

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Planning and Infrastructure Bill

October 2025



1. Background

1. The Planning and Infrastructure Bill¹ (the Bill) was introduced into the House of Commons and had its First Reading on 11 March 2025. It is sponsored by the Ministry of Housing, Communities and Local Government.

2. The Explanatory Notes to the Bill as introduced state:

*"The Planning and Infrastructure Bill ("the Bill") will speed up and streamline the delivery of new homes and critical infrastructure, supporting delivery of the government's Plan for Change milestones of building 1.5 million safe and decent homes in England and fast-tracking 150 planning decisions on major economic infrastructure projects by the end of this Parliament. It will also support delivery of the government's Clean Power 2030 target by ensuring that clean energy projects are built as quickly as possible."*²

3. The long title to the Bill states that it is a Bill to:

*"Make provision about infrastructure; to make provision about town and country planning; to make provision for a scheme, administered by Natural England, for a nature restoration levy payable by developers; to make provision about development corporations; to make provision about the compulsory purchase of land; to make provision about environmental outcomes reports; and for connected purposes."*³

4. The Bill completed its passage through the House of Commons on 10 June 2025. First reading in the House of Lords took place on 12 June 2025, with Second reading taking place on 25 June 2025. Committee stage began on 17 July 2025 and concluded on 17 September 2025. At the time this report was agreed, Report stage was due to begin on 20 October 2025.

¹ The Planning and Infrastructure Bill, as introduced (Bill 196)

² Explanatory Notes to the Bill, as introduced

³ The Planning and Infrastructure Bill, as introduced

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- 5.** Standing Orders 29.1 and 29.2 provide that a legislative consent memorandum is required when a relevant Bill before the UK Parliament makes provision in relation to Wales that has regard to devolved matters.
- 6.** On 26 March 2025, Rebecca Evans MS, the Cabinet Secretary for Economy, Energy and Planning (the Cabinet Secretary), laid before the Senedd a Legislative Consent Memorandum in respect of the Bill (the Memorandum).⁴
- 7.** We published our report on the Memorandum (our first report) on 28 May 2025.⁵
- 8.** Paragraphs 8 to 11 of our first report set out the provisions of the Bill which, at the time, the Welsh Government considered to require the Senedd's consent.
- 9.** Paragraphs 12 to 27 of our first report set out the Welsh Government's position on the Bill, as set out in the Memorandum.
- 10.** Our first report contained two conclusions and four recommendations.
- 11.** The Cabinet Secretary responded to our first report on 9 July 2025.⁶

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2)

- 12.** On 15 May 2025, the Cabinet Secretary laid before the Senedd a Supplementary Legislative Consent Memorandum (Memorandum No. 2) in respect of the Bill.⁷
- 13.** We published our report on Memorandum No. 2 (our second report) on 18 June 2025.⁸
- 14.** Paragraphs 13 to 21 of our second report provide an update on the provisions of the Bill which, at the time, the Welsh Government considered to require the

⁴ Welsh Government, [Legislative Consent Memorandum on the Planning and Infrastructure Bill](#), 26 March 2025

⁵ Legislation, Justice and Constitution Committee, [Report on the Welsh Government's Legislative Consent Memorandum on the Planning and Infrastructure Bill](#), May 2025

⁶ [Letter from the Cabinet Secretary for Economy, Energy and Planning](#), 9 July 2025

⁷ Welsh Government, [Supplementary Legislative Consent Memorandum \(Memorandum No. 2\) on the Planning and Infrastructure Bill](#), May 2025

⁸ Legislation, Justice and Constitution Committee, [Report on the Welsh Government's Supplementary Legislative Consent Memorandum \(Memorandum No. 2\) on the Planning and Infrastructure Bill](#), June 2025

Senedd's consent, and set out the Welsh Government's position as regards the amended provisions.

