

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 4)

Planning and Infrastructure Bill

1. This legislative consent memorandum (LCM) is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a LCM must be laid, and a legislative consent motion may be tabled, before Senedd Cymru 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 Supplementary LCMs on [15 May 2025](#) and [17 June 2025](#).
3. Further Government amendments were made at Lords Committee stage on [15 July 2025](#). Two of these amendments make provision which have regard to devolved matters, as detailed in paragraphs 8 to 13 below.
4. The Bill as brought from the Commons can be found at: [Planning and Infrastructure Bill - Parliamentary Bills - UK Parliament](#)

Policy Objectives

5. The UK Government’s stated policy objectives for the Bill are 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;
 - 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

- 6. 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 17 June

- 7. 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.

Provisions tabled by the UK Government to the Bill for consideration at Lord Committee stage on 15 July 2025 for which consent is required

- 8. The following UK Government amendments have been assessed by the Welsh Government as requiring the legislative consent of the Senedd:

- Amendment No. 56 which amends clause 46 (previously clause 42 on introduction) “Fees for applications for harbour orders”

- Amendment No. 359 which amends clause 110 (previously clause 96 on introduction) “Commencement and transitional provision”

9. Following analysis of these amendments, I consider that this supplementary LCM is required for the reasons set out paragraph 16 below.

Government amendments Nos. 56 and 359 – Fees for applications for harbour orders

10. These Government amendments relate to clause 46 “Fees for applications for harbour orders” and the related commencement provision in clause 110 “Commencement and transitional provision”.
11. Clauses 46(4) and (5) provide a new power for the Welsh Ministers to set fees for Harbour Revision Order applications in regulations. Clause 46(2) amends paragraph 7(1) of Schedule 3 to the Harbours Act 1964 so to remove the current requirement that an application for a HRO must be accompanied by a fee, as this is now to be set out in regulations. Clause 110(1)(x) provides that the Secretary of State has the power to commence clause 46(2) on such day as it may appoint as set out in regulations. Clauses 46(6) and (7) allow the Welsh Ministers to retain existing powers to charge fees under the Harbours Act 1964 until new fee regulations are made and clause 46(2) is commenced.
12. 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.
13. Whilst Government amendment 359 introduces different commencement provisions, the effect still means the Welsh 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.

UK Government view on the need for consent

14. The UK Government consider that the following government amendments require a legislative consent memorandum:
 - Amendment No. 56 which amends clause 46 “Fees for applications for harbour orders”
 - Amendment No. 359 which amends clause 110 “Commencement and transitional provision”

15. I agree with the UK Government's devolution analysis in relation to these amendments.

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

16. 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.

Financial implications

17. 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

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

Rebecca Evans MS
Cabinet Secretary for Economy, Energy and Planning
7 August 2025