Draft Order laid before Parliament under section 150(5) of the Government of Wales Act 2006, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2025 No.

CONSTITUTIONAL LAW

DEVOLUTION, WALES

INFRASTRUCTURE PLANNING, WALES

The Infrastructure (Wales) Act 2024 (Consequential Amendments) Order 2025

Made - - - - ***

Coming into force in accordance with article 1(3)

The Secretary of State, in exercise of the powers conferred by section 150(1)(a) and (2)(a) of the Government of Wales Act 2006(**a**), makes the following Order.

In accordance with section 150(5) of that Act, a draft of this Order was laid before Parliament and was approved by a resolution of each House of Parliament.

Citation, extent and commencement

1.—(1) This Order may be cited as the Infrastructure (Wales) Act 2024 (Consequential Amendments) Order 2025.

(2) An amendment made by this Order has the same extent as the provision amended.

(3) This Order comes into force on 15th December 2025 or the day after the day on which it is made, whichever is later.

Amendment of the Nuclear Installations Act 1965

2. In section 3(8)(a) of the Nuclear Installations Act 1965(**b**) (grant and variation of nuclear site licences), after "site" insert "or an order under the Infrastructure (Wales) Act 2024(**c**) granting infrastructure consent for the site".

(**a**) 2006 c. 32.
(**b**) 1965 c. 57. Section 3 was substituted by paragraph 18 of Schedule 12 to the Energy Act 2013 (c. 32). There are other amendments to section 3 but they are not relevant.
(**c**) 2024 asc 3.

Amendment of the Planning (Hazardous Substances) Act 1990

3. In section 12(3) of the Planning (Hazardous Substances) Act 1990(**a**) (deemed hazardous substances consent: government authorisation) for "(2B)" substitute "(2C)".

Amendment of the Finance Act 2013

4. Section 130 of the Finance Act 2013(**b**) (conversion of dwelling for non-residential use) is amended as follows—

(a) in subsection (3), for "or development consent" substitute ", development consent or infrastructure consent";

(b) in subsection (6)—

(i) the words from ""development consent"" to the end become paragraph (a);

(ii) after that paragraph insert—

"(b) "infrastructure consent" means infrastructure consent under the Infrastructure (Wales) Act 2024.".

Name
Secretary of State
Wales Office

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 150 of the Government of Wales Act 2006 which, among other things, allows the Secretary of State to make provision in consequence of Acts of Senedd Cymru.

This Order makes provision in consequence of the Infrastructure (Wales) Act 2024 ("the 2024 Act").

The 2024 Act establishes a unified application and consenting process to enable making and consideration of applications for infrastructure consent. The process applies to the significant infrastructure projects that are specified in Part 1 of the 2024 Act. Broadly, they are energy, transport, water and waste projects in Wales or the Welsh marine area.

The effect of article 2 of this Order is to include infrastructure consent under the 2024 Act in the categories of consent to which section 3(4) of the Nuclear Installations Act 1965 does not apply.

The effect of article 3 of this Order is to create a requirement to consult the Health and Safety Executive before issuing a direction under section 12(2C) of the Planning (Hazardous Substances) Act 1990 in relation to the granting of infrastructure consent.

The effect of article 4 of this Order is to amend section 130 of the Finance Act 2013, which relates to the Annual Tax on Enveloped Dwellings and makes provision in relation to the conversion of a dwelling for non-residential use. Article 4 of this Order amends section 130 by including infrastructure consent under subsection (3) and by including the definition of "infrastructure consent" in subsection (6). A building or part of a building will not be regarded as having become unsuitable for use as a dwelling as a result of alterations at any time unless by that time any planning permission, development consent or infrastructure consent required for such alterations has been granted.

(**a**) 1990 c. 10. Section 12 was amended by section 18 of the Transport and Works Act 1992 (c. 42), paragraph 45 of Schedule 2 to the Planning Act 2008 (c. 29), and paragraph 5 of Schedule 3 to the Infrastructure (Wales) Act 2024 (asc 3). There are other amendments to section 12 but they are not relevant.

(**b**) 2013 c. 29.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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