

# Elected Members' Guide to Infrastructure Consenting

How elected members can engage in the infrastructure consenting process for significant infrastructure projects

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## Abbreviations

Abbreviation (in order of appearance)	Meaning
MP	Member of Parliament
MS	Member of the Senedd or “Senedd Member”
SIP	Significant Infrastructure Project
Infrastructure Act	Infrastructure (Wales) Act 2024
ICO	Infrastructure Consent Order
PEDW	Planning and Environment Decisions Wales
DNS	Developments of National Significance
NSIP	Nationally Significant Infrastructure Project
MW	Megawatts
NDF	National Development Framework
WMNP	Welsh National Marine Plan
PPW	Planning Policy Wales
LIR	Local Impact report
MIR	Marine Impact Report
EIA	Environmental Impact Assessment
NRW	Natural Resources Wales

# Introduction

## Purpose of this guidance

This guidance is for elected members, including:

- Members of Parliament (MPs)
- Senedd Members (MSs)
- Local authority councillors
- Community and Town councillors

This guidance explains when and how elected members can engage in the consenting process for significant infrastructure projects (SIPs).

The guidance is also intended for all stakeholders who engage in the infrastructure consenting process including members of the public, practitioners, applicants and developers.

## What this guidance covers

The Infrastructure (Wales) Act 2024 (“the Infrastructure Act”) is a piece of Welsh primary legislation that sets out the process for the consenting of significant infrastructure projects in Wales. It replaces Developments of National Significance (DNS) and other consenting regimes and came into force on 15 December 2025.

A significant infrastructure project (SIP) is an infrastructure project, or scheme that is consented by the Welsh Ministers due to its scale and impact. SIP developments are impactful on a national level, predominately relating to energy, transport, water, and waste infrastructure.

An applicant will make an application to the Welsh Ministers seeking consent to implement their proposed SIP development. The process of determination of a proposed SIP is known as the “infrastructure consenting process”.

While elected members are not the decision-makers for SIPs, they have an important role in the infrastructure consenting process because these developments can have impacts at the national and community level. Projects can affect job provisions, local-level planning, the environment, community provisions, and people’s general well-being.

Therefore, this guidance clarifies the key terminology and stages of the infrastructure consenting process and those involved in it, from the pre-application stages through to final determination by the Welsh Ministers.

It also provides advice for elected members to make meaningful contributions in the determination of SIPs, and in a way that fully represents the views of their constituencies. If a proposed SIP is within or likely to have an impact on a constituency, understanding this process will help elected members and their communities know when and how to get involved.

The eventual outcome of the infrastructure consenting process is that the Welsh Ministers will make a determination on the proposed SIP. If consent for the proposal is granted, the applicant will be issued an Infrastructure Consent Order (ICO) which details the approval of the SIP and any terms that must be complied with in implementing the proposal.

This guidance is non-statutory and should therefore not be relied on or used as a substitute for legal advice in engaging on specific projects. However, it contains information from relevant legislation, including the Infrastructure Act and its regulations, and has been shaped by the input of representative bodies for elected members on how they are to engage with infrastructure consenting.

## Outline of infrastructure consenting

Infrastructure consenting is the process for the Welsh Ministers in determining SIPs. An application for a proposed SIP is known as an application for infrastructure consent.

The infrastructure consenting process follows several stages, as outlined below. More comprehensive information about where and how elected members can engage in the infrastructure consenting process can be found in the “The Infrastructure Consenting Process” section of this guidance.

### **Pre-application**

Pre-application is the stage before the applicant submits their application for infrastructure consent to the Welsh Ministers. As part of the pre-application stage, the applicant will notify all relevant stakeholders of a proposed SIP and will undertake initial publicity and consultation on the proposal.

This early stage is where elected members at all levels are encouraged to begin their engagement in the consenting process, shaping the initial proposals for infrastructure projects that impact their constituency.

### **Application**

The application stage is where an applicant or developer makes their application for infrastructure consent to the Welsh Ministers. All stakeholders, including elected members, can submit representations on a proposed SIP.

### **Examination**

The examination stage is where the merits of a proposed SIP are considered in detail via procedures including written representations, hearings, and inquiries. Examination is undertaken by an “examining authority”. In usual practice Planning Inspectors from Planning and Environmental Decisions Wales (PEDW) would undertake this role.

If issues arise from an application that are important to local communities, members of the public can have the opportunity to make representations during the examination in writing or orally at a hearing.

Elected members as the elected representative of a constituency, can submit representations to the examining authority during the examination of a proposed SIP, providing local input and insights as part of the evidence the examining authority should have to consider. A “representation” is therefore the comments or evidence made by stakeholders on a proposed SIP.

