

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 3)

Planning and Infrastructure Bill

1. This legislative consent memorandum (LCM) is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru¹ if a UK Parliamentary Bill makes provision in relation to Wales which has regard to devolved matters.
2. The Planning and Infrastructure Bill (“the Bill”) was introduced in the UK Parliament, the House of Commons, on 11 March 2025. I laid an [LCM on 26 March 2025](#) and a [Supplementary LCM on 15 May 2025](#). Government amendments were made on 3 June consideration at Report Stage. The Bill had its report stage and third reading on 9 and 10 June.
3. The UK Government tabled 30 amendments on 3 June 2025 for consideration at Report stage.
4. Six of these amendments make provision which have regard to devolved matters, as detailed in paragraphs 9 to 24 below.
5. The Bill as amended in Public Bill Committee can be found at: [Planning and Infrastructure Bill - Parliamentary Bills - UK Parliament](#)

Policy Objectives

6. The UK Government’s stated policy objectives for the Bill is to 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. To achieve this, the Bill seeks to:
 - a. Provide for a faster and more certain consenting process for critical infrastructure and strengthen the policy framework around National Policy Statements.
 - b. Deliver a more efficient and predictable system for energy infrastructure projects, including:
 - i. Reforms to update the electricity grid connection process;

¹ Please note in accordance with Welsh Government policy we refer to the legislature in Wales as “Senedd Cymru” on first use and “the Senedd” thereafter unless the context stipulates otherwise.

- ii. Establishing a new cap and floor scheme to support the deployment of long duration electricity storage;
 - iii. Reforms to electricity infrastructure consenting in Scotland, to reduce system inefficiencies and insert elements of best practice;
 - iv. Establishing a bill discount scheme for those living closest to new electricity transmission infrastructure; and
 - v. Updating a process for offshore electricity transmission, by extending the generator commissioning clause period.
- c. Streamline and improve the efficiency of delivering transport infrastructure projects, including:
 - i. Changing the process of street works approval in order to accelerate the installation of electric vehicle public charge points;
 - ii. Various reforms to the Transport and Works Act 1992 and Highways Act 1980 to streamline processes and accelerate delivery of projects; and
 - iii. Improving cost recovery for Harbour Revision Orders.
- d. Introduce a more strategic approach to nature recovery in relation to development, enabling developers to fund restoration more efficiently through a new Nature Restoration Fund, whilst securing improved outcomes for the environment.
- e. Improve certainty and decision-making increasing the capacity of local planning authorities by enabling the cost recovery of planning fees.
- f. Unlock land and secure public value for large-scale investment through reforms to the compulsory purchase order process and compensation rules.
- g. Strengthen development corporation powers for infrastructure delivery, including transport, and clarify and update development corporation remits and objectives.
- h. Provide for the introduction of a strategic planning system for England.

Summary of the Bill

- 7. A summary of the Bill was provided in the first LCM laid on 26 March 2025, which remains accurate.

Update on position since the publication of the SLCM on 28 May

- 8. Officials for the Welsh Government and UK Government have been in regular contact during the development of the Bill and engagement continues at Ministerial and official levels where necessary. This engagement has led to the Government amendments as outlined in this SLCM.

Provisions tabled by the UK Government to the Bill for consideration at Report stage for which consent is required

9. The following amendments have been assessed by the Welsh Government as requiring the legislative consent of the Senedd:
- Gov 93 which amends clause 31 (previously clause 28) “Procedure for certain orders and schemes”
 - Gov 94 which amends clause 41 (previously clause 38) “Deemed consent under marine licence”
 - Gov 95 which amends clause 41 and is consequential on Gov 97
 - Gov 96 which amends clause 41 and is consequential on Gov 97
 - Gov 97 which amends clause 41 and is consequential on Gov 94
 - Gov 98 which amends clause 41 and is consequential on Gov 97
10. Following analysis of these amendments, I consider that this supplementary LCM is required for the reason set out paragraphs 28 to 30 below.

Gov 93 – Procedure for certain orders and schemes

11. This amendment amends Clause 31 *“Procedure for certain orders and schemes”*.
12. It relates to section 326 of the Highways Act 1980, which concerns the revocation and variation of schemes and orders under the Act. The original amendment allowed section 10 orders and section 16 and 106(3) schemes to be amended and revoked by a subsequent order or scheme. Separate provision is proposed in Wales under section 2 of the Legislation (Procedure, Publication and Repeals) (Wales) Bill. Amendment Gov 93 revises the original amendment to ensure that the position in Wales is preserved and in particular that the amendments proposed in the separate Welsh Bill will not be affected by Amendment Gov 93.

Gov 94 – Deemed consent under marine licence

13. This amendment amends part of Clause 41 “Deemed consent under marine licence”.
14. As introduced, clause 41 (previously clause 38) inserted a new section 19A to the Transport and Works Act 1992 (“TWA 1992”) and provides the Secretary of State and Welsh Ministers with the power to include within a TWA Order (made under sections 1 or 3 of that Act) a deemed marine licence under Part 4 of the Marine and Coastal Access Act 2009, authorising the activities specified, and the conditions to which they are subject, in the order (see new section 19A(1) as introduced).

