**Infrastructure 38, RenewableUK 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 **RenewableUK Cymru** | Evidence from **RenewableUK Cymru**

## General principles

**What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?**

Across RenewableUK and RenewableUK Cymru, we work with our members to support the building and operating of our future energy system, powered by clean energy. We jointly represent over 470 member companies to ensure an increasing amount of renewable electricity is deployed across Wales and the UK which will support the decarbonisation of our economy, reduce emissions, and respond to the climate emergency. Our members in Wales are business leaders, developers, and technology innovators. We have a broad membership with extensive experience from all the major onshore and offshore wind developers operating in Wales, as well as developers of electricity interconnectors and marine renewables.

RenewableUK Cymru welcomes the opportunity to respond to the Senedd Committee's consultation on the Infrastructure (Wales) Bill. We have established a RenewableUK Cymru members task and finish group to engage on the development of the Bill and bring together the views of industry; members of this group represent the onshore wind, floating and fixed bottom offshore wind, ports, hydrogen and grid sectors.

This long-awaited piece of legislation is very much welcomed by our members. We support the aim of the Bill to introduce a single, unified infrastructure consent process to deliver infrastructure projects in Wales and in the Welsh Marine Area. By streamlining the process for gaining the necessary consents and licences to enable significant infrastructure projects to proceed, it will provide consistency, certainty and improve the quality and communication throughout the process. Adequate resourcing will be key to the success of the new Significant Infrastructure Project (SIP) regime. If implemented in line with the objectives set out in the Explanatory Memorandum which we support, the new Infrastructure

Consent process will bring multiple benefits to all parties involved. The Minister for Climate Change, Julie James, describes the Bill as an "important step" towards delivering on renewable energy targets as Wales moves towards net zero by 2050, noting that *"having an efficient and effective consenting regime is vital to the timely delivery of important infrastructure projects in Wales that make a positive contribution towards our social, economic and environmental prosperity and net zero ambitions.")*

Key points:

The points raised in our response to the following questions are largely in seeking greater clarity in terms of the detailed provisions and implementation of the Bill, and around certainty on timescales to reach a decision. In particular, we highlight the following areas where further clarity is required:

The need for specific statutory timescales on the face of the Bill to provide a clear expectation for applicants, consultees and Welsh Ministers about the time-period allocated for examining and determining SIPs. As drafted, the Bill creates an immediate expectation that timescales can be extended and at this stage no framework for when this could occur. This creates uncertainty for all involved in the process and the potential for significant delays to decisions that cannot be quantified or planned for at the outset. These will undermine developer confidence in the system and the second objective, certainty, of the Bill which is outlined in Chapter 3 of the Explanatory Memorandum: *"Certainty – To provide certainty in terms of timescales for all involved, so that the public are clear on when decisions are made, and proceedings are not unnecessarily prolonged, and to enable developers to plan projects with more accuracy"*.

• The importance and content of Infrastructure Policy Statements to provide certainty around the policy that will be applied in determining SIPs and how priorities should be balanced in making consenting decisions.

• The need for clarity on how 10-50MW onshore wind and solar schemes will be consented once the Bill is in place.

• The requirement for detail on how cross-border projects (onshore, in the marine area and s2(1)(e) for above ground electric lines) will be consented and how the consenting regimes on each side of the administrative border will interact.

• The significant lack of detail on transitional arrangements for projects proceeding through current regimes. Information is needed on how these arrangements would work and when will they come in to effect to allow developers to forecast project timescales, programmes, and investment decisions.

• Overall, the need for a clear arrangement on **how planning authorities, Welsh Government departments, PEDW and statutory consultees will be sufficiently resourced** to implement and manage this new process to ensure the objectives are delivered effectively.

The lack of detail highlighted above may undermine the Welsh Government's ambitions for a new regime to provide the consistency and certainty needed to encourage investment in Wales. The Welsh Government should reflect on and learn the lessons from the DNS regime, which only has a 60% success rate (compared to 90%+ under the Planning Act 2008 regime) and where less than 30% of applications have been determined on time.