### **Decision-making**

The decision-making stage is where the Welsh Ministers, after considering the recommendation made by the examining authority on an application, grant or refuse infrastructure consent for the proposed SIP. A proposal that is granted consent receives an Infrastructure Consent Order (ICO). All stakeholders who have engaged in the application will be notified of the final decision.

When discussing an “application for infrastructure consent” it refers to the application for a proposed SIP to be given consent by the Welsh Ministers to be implemented.

## The infrastructure consenting legislation

This infrastructure consenting process is set out by the Infrastructure (Wales) Act 2024 and supporting secondary legislation.

The Act sets out the thresholds for what is considered a SIP and outlines the stages of the infrastructure consenting process that all involved stakeholders must follow.

This Infrastructure Act can be found here: [Infrastructure \(Wales\) Act 2024](#)

There are also a number of regulations that sit under this act which outline the procedural and other requirements of the infrastructure consenting process in detail.

These regulations can be found here: [Infrastructure \(Wales\) Act 2024 | GOV.WALES](#)

## The infrastructure consenting regime

An infrastructure consenting regime is a legal and procedural framework used to determine nationally significant infrastructure schemes. The key information on the infrastructure consenting regimes that are relevant to Wales have been expanded upon below.

### **Significant infrastructure projects (SIPs)**

SIPs are proposals for infrastructure projects made by an applicant or developer to the Welsh Ministers, which go through a series of stages outlined above before being determined, where consent is either granted or refused. These proposals in practice often relate to energy, transport, water, and waste.

The thresholds for what a SIP is are set out by the Infrastructure Act, although the Welsh Ministers also have the power to decide if certain proposed developments are SIPs or not. For a proposed development to be determined by the Welsh Ministers as a SIP, it must be wholly or partly in Wales.

The SIP regime has superseded DNS as the new consenting regime in Wales for developments which have national significance. The Infrastructure Act improves upon the consultation requirements of DNS allowing for better involvement from

elected members and local communities with increased clarity, transparency, and participation for proposed projects likely to affect them.

The SIP regime also improves upon DNS by modernising and simplifying the process for practitioners and developers by consolidating multiple consenting processes and authorisations into a single consenting process, including planning permission, environmental permits, marine licenses, and compulsory acquisition powers.

Other infrastructure consenting regimes:

### **Developments of National Significance (DNS)**

From the 15 December 2025, the SIP regime came into force as the consenting regime for significant infrastructure projects that are determined by the Welsh Ministers.

The DNS regime is therefore the former regime for the consenting of infrastructure projects by the Welsh Ministers.

### **Nationally Significant Infrastructure Projects (NSIPs)**

This is an equivalent infrastructure consenting regime for the determination of large-scale infrastructure projects by the UK Government rather than the Welsh Ministers.

NSIP projects apply to England and, in some cases, Wales if a proposed application is not within a devolved area in the Welsh infrastructure consenting system. For example, applications for electricity generation schemes that are above 350 megawatts (MW) in Wales would fall under the NSIP regime and are determined by the UK Government.

## **The types of SIPs**

SIP proposals cover a range of scales and types of infrastructure schemes which may be impactful in various ways including a community's public amenity and employment provision. Proposed developments could include, but are not limited to:

- Electricity infrastructure**

Electricity generating schemes producing between 50-350MW, and wind generating stations above 50MW. Energy developments may be impactful to community amenity value, predominantly taking the form of wind and solar farm schemes, as they are a common proposal in infrastructure consenting. This also includes any marine energy schemes such as tidal lagoon power stations or offshore windfarms.

- **Power lines**

The installation of above ground power lines in Wales no less than 2km that are associated with the construction, extension or alteration of a generating station that qualifies as a significant infrastructure project.

- **Highway schemes**

Highway schemes of more than 1km in length, or any alteration to a highway that is likely to have a significant effect on the environment.

- **Natural gas facilities**

Alterations to or the construction of facilities with a storage capacity of 43 million cubic metres or a flow rate of 4.5 million cubic metres a day.

- **Railway schemes**

The alteration or construction of railways in Wales of more than 2km that start, end, and remain in Wales or form part of an existing network.

- **Hazardous waste facilities**

The alteration or construction of facilities that can dispose of 100,000 tonnes per year by land fill or deep storage or have the capacity to store 30,000 tonnes per year.

## The role of Elected Members

Elected members are elected to represent a constituency, either by:

- being elected as a councillor to represent a ward or local area in a council,
- or by being elected to represent a constituency as a Member of Senedd.

Elected members are not the decision-makers on applications for infrastructure consent, and neither are local planning authorities. The role of the decision-maker falls to the Welsh Ministers.

