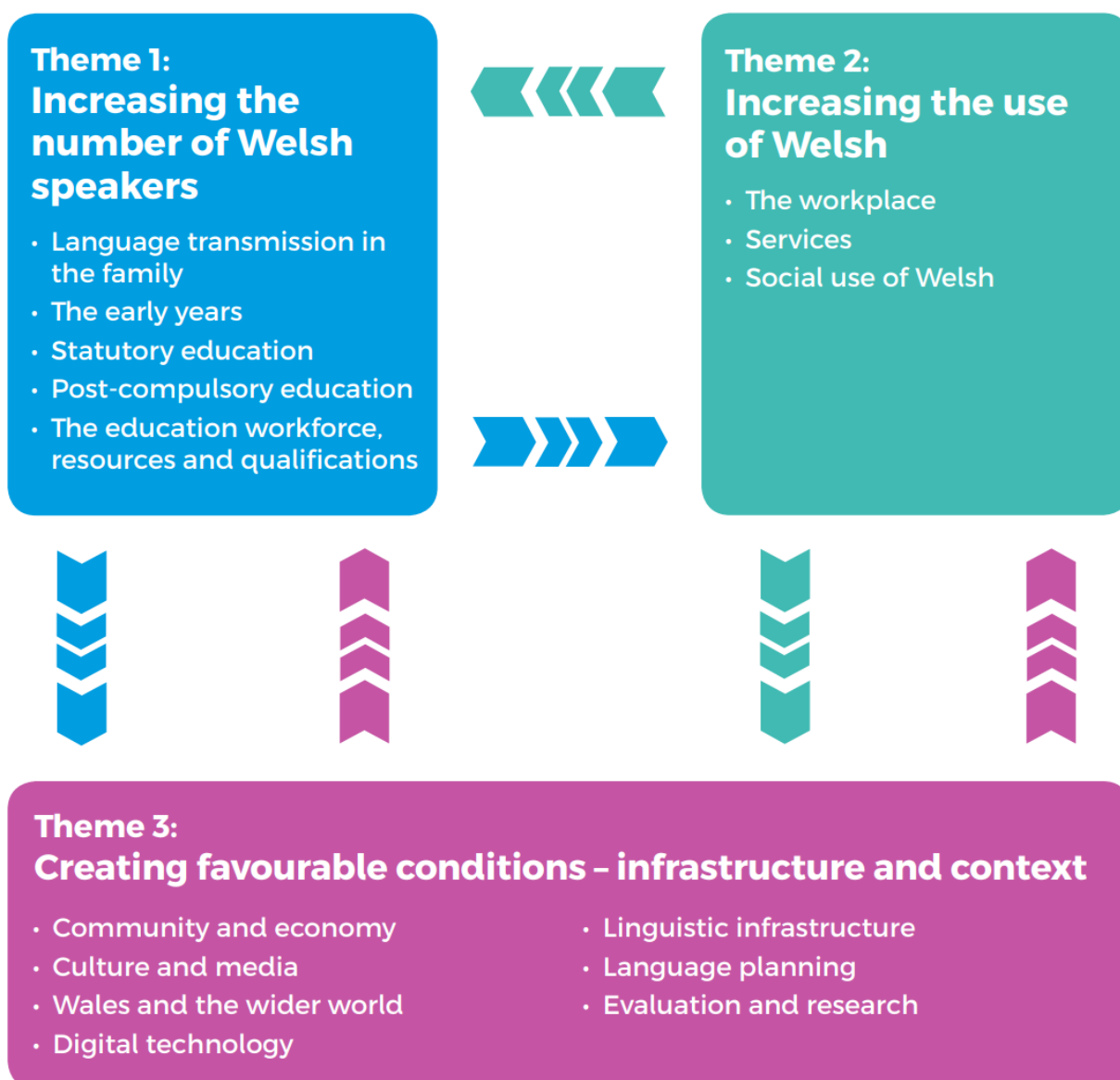
## D. WELSH LANGUAGE IMPACT ASSESSMENT

*Cymraeg 2050* is our national strategy for increasing the number of Welsh speakers to a million by 2050.