Overall, we recognise that the Bill is currently a high-level framework and relies on subsequent regulations to provide detail of how it will operate and be implemented in practical terms. However, we believe that too much detail is reserved for subsequent regulations which poses risks of inconsistencies and misunderstandings. We await further detail on specific aspects which will be set out in secondary legislation and guidance. This detail will shape the day to day consenting processes and procedures – therefore, it will be vital that the aim of the Bill to provide *"simplified and efficient consenting arrangements"* remains at the core of this secondary legislation. As such, without this detail it is difficult to comprehensively comment on the proposed Bill. To allow respondents to make meaningful comments, the Bill needs to be able to be read as a whole, together with all supplementary regulations. Clarity on the timescales for publishing this secondary legislation and the consultation process to allow for comments is needed.

The ability to review the Act when regulations are also published is also necessary to ensure that the legislation works together to create the clear and streamlined regime Welsh Government is seeking. Our members are invested in the development of these documents and, with extensive experience of the operation of both the DNS and Planning Act NSIP regimes, request the ability to provide further comments and to engage directly with the Climate Change, Environment, and Infrastructure Committee and the Welsh Government's Planning Division

## What are your views on the Bill's provisions (set out according to parts below), in particular are they workable and will they deliver the stated policy intention?

### Part 1 - Significant infrastructure projects

We recognise the principal designation of SIPs will be through the Infrastructure (Wales) Act and welcome the comprehensive suite of project types listed under Part 1. However, we note there is an absence of emerging and future technologies such as hydrogen infrastructure and related activities within the definition of SIPs. Whilst there are provisions under Section 17 that grant powers to Welsh Ministers to add, vary or remove types of SIPs, it is disappointing that this is not accounted for in the current document. We would welcome this addition given the political push towards this technology as part of the pathway for net zero. Whilst battery energy storage projects are currently exempt from the DNS regime; it is not clear if these projects will also be excluded from the SIP regime under the Infrastructure (Wales) Bill.

In section 2: Electricity infrastructure, installed capacity is defined as *'the maximum capacity of electricity generation (in MW) at which that generating station would be operated for a sustained period without damage being caused to it (assuming the source of energy used is available without interruption)'*.

- We would welcome clarity on whether this definition applies to AC or DC capacity and whether different definitions will be used for different types of generating technology (for example solar), and hybrid 'energy park' developments.
- The DNS regime includes onshore wind projects above 10MW. It is noted that both onshore and offshore generating stations above 50MW will be SIPs through the IC regime. Clarity is needed on why projects between 10 and 50MW have been excluded from the SIP regime and what is the intention for their consenting – either by Local Planning Authorities through the Town and Country Planning Act or within the new regime. We note that mandatory thresholds (>50MW energy projects) as they apply to generating stations and overhead grid connection are included. However, the optional thresholds (<50MW energy projects) will be subject to a Direction being issued by Welsh Ministers confirming that the project is a SIP and should be subject to the SIP regime. Clarity would be welcomed on whether projects can 'opt-in' to the process (as was suggested in the 2018 consultation) or whether Welsh Ministers could refuse a request. If the intention is the latter, further guidance on matters such as the criteria to bet met for a positive Direction and the timescales for that decision, (e.g. potentially a schedule similar to EIA regulations) is required to provide certainty to developers and other stakeholders.
- The consenting route for 132kV grid projects less than 2km long, grid projects less than 132kV and/or overhead lines not associated with a SIP generating station needs clarification – and whether the intention is that

consent will come through the IC regime, Section 37 of the Electricity Act or the Town and Country Planning Act. We would welcome further definition on what 'associated' with a SIP generating station means for the purposes of new overhead grid lines (OHLs).

In section 18: Cross-border projects, further clarity and detail will be crucial for onshore, offshore and grid projects on how they should be consented and how provisions interface with the Planning Act.

- Clarity is needed on whether it will be a requirement for Celtic Sea floating offshore wind projects in the current Project Development Area that straddle both English and Welsh waters to apply for an IC as well as a DCO. Certainty will be needed in terms of the consenting route as soon as possible for those proposed project development plans in anticipation of leasing rounds. Whilst it's understood that project phases may be progressed to address this, should a project decide to proceed as a whole (greater than 350MW), it is not currently clear if the larger scale project will be required to apply for an IC (for Welsh marine licensing purposes) as well as a DCO.
- Clarity is needed on cross-border OHL projects. The current provisions are too vague (see Planning Act 2008 provisions for English/Scottish border projects as an example of what is required). Further detail is needed on how the provisions for SIP generating stations dove-tail with the Planning Act which requires a DCO for new OHLs of 132kv and above which are partly in England and partly in Wales. There is an opportunity through the Bill to clarify this position that is otherwise not clear.