An elected member's role is to represent the views of their ward or community and provide local evidence in responding to the proposed SIP, which will be considered by the Welsh Ministers in determining the application.

**All elected members detailed below have a duty to adhere to the Seven Principles of Public Life (also known as the 'Nolan Principles') which are set out by the Ethics and Integrity Commission and apply to all public office holders. These principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership are the foundation for public service in the UK. Further information can be found on the Commissioner's [website](#).**

## The types of Elected Members

### Senedd Members

Senedd Members are elected representatives who have been elected to represent either a constituency or a region of Wales as part of the Senedd (Welsh Parliament). They propose, debate, and decide laws that apply to Wales within devolved areas such as health, education, housing, the environment, etc.

The Welsh Government is the devolved executive authority for Wales with the responsibility of implementing laws and policies in areas devolved from the UK Parliament. The Welsh Government is led by the First Minister, who is usually the leader of the largest party voted into the Senedd. The First Minister appoint Cabinet Secretaries or Ministers ("the Welsh Ministers") to lead on delivery of specific policy areas. The First Minister and their Cabinet Secretaries therefore have dual and separate roles as members of the government and as Senedd Members.

Further explanation on the role of the Welsh Ministers is provided below.

All Senedd Members are subject to and follow the [Senedd Member's Code of Conduct](#), which outlines the standards and the rules around how a Member should conduct themselves.

### Welsh Ministers

The Welsh Government is the devolved government for Wales, which is responsible for a wide range of policy areas such as health, education, transport, and economic development. These policy areas are assigned to Cabinet Secretaries by the First Minister when a government is formed.

The Welsh Ministers are the decision-makers in infrastructure consenting and make the final determination on a SIP. The Welsh Ministers make their decision after receiving a recommendation from the examining authority on the proposal. The examining authority makes its recommendation once they have considered all of the evidence before them, following consultation and stakeholder representations made at events or in writing as part of the examination process.

The responsibilities and the conduct of Welsh Ministers, especially in decision-making, is governed by the [Ministerial Code](#).

### Local authority councillors

Local authority councillors are the elected representatives of the 25 local authorities in Wales, of which there are 22 unitary authorities and 3 national park authorities. These comprise approximately over 1000 councillors.

Local authority councillors represent the specific electoral wards or divisions within their councils, and function to bridge the views of the public and the council. This ensures that local views and needs are reflected in the decisions of a council. Local authority councillors engage with communities, attending public meetings to represent local views in local decision making.

### Community and Town councillors

At the most local level of local government, Community and Town councillors are the elected representatives of the over 731 Community and Town Councils across Wales with around 8,000 members.

Community and Town Councils cover local areas such as villages, towns, or rural communities within the boundaries of a principal local authority council. Many smaller Community or Town Councils are not warded. In others, Members represent a ward within their community on the Council. However, it is important to note that not all local authority areas have Community and Town Councils.

Therefore, the extent of a Community and Town councillor's role is locally focused and can cover services like public access footpaths, local events, community centres, and much more, rather than broader services like healthcare, education, road infrastructure, etc.

Community and Town Councils are consulted on planning decisions made by local authorities and can make representations on proposed developments to present specific community views for consideration.

### Members of Parliament (MPs)

MPs are elected to the UK Parliament to represent constituencies and legislate on non-devolved matters reserved to Westminster such as defence, foreign affairs, energy projects above SIP thresholds as NSIPs, etc. Like Senedd Members, MPs scrutinise the UK Government and raise the issues of their constituency.

MPs do not make decisions on infrastructure consenting matters or SIP proposals in Wales, as these powers lie with the Welsh Ministers.

Additionally SIP proposals do not have to wholly be in Wales and, depending on the proposal, can take place across the Wales-England border. This would therefore require cross-governmental coordination. Furthermore, proposals that may straddle non-devolved matters such as large-scale energy projects (nuclear energy for instance) would also require cross-governmental coordination as part of the NSIP process. MPs can also represent constituency concerns to UK Ministers if a proposal involve non-devolved matters or UK funding.

# Principles for Elected Members on engaging in infrastructure consenting

There are several key principles that are considered best practice for elected members to consider in order to have a meaningful input into the determination of a proposed SIP by the Welsh Ministers. A summary of the 10 key principles can be found at the end of this section. Additionally, Local Government councillors and Senedd Members should be following principles within their codes of conduct as part of their engagement with the infrastructure consenting process.

## 1. Early engagement

Early engagement is key to influencing proposed projects likely to affect a local area and elected members are encouraged to engage with their communities as early as possible on a proposed SIP at the pre-application stage. As a representative of a community, a proposed SIP that is within and/or is impactful and relevant to that community means that elected members and their Councils or authorities will be notified on the proposal at the pre-application stage.