15. Our second report contained two conclusions.

16. The Cabinet Secretary responded to our second report on 9 July 2025.⁹

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3)

17. On 17 June 2025, the Cabinet Secretary laid before the Senedd a further Supplementary Legislative Consent Memorandum (Memorandum No. 3) in respect of the Bill.¹⁰

18. We published our report on Memorandum No. 3 (our third report) on 23 July 2025.¹¹

19. Paragraphs 19 to 28 of our third report provide an update on the provisions of the Bill which, at the time, the Welsh Government considered to require the Senedd's consent, and set out the Welsh Government's position as regards the amended provisions.

20. Our third report contained two conclusions and two recommendations.

21. The Cabinet Secretary responded to our third report on 3 September 2025.¹²

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4)

22. On 7 August 2025, the Cabinet Secretary laid before the Senedd a further Supplementary Legislative Consent Memorandum (Memorandum No. 4) in respect of the Bill.¹³

23. The Business Committee agreed that the Legislation, Justice and Constitution Committee (the Committee) and the Climate Change, Environment

⁹ Letter from the Cabinet Secretary for Economy, Energy and Planning, 9 July 2025

¹⁰ Welsh Government, Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Planning and Infrastructure Bill, June 2025

¹¹ Legislation, Justice and Constitution Committee, Report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Planning and Infrastructure Bill, July 2025

¹² Letter from the Cabinet Secretary for Economy, Energy and Planning, 3 September 2025

¹³ Welsh Government, Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Planning and Infrastructure Bill, August 2025

and Infrastructure (CCEI) Committee should report on the Memorandum by 17 October 2025.¹⁴

Provisions for which the Senedd's consent is required

24. Memorandum No. 4 relates to amendments tabled to the Bill¹⁵ by the UK Government on 15 July 2025 during Committee Stage in the House of Lords.

25. At paragraph 7 of Memorandum No. 4, the Cabinet Secretary states that engagement continues at Ministerial and official levels where necessary.

26. At paragraphs 8 to 13 of Memorandum No. 4 the Cabinet Secretary sets out details of the amendments for which the Senedd's consent is required. The Cabinet Secretary states that consent is required for:

- Government amendment 359 which amends clause 110 (previously clause 96 on introduction) (Commencement and transitional provision);
- Government amendment 56 which amends clause 46 (previously clause 42 on introduction) (Fees for applications for harbour orders), and which is consequential on amendment 359.

27. At paragraphs 14 and 15 of Memorandum No. 4 the Cabinet Secretary states that the Welsh and UK governments are in agreement as to the amendments that engage the legislative consent process.

28. In Memorandum No. 4 the Cabinet Secretary states:

“Government amendment 359 adjusts the commencement of clause 46 so that the repeal of existing fee charging powers in the Harbours Act 1964 takes effect in Wales only when new fees regulations, to be made by the Welsh Ministers, come into force. So, the commencement of the new fee-charging powers in Wales is controlled by the Welsh Ministers. As a result, clauses 46(6) and (7) are no longer needed and the effect of Government amendment 56 is to omit these sub-sections from the Bill.

Whilst Government amendment 359 introduces different commencement provisions, the effect still means the Welsh

¹⁴ Business Committee, Timetable for consideration: Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Planning and Infrastructure Bill, September 2025

¹⁵ HL Bill 110 (as brought from the Commons)

Ministers are able to charge a fee for a Harbour Revision Order application under the existing regime under Schedule 3 of the Harbours Act 1964 until such time as they make new regulations, and those regulations come into force.”¹⁶

29. The Cabinet Secretary concludes:

“The proposals are considered acceptable as they would provide the Welsh Ministers with the ability to retain powers charge fees for Harbour Order applications under existing provisions in the Harbours Act 1964 until such time as they make new fee regulations and these regulations come into force. (...)

It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill.”¹⁷

2. Committee consideration

30. We considered Memorandum No. 4 at our meeting on 15 September 2025.¹⁸

31. We considered and agreed our report at our meeting on 22 September 2025.¹⁹

Our view

Legislative consent

32. We note the Welsh Government's assessment of the amendments to the provisions within the Bill that require the consent of the Senedd, as set out in Memorandum No. 4.