## Part 2 - Requirement for infrastructure consent

We welcome the flexibility of the provisions under sections 22 and 24. Section 22 which enables Welsh Ministers to give direction specifying a development project that does not qualify as a SIP to be treated as such and on the reverse, section 24 allows projects to not be treated as SIPs. Information can be requested from a body that would otherwise consent development. This reflects s.35 Planning Act power, although differs in that projects can be directed as SIPs if a planning application has already been made. There is, however, no indication as to what would be considered 'of national significance' and is not limited to categories in section 1. Furthermore, there is no timeframe for determining request, or information on form of request, these will be set in regulations. We suggest that this should be aligned with the Planning Act 2008 timescale of 28 days as a maximum (it would preferably be shorter to ensure the overall determination process of 52 weeks is achievable due to the discrepancy between the aggregate

duration of the NSIP process compared with the 52-week ambition of the Bill). There are critical elements of the direction process which needs to run efficiently so as not to delay projects that are already in progress.

The IC process is proposed to replace the s.36 consent route currently available to Test & Demonstration and early commercial scale FLOW developments in the Welsh marine area once relevant sections come into force. The Bill isn't entirely explicit here as section 20 (1) (b) merely suggest that where infrastructure consent is required, s.36 consent is not required. This could be interpreted as – *'but could still be obtained if developers considered preferable to do so'*. However, the Explanatory Memorandum (EM) states that section 20 (1) *"list the consents which cannot be obtained or given in relation to development"* where a requirement for infrastructure consent applies. Clarity around this point is required.

Assuming that the intended effect of section 20 (1) is that s.36 consent is no longer an option for projects once the infrastructure consent requirement enters into force, it is not clear when this will be as the relevant sections *'come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument'*. Developers need clarity on when the new infrastructure consent process is likely to take effect as soon as possible (assuming the Bill is enacted) and, more importantly, transitional arrangements including how any existing S.36 (or DNS) applications are proposed to be treated once the infrastructure consent mechanism enters into force. How these arrangements would work and when they will come in effect will be vital to provide certainty and avoid projects being put on hold until this is clear.

## Part 3 - Applying for infrastructure consent

The process for applying for infrastructure consent is relatively clear bar the following comments. We look forward to reviewing the regulations that will provide further detail on the timescales and content of preapplication procedures and consultation.

Section 28 on obtaining information about interests in land is welcomed and reflects similar provisions in the Planning Act 2008. The Bill as drafted introduces a currently undefined statutory pre-application consultation requirement (section 30 (1)) and proposes to disregard any consultation undertaken before notice of proposed application is confirmed by virtue of section 29 (section 30 (4)). This is concerning for prospective projects currently at pre-application stage intending to obtain a DNS or s.36 consent and already undertaking related engagement. Should the s.36 consent route be removed as an option for developers (as is intended for DNS), and sections 30 (1) and 30 (4) be applied as drafted, there is

potential that engagement up to that point in time will be largely in vain in terms of its value in support of consent application, with potentially significant impacts on project timelines. If existing engagement can't be counted against the statutory requirements even where broadly compliant with the yet to be defined statutory requirements in terms of its nature and substance, then effort will need to be duplicated at significant resource and programme cost to developers. The statutory pre-application requirements in other consenting regimes are largely defined upfront in primary legislation, e.g., Part 5, Chapter 2 of the Planning Act 2008. An upfront approach whereby requirements are given a level of definition in the proposed Bill itself would provide greater confidence about what is proposed and allow them to make informed decisions and plan accordingly. All detail regarding form, timing, how consultations should be carried out, responding to consultation and provision of consultation report etc will be set out in the regulations which poses a lack of clarity over notification of development in the Welsh marine area. These comments relating to transitional arrangements equally apply to projects currently in the DNS regime.

Section 32 (1) notes that Welsh Ministers have power to determine whether or not to accept applications and must give notice of their decision. However, there is no information on what criteria will be applied or timescales for the acceptance decision and notice. We would welcome a timescale similar to the NSIP process of 28 days as a maximum (again, it would preferably be shorter to ensure the overall determination process of 52 weeks is achievable due to the discrepancy between the aggregate duration of the NSIP process compared with the 52-week ambition of the Bill). This lack of confirmed timescales in which an application's validity is determined within this section which means the overall objective of "timely and effective delivery of major infrastructure and low cardon development" could well be compromised. It is also critical that further incentive and resource is provided for PEDW to validate applications in a timely manner in line with the above objective.