Publicity and consultation will begin at this stage and elected members, as representatives of their constituencies, can raise matters and concerns from their communities to the applicant. An applicant is required by law to hold a public engagement event and circulate information about the proposed development through local newspapers, site notices, and a website.

These pre-application requirements mean elected members will be provided details on a proposed SIP and how to provide representations to inform its determination by the Welsh Ministers.

## 2. Representation of your constituency

An elected member should provide a view that is representative of the range of local views across their communities on the proposed SIP.

It is recommended that councillors consult with their local constituents when making representations on proposed SIPs. This will ensure any submitted representations by elected members fully reflect the views of the communities they represent and are reflective of any local evidence and knowledge that can inform the process for determining the proposed SIP.

## 3. Your local knowledge

The elected members local knowledge gained from their constituents, combined with a sound understanding of planning and infrastructure consenting processes, means that any representations made by the member are more likely to be relevant to the determination of a proposed SIP.

Local knowledge is important because infrastructure projects can often have wide-ranging impacts on communities. Welsh Minister decision-making benefits from local knowledge that goes beyond technical data, ensuring projects are socially, environmentally, and economically viable and sustainable.

For instance, local knowledge may provide insights into:

- Community benefits that could arise from a development.
- Flood-prone areas and other local environmental sensitivities.
- How an infrastructure development could be integrated into an area in a way that works for the local community and complements its social, environmental, cultural and heritage assets, with adjustments in design to fit local character.
- Community vulnerabilities such as noise pollution, traffic quality, air quality and visual impact that may require mitigation.
- How best to integrate new infrastructure into existing infrastructure and land uses.

Consulting with local residents for their views on a proposed SIP is useful in gaining local knowledge which will inform the representations made by elected members during the examination of SIP proposals. Elected members may want to use the following methods for consultation with local residents:

- Door-to-door questionnaires.
- Social media awareness raising using platforms such as Facebook and X and encouraging views to be submitted via e-mail.
- Public events or workshops, which could be held in venues such as community halls or Council offices.

Councillors may want to seek advice from a specialist advisory service such as a planning consultancy or [Planning Aid Wales](#) when making representations. Seeking specialist knowledge can help to ensure representations submitted to the Welsh Ministers on a proposal are relevant to its merits, including compatibility with national planning policies. This can ensure representations are more likely to be taken into account by the Welsh Ministers in the final determination of the application.

A list of potential useful contacts that can provide further information about infrastructure consenting for elected members can be found in the “Further Information” section of this guidance.

#### **4. Avoiding predetermination**

Whilst elected members are not prohibited from expressing views or engaging with constituents about proposed SIPs, as the legislation for the infrastructure

consenting process encourages public involvement, it is important that councillors and Senedd Members avoid predetermination.

That is – forming an opinion before all evidence and views are considered during the infrastructure consenting process, particularly at the pre-application and examination stages.

An elected member must keep an open mind and view the application from the constituency's perspective, without prejudging issues, and take into account local evidence and knowledge in submitting their representations.

Predetermination is important to avoid, as all examinations of SIP proposals by the examining authority is evidence based. If an elected member cannot justify a point with local evidence, as well as without having taken into account any of the relevant Welsh Government national policy considerations, then it likely will not be taken into account in the final decision made by the Welsh Ministers on the application.

### **5. Conflicts of interest**

Objectivity and selflessness are two of the Nolan Principles as outlined previously and should be applied by an elected member in accounting for any conflict of interest on an application. A conflict of interest may arise when an elected member's personal, financial or other interest could compromise their objectivity when making representations on a proposed SIP. These conflicts of interest could take the form of financial stakes in companies affected by a proposal, membership to organisations for or against a proposal, or personal/familial ties to a proposal.

If an elected member has a conflicting interest on an application, they should declare that interest when making representations to make it known.

### **6. Comments should link to relevant considerations**

The Welsh Government publishes national policies, guidance and strategies which elected members can use to inform their representations. Since the examination of SIP proposals is evidence based, then elected members should be taking these into account when formulating their oral or written representations.

This is important because the goals and policies these documents discuss are relevant (or material) considerations in the determination of SIP proposals, and the Welsh Ministers will make their decision having regard to them. Therefore, elected members should be utilising them.

Elected members may be familiar with the following relevant national policy and strategy considerations:

- **Programme for government**

An annual report setting out the progress made towards the Welsh Government's well-being objectives around sustainability, climate change, economic development, education, diversity, equality, Welsh language speakers, etc.

This report can be found here: [Programme for government | GOV.WALES](https://gov.wales/programme-government)

These Welsh Government objectives provide the overarching framework for national policies and decision making and give context on the types of issues that will be considered by the Welsh Ministers in determining applications for infrastructure consent.