The Welsh Government is fully committed to the new strategy, with the target of a million speakers included in its Programme for Government. A thriving Welsh language is also included in one of the 7 well-being goals in the Well-being of Future Generations (Wales) Act 2015.

We also have a statutory obligation to fully consider the effects of our work on the Welsh Language. This means that any Welsh Government policy should consider how our policies affect the language and those who speak it.

The [Cymraeg 2050 strategy](#) has three interrelated themes:



The headings under each theme outline the scope of activities that can affect the language.

As a general rule, if your policy has the potential to impact on people, it will impact in some way on Welsh speakers and therefore on the Welsh language.

1. Welsh Language Impact Assessment reference number (completed by the Welsh Language Standards Team, email: [Safonau.Standards@gov.wales](mailto:Safonau.Standards@gov.wales)):

03/04/2025

2. Does the proposal demonstrate a clear link with the Welsh Government's strategy for the Welsh language? – *Cymraeg 2050 A million Welsh speakers* and the related Work Programme for 2021-2026?

The Welsh language will be considered as part of the overall decision on individual applications, as set out under sections 56 to 58 of the Infrastructure (Wales) Act 2024.

Proposals submitted under the new Welsh Infrastructure Consent process will be determined in accordance with national planning policy, including that which provides full consideration of impacts on the Welsh language as contained in [Planning Policy Wales](#) and [Technical Advice Note 20: Planning and the Welsh Language](#). National planning policy on the Welsh language is in line with the vision of the WG's Welsh Language Strategy, *Cymraeg 2050: A million Welsh speakers*.

Considerations that would be taken into account during the process of determining individual applications for significant infrastructure projects will include the potential for any future infrastructure development to provide community benefits. This could lead to a positive impact in terms of future infrastructure developments meeting the goal of ensuring "A Wales of vibrant culture and thriving Welsh language" under the Well-being of Future Generations (Wales) Act 2015 and *Cymraeg 2050* in promoting use of the Welsh language. As an example, where infrastructure development provides community benefits, this could help to ensure Welsh speakers are retained in communities due to infrastructure development potentially funding suitable community facilities and providing employment opportunities, helping to ensure use of the Welsh language is not diluted and is able to grow in those communities. For each application for a significant infrastructure project to be submitted under the new process, Welsh language considerations and impacts of proposals on the Welsh language will be fully considered and applied in their determination by the Welsh Ministers, in accordance with the Government's statutory requirements and policies.

3. Describe and explain the impact of the proposal on the Welsh language, and explain how you will address these impacts in order to improve outcomes for the Welsh language. How will the proposal affect Welsh speakers of all ages (both positive and/or adverse effects)? You should

note your responses to the following in your answer to this question, along with any other relevant information:

The new consenting process proposes a replacement for application processes which are already fully bilingual (including the ability for the public to make representations at hearings via the medium of Welsh). There is no intention to alter how an individual may state their preference in language when interacting with the Welsh Government through this process.

The new consenting process includes the ability to hold open floor hearings and livestream events, this will not alter Welsh Language obligations and every event will be compliant with the standards.

For the detail of how these services are already delivered in accordance with WG's Welsh Language obligations, see Planning and Environment Decisions Wales ("PEDW")'s procedures for case management and public engagement. PEDW will deliver case management services for WIC as it currently does with Developments of National Significance.

Applications for significant infrastructure projects that will be submitted through the new consenting process will be considered on their own merits by the Welsh Ministers. In submitting applications to the Welsh Ministers, further assessment of impacts of proposals on specific groups of people and communities will be carried out at that point, including impacts on the Welsh language.

Applicants will be required to undertake comprehensive engagement with communities affected by their proposals and further guidance to be prepared on the new consenting process will stress the need for bilingual engagement on proposals in accordance with wider Government requirements on the Welsh language.

Further, proposals will be determined by the Welsh Ministers in accordance with national planning policies including [Planning Policy Wales](#). Planning Policy Wales applies the concept of placemaking and ensures consideration of the impacts of development on communities, including the use of the Welsh language, is applied in determining applications for development. This will include significant infrastructure projects to be determined by the Welsh Ministers under this new process.