Section 33 (7) allows Welsh Ministers to extend the deadline for receiving representations in response to an application for Infrastructure Consent and allows this to occur more than once. Whilst we can acknowledge there is a need for this to take place under certain circumstances, we believe there should be sufficient justification that should accompany these extensions if required. Again, allowing such broad mechanisms for extending consultation periods compromises the overall objective for timeliness and efficiency of the Bill. Given current concerns regarding resourcing levels at PEDW, LPAs and statutory consultees, there is significant risk that this will continuously be applied. The ability to extend the deadline is an example of a lack of firm timetable for

examination and decision which undermines the 'Certainty' objective. If a response isn't received by a statutory consultee and no material justification of why a response has been delayed or why additional time is required, then it could be deemed as a no objection.

Section 35 outlines the requirements for Local Impact Reports (LIR). LPAs where development is located 'must' provide a LIR while community councils and other LPAs 'may' submit a LIR. These reports are important in the examination of SIPs and must be taken into account in determining the applications. It is, however, critical that there is sufficient resource at LPA level to engage properly with this and participate fully in the SIP examination (which is not routinely happening in either DNS or NSIP examinations).

We welcome the key additional feature to the Bill in section 37 whereby it grants the ability to apply for compulsory acquisition powers for a SIP (akin to the NSIP process for England & Wales). We look forward to further detail in the regulations.

Please see our response to Part 1 and 2, where we seek further clarifications for projects applying for IC (transitional arrangements, consenting route for sites between 10-50MW and cross-border projects depending on the size of the capacity of the part in Wales or Welsh waters).

**Part 4 - Examining applications**

A proposed timetable for deciding applications for infrastructure consent before the end of 52 weeks is supported. However, further clarity is necessary to understand the provisions of Section 56 (1)(a). Detail of how an examination will be carried out within the 52-week window is lacking and the industry needs to have early sight of the proposals for how this period with be divided up. Section 50 notes that Welsh Ministers have the power to direct the Examining Authority to re-open the examination in accordance with the requirements of the direction. This is of concern as there is no timescale specified and no indication as to how this would fit within the overall 52-week period in s56(1) – this undermines the certainty objective of the proposed Bill.

As is already the case with the current DNS regime (which includes statutory determination timescales), lack of resources and expertise in the public sector (WG departments, PEDW, LPAs, NRW, other statutory consultees) is a key barrier to the timely delivery of projects. The public sector needs to be adequately resourced to support the delivery of projects at all stages: at pre-application to flush out key issues and help shape and refine proposals; at examination; and post-consent to discharge conditions prior to the commencement of construction

and the monitoring of the development. The LPA fee (~£7,000) needs to be increased to sufficiently reflect the time and resource input required from LPAs into the examination process, improve the overall engagement and deliver service within acceptable timescales. This could be done by re-thinking aspects of the proposal such as reviewing the LIR production fee (EM para 8.108) or reimbursing general LPA participation costs (EM para 8.109). Please see our response to question 6 for further detail.

We recognise that it is difficult to retain experienced employees, to continuously train new staff and to have enough personnel to process these applications across organisations. To address this issue and avoid delays in delivering the IC regime, we propose that a Welsh Government central resource, essentially a 'pool of experts' could be established to support the delivery of projects that would be available to WG, LPAs, PEDW, NRW and developers to tap into. It is not realistic to expect all 22 LPAs to have in-house expertise on all topics of relevance to the planning system and, where they do, they may not be fully utilised. A pool of experts operating on full cost recovery basis providing advice to all stakeholders would potentially be a more cost-effective option. We would welcome the opportunity to discuss this further with the Welsh Government, including funding options.

In order to fast track the delivery of new energy infrastructure in Wales, members consider that the use of local inquiries should only be used in exceptional circumstances for the examination of energy SIP applications. We expect that for most projects, the most appropriate form of examination will consist of a primarily written process supplemented by hearings on specific issues where required e.g. compulsory acquisition or project-specific issues. We note that under section 41(6), "The Welsh Ministers must publish the criteria to be applied by the examining authority in making determinations" as to which examination procedure to follow. We would welcome the opportunity to engage on the draft criteria (or similar) to help secure a proportionate process and support the Certainty objective. Certainty is crucial for timely and effective delivery of major infrastructure and low carbon development in the right locations via efficient consenting processes.