- **The National Development Framework (NDF)**

The NDF is a national planning policy document for spatial development, setting out broad locations for housing, employment, infrastructure, greenspaces, etc. The NDF is applied at a national and local level in decision making for development and informs the setting of development plans and policies at a regional and local level, including Local Development Plans which must comply with it.

The NDF is therefore an important consideration in the determination of SIP proposals by the Welsh Ministers. The NDF is particularly influential as it sets out the national priorities such as renewable energy infrastructure, sustainability and climate resilience. This means NDF policies are often central to reasoning as decisions must be made in accordance with it.

When formulating representations on a proposed SIP, elected members should reference the NDF and compliance to its policies.

The current iteration of the NDF can be found here: [Future Wales: the national plan 2040 | GOV.WALES](https://gov.wales/future-wales-national-plan-2040)

- **Welsh National Marine Plan (WNMP)**

The WNMP provides national policy and guidance for decision-makers on the sustainable use of the Welsh marine area, balancing environmental, economic, cultural and social objectives. The Welsh marine area consists of the inshore waters of Wales extending out 12 nautical miles, making up 43% of Welsh territory.

The WMNP is an important document for Welsh Ministers to consider in the determination of marine-related projects including offshore windfarms, underwater cabling and ports.

When formulating representations on a SIP proposal which has an impact on the marine area, elected members should reference the WNMP and compliance to its policies.

The WNMP can be found here: [Welsh National Marine Plan | GOV.WALES](https://gov.wales/welsh-national-marine-plan)

- **Other considerations**

There are other relevant policy considerations that apply to infrastructure consenting schemes such as:

- Welsh Government national planning policy in the form of [Planning Policy Wales](#) (PPW), supplemented by [Technical Advice Notes](#) (TANs). PPW provides topic-based national planning policies and should be read alongside the NDF. PPW and TANs are a consideration in the determination of development proposals and informs the setting of planning policies at a regional and local level.
- Specific Welsh Government policy guidance that could apply to infrastructure schemes. For example, guidance published by the Welsh Government which relates to renewable energy (wind and solar farms), highway schemes and road infrastructure. This guidance can be found on the Welsh Government's website.

Local community evidence and knowledge may be distinct from national policies and should be provided to the Welsh Ministers as it may be an important consideration in the determination of a proposed SIP.

## 7. Consultation with neighbouring councillors

The development proposals that will be outlined in applications for SIPs may be wide-reaching in impact and area size, crossing settlement boundaries.

The application itself may therefore be relevant to any number of constituencies and local communities.

While all local authorities and Community and Town Councils that are involved will be individually notified and given the opportunity to input during the pre-application and examination stages of the process, it may be pertinent for elected members to consult with councillors from neighbouring wards and communities to identify common and relevant local issues for consideration.

More collective input will build upon local knowledge and may provide further evidence to inform the determination of a proposed SIP.

## Principles of Ministerial and Senedd Member engagement

These are key principles that are considered best practice for Senedd Members to consider during the infrastructure consenting process which do not pertain to councillors. Senedd Members may already be familiar with these principles:

### 8. Application of the Ministerial Code

The Ministerial Code is the First Minister's Code of Conduct for themselves and their ministerial team. It gives guidance on the behaviour and standards expected of members of the government when discharging their ministerial roles.

It can be found here: [Ministerial code | GOV.WALES](#)

Section 4.8 states “Ministers are free to make their constituents’ views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview provided they make clear that they are acting as their constituents’ representative and not as a Minister”. This includes making representations in relation to SIPs.

However, there will be occasions where a decision falls within the constituency boundary of the Minister who is responsible for final determination of the proposal. Section 4.5 of the Ministerial Code, in relation to managing constituency interests, would apply in these circumstances. The Minister would not be involved at any stage of the proposal, and it would be passed to another Minister in order to maintain integrity in the decision-making process. This would allow for the Minister to express local views on a proposed SIP, in their constituency capacity, to the stand-in decision maker.

### 9. Application of the Senedd Member Code of Conduct

The Code of Conduct outlines the standards Senedd Members must conduct themselves in accordance with, which should be accounted for when making representations on a proposed SIP.

The Code of Conduct can be found here: [Code of Conduct and Associated Rules and Guidance for Members of the Senedd](#)

### 10. Objectivity

Importantly, within the Code, Senedd Members are not to compromise their objectivity. Members should not pre-judge or publicly commit to a position on an application before the examination and decision stages conclude. This links to the good practice of avoiding predetermination as an application must be judged

on its own merits with the local views of a constituency and available evidence considered during consultation and examination.