33. We also note the position of the UK Government as regards consent.

Conclusion 1. We agree with the Welsh Government's assessment, as set out in Memorandum No. 4, of amendments made to the Bill which require the consent of the Senedd in accordance with Standing Order 29.

¹⁶ Memorandum No. 4, paragraphs 12 and 13

¹⁷ Memorandum No. 4, paragraphs 16 and 18

¹⁸ ~~Legislation, Justice and Constitution Committee~~, 15 September 2025

¹⁹ ~~Legislation, Justice and Constitution Committee~~, 22 September 2025

Matters of concern raised in our second and third reports

34. In our second report we noted that the Cabinet Secretary was awaiting information from the UK Government about the practical effects on Welsh public bodies and the public itself before making a recommendation on consent in relation to two amendments tabled by the UK Government during Committee Stage in the House of Commons; these were Gov NC44 and Gov NC45 relating to applications for development consent. In our third report we noted that Memorandum No. 3 does not provide an update on these matters. It is disappointing that Memorandum No. 4 again does not provide such an update.

35. As highlighted above in chapter 1 of this report, our third report contained two recommendations relating to delegated powers in the Bill (recommendation 1), and the Bill's interaction with the Welsh Government's proposals for the consolidation of planning law in Wales (recommendation 2). As we note above, the Cabinet Secretary responded to our third report on 3 September.

36. Recommendation 1 in our third report asked the Cabinet Secretary to confirm whether the Welsh Government had asked the UK Government to include provision in the Bill that would transfer to the Welsh Ministers the rule and regulation-making powers conferred by the *Transport and Works Act 1992* to enable the regulation-making power in clause 34 of the Bill as introduced (now clause 38) to be delegated to the Welsh Ministers to act in devolved areas.

37. In response, the Cabinet Secretary told us that the delegation of the regulation-making power to the Welsh Ministers was not sought from the UK Government.²⁰ We conclude that this response does not address our recommendation, and this is regrettable.

38. Recommendation 2 in our third report sought clarity from the Cabinet Secretary on the Bill's implications for the Welsh Government's proposals to consolidate planning law as it applies in Wales and the scheduling of that exercise. We highlighted that we would be the responsible committee for scrutinising the Planning (Wales) Bill and the Planning (Consequential Provisions) Bill, introduced to the Senedd on 15 September²¹, and that we are aware that the Detailed Committee Consideration Stage referenced by the Cabinet Secretary will need to take place in January 2026.

²⁰ Letter from the Cabinet Secretary for Economy, Energy and Planning, 3 September 2025

²¹ [The Welsh Government's proposed legislation to consolidate planning law in Wales - The Planning \(Wales\) Bill and the Planning \(Consequential Provisions\) \(Wales\) Bill](#)

39. As such, and given the Cabinet Secretary is not in control of the Bill's progress through the UK Parliament, we asked for clarity on how the Welsh Government proposes to handle a situation whereby the final text of the Bill is not approved by the UK Parliament by the time the Welsh Government's planning Consolidation Bills reach Detailed Committee Consideration Stage in the Senedd.

40. In response to this recommendation, the Cabinet Secretary told us:

*"Based on the current progress of the Planning and Infrastructure Bill through Parliament, we continue to anticipate there will not be an issue with the timings of the Bills. However, if this were to occur and amendments were required to the Planning (Wales) Bill or Planning (Consequential Provisions) (Wales) Bill there are three potential ways this could be dealt with: firstly, by utilising the Detailed Senedd Consideration Stage the Business Committee has recently timetabled; secondly, by the UK Parliament amending its Bill; thirdly utilising a proposed power within the Planning (Consequential Provisions)(Wales) Bill that enables regulations to be made that would allow further provision to be made in connection with the principal Act and would therefore enable any necessary changes from the Planning and Infrastructure Bill to be made. The use of the power would of course be subject the Bill being passed by the Senedd."*²²

²² Letter from the Cabinet Secretary for Economy, Energy and Planning, 3 September 2025