

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 5)

Planning and Infrastructure Bill

1. This legislative consent memorandum (LCM) is laid under Standing Order (“SO”) 29.2. SO29 prescribes that an LCM must be laid, and a legislative consent motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes relevant 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](#), [17 June 2025](#) and [7 August 2025](#).
3. Further Government amendments have been tabled on 13 October 2025, some of which make provision in relation to Wales which have regard to devolved matters.
4. The current version of the Bill (as amended in Committee stage) 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 (TWA 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 7 August

- 7. Officials of the Welsh Government and UK Government have been in regular contact during the development of the Bill and engagement has continued at Ministerial and official levels where necessary.

Clause 28 “Use of Forestry Estate for Renewable Electricity”

- 8. Wales’s inclusion within clause 28 was an attempt to broaden the powers for Wales, building on the existing processes to develop renewable energy on the Welsh Government Woodland Estate. The clause (clause 24 as introduced) was included in the LCM, laid on 26 March.

9. The clause as originally drafted, to allow the Forestry Commissioners (England) and NRW (Wales) to carry out certain functions, did not accommodate existing arrangements in Wales, and therefore we sought Ministerial agreement to carve out Wales. The amendments carry out that carve out. The amendments do not meet the test for an SLCM under SO 29.2, and the Senedd's consent is not being sought for them.
10. These amendments mean that NRW will not be able to generate and supply renewable energy and export and sell the electricity to the grid under what will become s.3A of the 1967 Act. NRW currently relies on an agreement made under s.83 of the Government of Wales Act 2006 to enter into leases with those who are generating electricity, and it is expected that it will continue to do so. It does not generate or supply electricity from NRW's own renewable energy projects.

Provisions tabled by the UK Government to the Bill for consideration at Lord Report stage on 13 October 2025 for which consent is required

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

Heritage Protections as part of a Transport and Works Act Order

- The amendment leaves out clause 41 (disapplication of heritage regimes) of the Bill and inserts a new Clause 41 (Deemed grant of listed building consent etc).

Harbour Order Fees

- A minor typographical correction to the extent provision (clause 111 of the Bill) to ensure it reflects the Harbour Order Fees clause as drafted.

12. Following analysis of these amendments, I consider that this supplementary LCM is required for the reasons set out paragraphs 10 - 27 below.

Heritage Protections as part of a Transport and Works Act Order

13. This amendment relates to clause 41 of the Bill (clause 37 as introduced).
14. Clause 41 of the Bill substitutes a new section 17 into the TWA 1992 and disapplies the need for listed building consent, conservation area consent and scheduled monument consent when such consent would be required to implement development authorised under section 1 or 3 of the TWA 1992.

15. Clause 41 was included in the LCM as a relevant provision, laid on 26 March.
16. This Government amendment leaves out clause 41 (disapplication of heritage regimes) of the Bill and inserts a new replacement clause.
17. Subsection (1) of new clause 41 substitutes section 17 (listed buildings and conservation areas) of the TWA 1992 with new section 17 (Listed buildings: England) and 17A (Listed buildings and conservation areas: Wales).
18. New section 17A (to be inserted into the TWA 1992) enables, on the making of a TWA Order under section 1 or 3 of the TWA, the Welsh Ministers to direct heritage consents to be deemed (rather than extinguished as set out in the current clause 41).
19. Subsection (1) of section 17A allows for the deeming of listed building consent and subsection (2) allows for the deeming of conservation area consent.
20. Subsection (3) confirms that when making a direction under subsection (1), the Welsh Ministers must have regard to section 96(2) of the Historic Environment (Wales) Act 2023 (HEWA 2023) (duty of special regard to listed buildings).
21. Similarly, subsection (4) confirms that section 160(1) of HEWA 2023 (duty of special regard to conservation areas) will apply to any direction by the Welsh Ministers in relation to a building in a conservation area as it would apply to the grant of listed building consent in relation to that building, and to the grant of conservation area consent in relation to the building concerned.
22. Subsection (5) confirms that the provisions of HEWA 2023 will apply in relation to any deemed listed building and conservation area consent granted under the new section 17A as if the consent has been granted by the Welsh Ministers on an application referred to them under section 94 of HEWA 2023.
23. The effect of subsection (6) is that the Welsh Ministers' decisions to make directions under the new section 17A can only be challenged by applicants under the existing provisions in the TWA 1992 (by way of judicial review) as section 182(2)(b) of HEWA 2023 (decisions of Welsh Ministers that may only be challenged by way of statutory review) will not apply.
24. Subsection (7) provides definitions for terms used in new section 17A. These are taken from HEWA 2023.

25. Subsection (2) of new clause 41 makes amendments to section 22 of the TWA 1992. These amendments are consequential on the amendments made in subsection (1).
26. Subsection (3) of new clause 41 omits subsection (3A) of section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (reference of applications for listed building consent to Secretary of State) as inserted by the section 17 of the TWA 1992.
27. Subsection (4) of new clause 41 amends section 94(4) of HEWA 2023 to insert “to the Secretary of State” after “application” in the second place that it occurs. This changes the effect of the provision so that where there is an application to the Secretary of State for an Order under the TWA 1992, if the consequence of that application is that listed building consent is required for a building in Wales, the local planning authority must refer the application to the Welsh Ministers for determination. The current effect of the provision will no longer apply due to the ability to deem consent.
28. Clause 112 of the Bill which relates to commencement and transitional provisions is amended to provide that the proposed replacement for clause 41 will come into force by regulations on such day as the Secretary of State may appoint.

Harbour Order Fees

29. Clause 46 “Fees for applications for harbour orders” was included in Memorandum No. 4.
30. This Government amendment is a typographical correction that is required in order ensure the “extent” provisions in clause 111 of the Bill reflect clause 46 as drafted.

UK Government view on the need for consent

31. The UK Government consider that the following Government amendments require a legislative consent memorandum:
 - Heritage Protections as part of a Transport and Works Act Order
 - Harbour Order Fees (minor and technical)
32. 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

Heritage Protections as part of a Transport and Works Act Order

33. The proposals are considered acceptable as they would provide the Welsh Ministers with the ability to direct that listed building consent and

conservation area consent are deemed to be granted when associated with an order made under sections 1 or 3 of the TWA 1992. Providing the Welsh Ministers with the ability to deem these consents will streamline the TWA application process, as it will eliminate the need to secure the consents through separate procedures.

34. The deeming of a heritage consent (and not the extinguishment as currently provided for by clause 41 of the Bill) means that provisions in HEWA 2023, including enforcement powers, would apply to the deemed consents. This will provide a specific means of controlling the authorisation given, including where unauthorised works to heritage assets have occurred. This is considered to be an enhancement of the current provisions.
35. The provision that directions under the new section 17A can only be challenged by applicants under the existing provisions in the TWA 1992 (by way of judicial review), as section 182(2)(b) of HEWA 2023 (decisions of Welsh Ministers that may only be challenged by way of statutory review) will not apply, is necessary and logical. Without removing this provision two different processes for challenge would apply to the consenting process, causing confusion. The right to challenge a decision under the TWA, including the heritage consent, would still apply.

Harbour Order Fees

36. A minor, technical amendment. It is included in this SLCM to inform the Senedd as the substantive provision was included in Memorandum No. 4.

Financial implications

37. 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

38. It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill, and I recommend the Senedd gives its consent.

Rebecca Evans MS

Cabinet Secretary for Economy, Energy and Planning

21 October 2025