Senedd Members must not use their position to confer advantages or disadvantages on any person or organisation involved in an application. Members should avoid any action that could be perceived as lobbying, the receiving of rewards or exerting improper influence during the infrastructure consenting process.

## Local planning authority engagement

Local Planning Authorities have a role in the infrastructure consenting process in providing local planning evidence to the Welsh Ministers on the proposed SIP in the form of a Local Impact Report (LIR). The LIR is a factual and objective document that describes the likely impacts of the proposed development. The LIR is distinct from any representation an elected member (or Council) may make on the merits of an application.

Councillors are consulted on applications for infrastructure consent falling within their constituencies. Councillors should represent the views of their constituents in responding to a proposed SIP, whilst having regard to any technical advice they receive from planning officers on the proposed scheme.

## Summary of key principles

Below is a summary of the key principles elected members should consider:

### 1. Early engagement

Elected members should be engaged with a SIP proposal relevant to them as early as possible at the pre-application stage to raise local matters and concerns.

### 2. Representation of your constituency

Through consultation, elected members should provide views that are representative of a range of local views from their communities on a proposed SIP.

### 3. Your local knowledge

Since SIP proposals can impact communities, elected members should be gaining local knowledge and insights to provide representations that can provide information to the Welsh Ministers to help ensure projects are socially, environmentally and economically viable and sustainable.

### 4. Avoiding predetermination

Elected members should not pre-judge a proposed SIP before local evidence, knowledge and views are considered in its determination. This is because the examination of SIPs is evidence-based.

## **5. Conflicts of interest**

Elected members should declare any conflicts of interest when making representations if any personal, financial or other interests could compromise impartially.

## **6. Comments should link to relevant considerations**

The examination of SIPs is evidence-based, and the Welsh Ministers will therefore base their decisions on the relevant considerations. Welsh Government national policies, guidance and strategies are applied by the Welsh Ministers in decision making and should therefore be taken into account by elected members when formulating representations.

## **7. Consultation with neighbouring councillors**

SIP proposals may be wide-reaching in impact and size, crossing settlement boundaries. Elected members may want to consult with neighbouring members and wards to identify common and relevant local issues for consideration.

Senedd Member specific principles:

## **8. Application of the Ministerial Code**

Senedd Members with ministerial duties must adhere to the [Ministerial Code](#).

## **9. Application of the Senedd Member Code of Conduct**

Senedd Members must also conduct themselves in accordance with the [Senedd Member Code of Conduct](#).

## **10. Objectivity**

Senedd Members should not compromise their objectivity by pre-judging or publicly committing to positions on SIP proposals and should not use their position to confer advantages or disadvantages on anyone involved in an application.

## The infrastructure consenting process

The following section provides a detailed description of the infrastructure consenting process for Significant Infrastructure Projects (SIPs) and where elected members should be engaging with it. This process has been implemented on 15 December 2025 by the Infrastructure (Wales) Act 2024. A summary of elected member involvement can be found at the end of this section as well.

### Pre-application stage

Before submitting an application for infrastructure consent, the applicant is required to notify the Welsh Ministers of their proposed SIP.

Following acceptance of their notification by the Welsh Ministers, the applicant is required to undertake a period of pre-application consultation and publicity on their proposal which must be for a minimum of 42 days, although this period potentially may be longer, depending on factors such as the size and scale of a proposed project or potential effects on the environment or habitats.

The pre-application consultation period will require the applicant to provide written notice to all relevant stakeholders on the proposed SIP. This includes any Senedd Members, local authorities and Community and Town Councils for where the proposed SIP is located and whose constituencies are likely to be impacted by the proposal. This notice will provide details of the proposed SIP as well as the deadlines for when and how consultation responses can be submitted to the applicant (or must be submitted by a statutory consultee).

The pre-application consultation period will also require the applicant to publicise details of the proposed SIP on a website, display site notices in the vicinity of the proposed project, publish a notice in a newspaper in the area of the proposed SIP, and hold at least one public engagement event in the area of the proposed SIP.

As part of best practice for early engagement by elected members:

- **Elected members should** use the consultation period to engage with their communities on a proposed SIP that is within or likely to affect their area.
- **Elected members should** submit a response to the applicant of a proposed SIP during this consultation period that is representative of local views, local knowledge and takes into account the relevant considerations that Welsh Ministers will use in determining the proposed SIP.

The applicant, as part of pre-application requirements, must consider all responses and evidence how they have been considered as part of a pre-application consultation report before they submit their application to the Welsh Ministers.

## Application stage

The applicant must make an application for infrastructure consent to the Welsh Ministers within 18 months of their pre-application notification being accepted. The application will be accompanied by a pre-application consultation report based on the responses received during the period of consultation and publicity and how those responses have been taken into account.