We again request early sight of the details regarding the examination procedure to be set out in the regulations – and would appreciate the opportunity to comment.

**Part 5 - Deciding applications for infrastructure consent**

Section 53 sets out that Welsh Ministers must decide on the application in accordance with statutory policies i.e., any Infrastructure Policy Statement (IPS)

that has effect, the National Development Framework, Future Wales: 2040 and any Marine Plan. Where there is conflict, IPSs will take precedence. IPS are incredibly important in decision making and therefore, it will be critical for Welsh Ministers to put them in place alongside the SIP regime. There are currently no details available on form, content, or timing of IPSs or the process for introducing a policy statement and we understand that there is currently no proposal for these to be brought forward with the Bill or the regulations. The introduction of infrastructure policy statements to guide the decision-making process for SIPs is a key opportunity for Wales to positively influence the direction of travel – much like the NPSs under the NSIP regime. To support a simplified and efficient consenting process, all national policy (and guidance) documents must be aligned.

As highlighted in Part 4, the proposed commitment to determine applications for infrastructure consent in 52 weeks from acceptance of valid applications is also very positive and highly welcomed (section 56 (1)). We note that the 52-week determination commitment at section 56 (1) is essentially immediately undermined by virtue of section 56 (2) which gives Welsh Ministers unconstrained scope to extend this period. We would like to see some checks and balances added to 56 (2) to limit its application in practice. Developer's build whole project programmes around key consent milestones and certainty around decision making timeframes is essential. We note that the equivalent scope of the SoS to extend the deadline for determining DCO applications following receipt of an inspector's report includes a requirement for SoS to make a statement to Parliament announcing the new deadline (see Planning Act 2008 section 107 (7)). This gives elected representatives an opportunity to scrutinise such decisions and hold the Government to account. This is not fully replicated by the proposed annual Senedd Cymru reporting requirement of section 56 (5). More generally, we note that the Planning Act 2008 includes statutory timetable for the majority of discreet elements of the determination process as part of the primary legislation itself (sections 55 (2) and 98 of that Act). This level of detail is currently lacking in the proposed Bill, with details generally deferred to definition through future regulations. We would welcome clarity on how the 52-week period is to be broken down in terms of period for examination, reporting and decision-making.

The 52-week period is shorter than under the Planning Act 2008 which has a 16-month timeframe including acceptance (the Examination itself lasts 12 months and commences with a Preliminary Meeting (on average 3-4 months after acceptance)). It is not currently clear whether Welsh Ministers direction extending period can only be made with the consent of the applicant. In reality, if Welsh Ministers request an extension, the applicant will be concerned about refusal if

they do not agree. We would like to see greater commitment to statutory timeframes and extension of time being an exception rather than set in the Bill.

Section 57 (6), which allows Welsh Ministers to grant consent for a "materially different" proposal creates uncertainty for developers. Again, the regulatory provisions for this will be key to understanding how this mechanism is to work and in what context. The current wording raises serious concerns as it suggests that applicants could potentially receive consent for a "materially different" proposal. This would also give rise to objections from statutory consultees who may have not been granted the opportunity to comment for the alternative proposal under the assessment process.

Furthermore, currently, there is no clarity in terms of the possible circumstances where the Examining Authority will be the determining authority.

We welcome the provision of 'associated development' in section 58. It is an important concept for SIPs to enable comprehensive developments to be brought forward. This is frequently optimised by NSIPs under the Planning Act 2008 regime. We suggest that guidance should be provided on what would constitute development for SIP as is in place for NSIPs.

**Part 6 - Infrastructure consent orders**

As highlighted in Part 3, a key additional feature not available under the current DNS regime is the ability to apply for compulsory acquisition powers (akin to the NSIP process that applies to certain projects in England & Wales). Clarity would be welcomed on whether post-application consultation on compulsory acquisition in section 38 is intended to be a full statutory consultation or focused on landowners affected by the compulsory acquisition request.

In sections 65 to 68, a number of references are made to 'special Senedd procedure' but no clarity is provided as to what this may entail or whether it runs to the same timescale as the IC regime. If outside the IC regime, is could result in even longer timescales for a development to proceed.

Section 81 states that IC may remove requirement for specific consent or deemed consent to have been granted. This will require consent or non-refusal of consenting authority within a specified period. Detail of what can be disapplied will be set in the regulations; this will be important to scrutinise as secondary consents can significantly hold up for developments. The non-refusal provisions are welcomed.

