
Infrastructure 04, National Trust Cymru

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil Seilwaith (Cymru) | Infrastructure (Wales) Bill

Ymateb gan Ymddiriedolaeth Genedlaethol Cymru | Evidence from National Trust Cymru



Ymddiriedolaeth
Genedlaethol
National Trust

Infrastructure (Wales) Bill

National Trust Cymru response

Response submitted by National Trust Cymru to the Climate Change, Environment, and Infrastructure Committee

8 August 2023

Introduction

National Trust Cymru welcomes the laying of the Infrastructure (Wales) Bill and we are pleased to share with the Climate Change, Environment, and Infrastructure Committee our views on the general principles of the Bill at Stage 1.

Our response reflects our position as a conservation charity caring for the natural and historic environment in Wales, and our commitment to playing our part so that people and nature can thrive for generations to come. National Trust Cymru proudly looks after 46,000 hectares of land, 157 miles of coast and 18 of our nation's historic houses, gardens and industrial sites, for everyone's benefit. As a result, the whole spectrum of the planning system interacts with our operations and decisions on a daily basis.

Response to consultation

We support the Bill's overall aim to establish a unified consenting process for infrastructure projects in Wales and have included below a summary of key points we would like to raise for consideration by the Committee:

- **Infrastructure consent orders, Part 6, section 66:** directly relates to National Trust land which is held inalienably and infrastructure consent orders being subject to special Senedd procedure. We are comfortable with this approach and the wording within this section which aligns with that of section 130 of the Planning Act 2008.
- **Embedding best practice:** we recognise that one of the aims of the Bill is to speed up the decision-making process and we consider that this may be possible through better pre-application engagement across all industry sectors. We would therefore encourage the Senedd to use this opportunity to ensure best practice is embedded into regulations and guidance.

The complexity of major infrastructure projects can vary enormously and the level of stakeholder engagement can also vary significantly. In our experience of working with developers, where applicants have taken a collaborative approach, issues going forward to examination appear to be reduced, or at the very least more focused. We have had positive experiences with the road, offshore wind and waste water sectors who have taken such an approach over recent years.

Unfortunately, this approach has not been taken universally across all sectors involved in the development of major infrastructure and it is of concern to the Trust that there are still some sectors which seek solely to do the minimum legally required for pre-application

consultation, rather than taking the opportunity to narrow issues for examination and secure the best outcome for the environment.

- **Examination procedure:** the ability for the examining authority to be able to make decisions is welcome and we note the introduction of a more formal procedure with the power to hold local inquiry and summon people to attend. It is important that consideration is given to the potential time and costs associated with this element which is likely to involve legal representation and could bring a more adversarial approach. We recognise this is different from the current approach and that the secondary regulations will outline the exact procedure, but this may be an area the Committee wishes to explore further.
- **Powers in the Bill for Welsh Ministers:** we note that the Bill would enable infrastructure policy statements (IPs) to be made by Welsh Ministers without consultation or Senedd scrutiny which is a divergence from the current planning approach. We believe decision-making for infrastructure policy statements and any subsequent review needs to be democratic, with the opportunity for scrutiny and debate. This would also ensure IPs align with the current requirements for National Policy Statements under the Planning Act 2008.
- **Cross-border projects and ways of working:** planning thresholds proposed within the Bill are generally aligned with the existing requirements under the Planning Act 2008 which we welcome. However, consideration must be given that whilst both pieces of legislation explore the geographical scope of their respective major infrastructure regimes, there is some crossover – for example, see clause 2(1)(e) of the Infrastructure (Wales) Bill and clause 16(1) of the Planning Act 2008. In other cases there is an absence of information about how cross-border projects will be completed – for example, see clauses 22 (Highways) and 25 (Railways) of the Planning Act 2008 alongside clauses 7 and 8 of the Infrastructure (Wales) Bill.

To avoid potentially time consuming and unnecessary challenges and significant delay to otherwise acceptable development of cross-border projects, we would urge the Senedd to make clear either in legislation or the explanatory memorandum and/or guidance which decision-making body will be responsible for consent in cross-border projects, having agreed the same with UK Parliament.

- **Resources:** the level of resource within Planning and Environment Decisions Wales (PEDW) and planning resource needed within local authorities to support delivery must also be taken into account and we would welcome further information on how this will be achieved, particularly in light of the statutory requirement for production of Local Impact Reports.

Thank you again for the opportunity to comment. If there is anything further we can do to assist the Committee's work at this stage, please don't hesitate to get in touch. We look forward to engaging with the legislative scrutiny process over the coming months.

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