The Welsh Ministers will then decide if the application is valid (i.e. considered to be an acceptable submission to enable it to be determined by the Welsh Ministers) within 28 days. This timeframe extends to 42 days if the proposed SIP includes development requiring an Environmental Impact Assessment (EIA).

All relevant stakeholders, including Senedd Members, local authorities, Community and Town Councils, landowners, etc will be notified by the Welsh Ministers if the application for a proposed SIP is valid. The Welsh Ministers will circulate notices of the accepted application in local newspapers and by erecting site notices in the area of the proposed SIP.

This begins a minimum period of 42 days where representations on the submitted application can be made.

**For elected member engagement;** in practice, information and details on the proposed SIP will be available on the Planning and Environmental Decisions (PEDW) website. The website will include information on how people can submit written representations on a proposed SIP and the date they are to be submitted by. It will include details of the arrangements for public participation and engagement to be undertaken on the proposed SIP. Representations made at this stage will inform the examination and determination of the application. As part of the submission of their representations, elected members can request to speak in person during the examination of a proposed SIP at an “open-floor hearing” (see below for definition).

The written representations made by an elected member should be taking on the best practices outlined in the “Principles for elected members on engaging in infrastructure consenting” section of this guidance. It is important that comments made about a proposed SIP should be representative of constituency views, with evidence from local knowledge, taking into account the relevant considerations in national policy and guidance. This is important to consider as the issues raised within these written representations must be relevant issues that the Welsh Ministers will consider as part of their determination of the proposed SIP. The legislation sets out the examining authority or Welsh Ministers may disregard representations considered to be ‘vexatious’ or ‘frivolous’.

Any planning authority who receives notice of an application for infrastructure consent must also submit a Local Impact Report (LIR) to the Welsh Ministers within the representation period. Other local authorities and Community and Town Councils can choose to submit an LIR, although there is no statutory duty to do so. Likewise, Marine Impact Report (MIRs) are for SIP proposals impacting the Welsh Marine Area and are submitted by Natural Resources Wales (NRW).

LIRs and MIRs are factual reports about proposed SIPs. Details of what these reports must include can be found [here](#).

- **Elected members should** use the representation period on the submitted application to undertake final engagement with their communities on proposed SIPs within their areas.
- **Elected members should** submit a written representation about the application for infrastructure consent within their areas to the Welsh Ministers during this period. The response should be representative of local views, local knowledge and take into account the relevant considerations that the Welsh Ministers will use in determining the proposed SIP.
- **Elected members should** consider if they, or any of their communities they are submitting representations on behalf of, wish to speak publicly about the application at an open-floor hearing. If they wish to do so, they must specify this as part of their response to the Welsh Ministers on the application for infrastructure consent.

## Examination stage

Once the period where representations can be made has ended, the Welsh Ministers must appoint an “examining authority” to carry out the examination of an application. In usual practice Planning Inspectors from PEDW undertake this role. Within 28 days following this period, the examining authority must decide what procedure(s) will be undertaken for the examination of the proposed SIP, which can be one of, or any combination of:

### Written representations

Where the examining authority determines the examination of an application for infrastructure consent can be undertaken through written communications and correspondence, and an event is not required.

### Topic-based hearings

An event held in-person or virtually where a specific topic area relevant to the determination of an application for infrastructure consent is discussed.

## **Open-floor hearings**

An event held in-person or virtually where interested parties make oral representations about the application, with the examining authority having control over proceedings. If an elected member requests to speak in-person on the application as part of their submitted representations at the application stage, an open-floor hearing will be held by the examining authority.

## **Inquiries**

An event held in-person or virtually where a specific topic area relevant to the determination of an application for infrastructure consent is discussed and subject to cross-examination.

Examination events are broadcasted by PEDW so elected members will be able to watch an event even if they do not directly participate in it.

Elected members may be invited to take part in the examination or asked to provide further information via written representations during the examination, although it is at the discretion of the examining authority what topic areas, views and evidence they need to consider.

A timetable prepared by the examining authority will set out the dates of when and what examination procedures will take place. Elected members may be notified of the examination procedures if further information is required of them during this stage. Alternatively, it may be that their submitted representations at the application stage are sufficient and do not require them to take part in an examination event, unless they request to do so via an “open-floor hearing”. The timetable will clearly set out the relevant information for elected members to be made aware of regarding the examination itself.

It is considered best practice that representations provided by elected members take into account the key principles outlined in the previous part of this guidance during the examination stages in making any further comments.

Overall, following this examination period, the examining authority will make a report to the Welsh Ministers setting out their findings and conclusions on the application along with a recommendation of the decision that should be made. This report will be based on the evidence considered by the examining authority as part of submissions made during consultation and examination of the application. Therefore, representations inform the final recommendation in the report made by the examining authority on the application.