15. New section 19A(2) (as introduced) prescribed that (a) the activity carried out under new section 19A(1) must be in one or more of the areas in which a deemed marine licence can apply (specified in subsection (3)) or (b) an activity for which Welsh Ministers are the appropriate licensing authority.
16. The areas specified in new subsection 19A(3)(c) to (e) in which the Secretary of State could grant a deemed marine licence included the Renewable Energy Zone and exclusive economic zone (which includes the Welsh offshore waters). These include areas in which the Welsh Ministers would be the appropriate licensing authority under the Marine and Coastal Access Act 2009.
17. The wording of subsection (3) created uncertainty as to the intended application offshore and how that interacted with the Welsh Ministers' functions of granting marine licences.
18. Amendment Gov 94 omits the drafting in clause 41 from the beginning to the end of line 19 on page 55 of the Bill (as amended in Public Committee stage) and inserts new replacement text. Subsections (1) to (4) of new section 19A are replaced with new drafting and a new subsection (4A) is introduced.
19. The effect of Amendment Gov 94 reworks clause 41 and the provision for deemed marine licences in TWA Orders so that the Welsh Ministers may only authorise activity for which they are responsible under the marine licensing legislation (see Part 4 of the Marine and Coastal Access Act 2009), and it does the same for the Secretary of State. The amendments to new section 19A provide clarification that it is the responsibility of the Welsh Ministers, as the appropriate licensing authority, to deem a marine licence in Welsh offshore waters.
20. For completeness, I can confirm that new section 19A(5) and (6) are not affected by Amendment Gov 94.

Gov 95

21. Amendment Gov 95 is consequential on Amendment Gov 97. This amendment leaves out "Marine and Coastal Access Act and inserts "MCAA 2009".

Gov 96

22. Amendment Gov 96 is consequential on Amendment Gov 97. This amendment leaves out "Marine and Coastal Access Act and inserts "MCAA 2009".

Gov 97

23. Amendment Gov 97 amends new section 19A(5) to add a new definition of “the MCAA 2009” to that section. Gov 97 is consequential on Gov 94 which refers to the abbreviation “MCAA 2009” in new section 19A(4A). It also adds a definition for “marine licence” which is a term used through new section 19A and is consequential on Amendment Gov 94.

Gov 98

24. Amendment Gov 98 is consequential on Amendment Gov 97. This amendment leaves out “Marine and Coastal Access Act and inserts “MCAA 2009”.

UK Government view on the need for consent

25. Mathew Pennycook MP, Minister of State for Housing and Planning, wrote to me on 3 June 2025 to advise of the UK Government’s view on the need for consent of the Senedd in relation to the Report Stage amendments. The UK Government consider that the following government amendments require a legislative consent memorandum:

- Gov 93 Clause 31 – amendments to the Highways Act 1980
- Gov 94 Clause 41 - amendments to the Transport and Works Act 1992

26. I agree with the UK Government’s devolution analysis in relation to these amendments.
27. I also consider that Amendment Gov 95 to Gov 98 also require legislative consent from the Senedd. This is on the basis that they are consequential on Amendment Gov 94. I have written Matthew Pennycook MP on this matter.

Reasons for making these provisions for Wales in the Planning and Infrastructure Bill

Gov 93

28. The inclusion of the provisions for Wales is needed to help address an issue identified during the Bill process. In essence, by removing the requirement for section 10 orders and section 16/106(3) schemes to be made by Statutory Instrument, the Welsh Ministers lost the ability to amend and revoke them. By amending section 326, this issue has been rectified, and the Welsh Ministers retain the ability to do so.

Gov 94

29. In the LCM laid on 26 March I indicated that whilst I was supportive of the provision to deem a marine licence under clause 38 (now clause 41), I sought reassurance from UK Government there was no unintended

consequence in the offshore region. This amendment provides clarity as to the geographic extent that the Secretary of State and Welsh Ministers may grant a deemed marine licence, and the amendment address my concerns. Therefore, I am supportive of the amendment.

Gov 95 to Gov 98

30. Whilst these amendments are technical in nature, they are consequential upon Amendment Gov 94. I am supportive of these amendments.

Financial implications

31. The financial assessment of the Bill concludes that ‘over the ten-year appraisal period, in present values (2025 prices, 2026 base year), the total benefits from the Bill are estimated at £5.2 billion, while the total costs are estimated at £2.0 billion. This implies an overall positive impact on society equivalent to £3.2 billion.

Conclusion

32. It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill. These technical amendments address the issues previously raised to ensure the powers work for Wales.

Rebecca Evans MS
Cabinet Secretary for Economy, Energy and Planning
17 June 2025