Section 84, which grant powers to correct errors in decision documents is a welcomed initiative that will be effective in making the post determination process efficient.

Section 87 notes that IC Orders can be changed or revoked by Order. These provisions are much broader than under the Planning Act 2008 and are not limited to making non-material changes – where neither the SoS nor the Local Planning Authority has the power to request changes or revocation of a DCO. We would welcome clarification with regards to circumstances Welsh Ministers could exercise power under section 87(6). Having proportionate fixed timescales for enabling changes to ICOs will be important to facilitate the delivery of projects. A clear process and statutory timescales set out in legislation that reflect the importance of proportionality is needed. Shorter timescales and more focused scope of examination could support a more cost-effective approach and more efficient use of resources.

All detail for the procedure for changing and revoking ICOs in section 88 will be set out in regulation. The change in procedure under the Planning Act 2008 is important but has not been effective given the lack of statutory timeframes. There is an opportunity for the Bill and regulations to address this by specifying a timeframe for the determination of applications to change SIP consents which would provide welcome clarity and certainty.

### Part 7 - Enforcement

No response.

### Part 8 - Supplementary functions

Section 121 allows 'specified' public authorities (those identified in regulations) to charge fees. The detail of specified authorities and fees payable for SIP participation will be important. Furthermore, no timescales are given for the procedure under section 122 which are needed. Section 126 notes that Welsh Ministers or the Examining Authority have power to consult a specified public authority. We would stress that a consulted authority 'must' give a substantive response within the statutory response period. The list of specified authorities, timescales and procedure will be set out in regulations. Under section 127, Welsh Ministers may give a direction requiring a public authority (LPA / NRW / a devolved Welsh authority specified in regulations) to which this section applies to do things in relation to an application. However, there is no detail on what the Welsh Ministers may direct an authority to do. Timescales, procedure, and cost recovery will be set out in regulations where again we would welcome the opportunity to comment.

## Part 9 - General provisions

No response.

## What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

In terms of the content of Bill itself, further procedural detail around the implementation is required. As highlighted in Question 1:

- Further detail is required regarding the transitional arrangements e.g., DNS to SIP. This is fundamental to provide certainty to all stakeholders involved in the process, and to avoid duplication of effort and abortive costs.
- Lack of specific statutory timescales and those that are included are in context of being able to extend.
- Too much detail reserved for regulations (which have yet to be published) and risks of inconsistencies and misunderstandings with different sets of regulations.
- Importance and content of Infrastructure Policy Statements.
- Lack of clarity on the consenting route for 10-50MW onshore wind generating stations will be consented.
- Lack of clarity around cross-border projects and s2(1)(e) for above ground electric lines.

The biggest barrier in terms of the implementation of the Bill and the objectives set out in the Explanatory Memorandum is the resourcing of public authorities and statutory consultees. We desperately need to increase the flow of people and resources to our planning authorities and Natural Resources Wales. We are already seeing considerable and costly delays which will only worsen with the significant number of projects in the pipeline. Please see further detail in our response to question 2, part 4.

## How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

No response.

## Are any unintended consequences likely to arise from the Bill?

Further workload on PEDW without sufficient resource - this resource needs to be in place or the regime has limited capacity of delivering what it is setting out to do.

**What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?**

As we understand it, Welsh Government and PEDW will operate on full cost recovery basis whereas LPAs will only get costs associated with LIRs reimbursed (but not other costs such as preparing for and participating at public inquiries). LPAs need adequate resourcing to participate meaningfully in the SIP process. This could be achieved by providing LPAs with:

- As per our response in 2.iv) Part 4 - Examining applications, costs associated with general participation in IC examination to be covered either via a set fee for the specific elements of the process (in addition to the proposed LIR fee. It is noted that a fixed fee for pre-application services requested by applicants is proposed (see paras 8.105 and 8.106 of EM)) or more logically as part of a single LPA fee for all IC related work. Section 121 of the proposed Bill seems suitable to accommodate this. Increased core funding to sufficiently resource LPA teams will support them to fulfil statutory duties.
- Access to the Welsh Government specialist resource pool (proposed in question 3) to provide a buffer for resource demand peaks.
- Planning Performance Agreements with developers.
- or a combination of all of these.

**Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?**

No response.