Upon receiving this report, if the Welsh Ministers decide further information is needed, they may reopen the examination period on an application. Additionally, the Welsh Ministers may also defer an application to the examining authority for them to determine it in the decision-making stage.

- **Elected members should** make themselves aware of the examination process for an application for infrastructure consent, including the timetable. This would particularly apply if elected members wish to view proceedings or if they are likely to be requested to take part in an examination event.
- **Elected members should** respond to any requests by the examining authority to provide further written representations or to take part in an event during the examination period.

## Decision-making stage

Within 52 weeks of an application for infrastructure being validated, the Welsh Ministers (or the examining authority as the case may be) must make a decision to either grant or refuse consent, although this time period may be extended if agreed upon with the applicant. The Welsh Ministers will make their decision having regard to the examination stage and to the various Welsh Government strategies and policies outlined in the “Comments should link to relevant considerations” section of this guidance. These include the following:

- [Programme for Government](#)
- [National Development Framework \(NDF\)](#)
- [Welsh National Marine Plan \(WNMP\)](#)
- [Planning Policy Wales](#)

The relevant stakeholders such as the applicant, each relevant Senedd Member to the area, the local authorities or Community and Town Councils who submitted LIRs (and councillors by virtue), NRW if they have submitted an MIR, all landowners and adjoining landowners, and any other persons considered appropriate, will be notified of this decision.

Granting consent means the Welsh Ministers will make an Infrastructure Consent Order (ICO), setting out the approved SIP and the requirements for implementing the consented scheme.

- **Elected members should** make themselves aware of any decisions on applications for infrastructure consent within their areas and disseminate information to their communities on the decision.

## Procedures following decision-making

If any party is not satisfied with the outcome of a decision for infrastructure consent, then there is an opportunity to challenge the Welsh Ministers decision through the courts. This would be a legal challenge of the decision which is known as a judicial review.

## Summary of Elected Member engagement in the process

Pre-application stage
<p><b>Elected members should</b> use the consultation period to engage with their communities on a proposed SIP that is within or likely to affect their area.</p> <p><b>Elected members should</b> submit a response to the applicant of a proposed SIP during this consultation period that is representative of local views, local knowledge and takes into account the relevant considerations that Welsh Ministers will use in determining the proposed SIP.</p>
Application stage
<p><b>Elected members should</b> use the representation period on the submitted application to undertake final engagement with their communities on proposed SIPs within their areas.</p> <p><b>Elected members should</b> submit a written representation about the application for infrastructure consent within their areas to the Welsh Ministers during this period. The response should be representative of local views, local knowledge and take into account the relevant considerations that the Welsh Ministers will use in determining the proposed SIP (as outlined in the “Comments Should Link to Relevant Considerations” section of this guidance).</p> <p><b>Elected members should</b> consider if they, or any of their communities they are submitting representations on behalf of, wish to speak publicly about the application at an open-floor hearing. If they wish to do so, they must specify this as part of their response to the Welsh Ministers on the application for infrastructure consent.</p>
Examination stage
<p><b>Elected members should</b> make themselves aware of the examination process for an application for infrastructure consent, including the timetable. This would particularly apply if elected members wish to view proceedings or if they are likely to be requested to take part in an examination event.</p> <p><b>Elected members should</b> respond to any requests by the examining authority to provide further written representations or to take part in an event during the examination period.</p>
Decision-making stage

**Elected members should** make themselves aware of any decisions on applications for infrastructure consent within their areas and disseminate information to their communities on the decision.

## Further information

Below are relevant contacts regarding infrastructure consenting that elected members may find useful:

### PEDW

PEDW comprise of independent planning inspectors who are responsible for examining applications for infrastructure consent and providing recommendations to the Welsh Ministers on whether applications should be granted or refused. PEDW should be contacted if an elected member has any queries on an application for infrastructure consent that PEDW is in the process of considering.

The contact details for PEDW are provided here: [PEDW.Infrastructure@gov.wales](mailto:PEDW.Infrastructure@gov.wales)

### Planning Aid Wales (PAW)

PAW provide independent advice on town and country planning matters, including infrastructure consenting.

The contact details for PAW can be found here: [Contact Us – Planning Aid Wales](#)

### Welsh Government Infrastructure Consenting Team

The Infrastructure Consenting Team of the Welsh Government can advise on the process for infrastructure consenting, such as timescales and what is set out in the law. However, the Team cannot comment on individual applications.

The contact details for the Infrastructure Consenting Team are provided here: [Infrastructureconsenting@gov.wales](mailto:Infrastructureconsenting@gov.wales)