

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO.5)

THE LEVELLING UP AND REGENERATION BILL

1. This legislative consent memorandum is laid under Standing Order (SO) 29.2. SO29 prescribes that a legislative consent memorandum (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 for any purpose within, or which modifies the legislative competence of the Senedd.
2. The Levelling-up and Regeneration Bill (“the Bill”) was introduced in the House of Commons on 11 May 2022. The Bill can be found here [Levelling-up and Regeneration Bill - Parliamentary Bills - UK Parliament](#)
3. I laid an [LCM on the Bill](#) as introduced on 28 September, [a revised LCM on 25 November](#), an [SLCM on 30 November 2022 \(NO.2\)](#), an [SLCM on 27 April 2023 \(NO.3\)](#) and an [SLCM on 16 August 2023 \(NO.4\)](#).
4. The Bill as amended in Committee (24 May 2023) can be found at: <https://bills.parliament.uk/bills/3155/publications>
5. On 4 July 2023 and 7 July 2023 the UK Government tabled amendments for consideration at House of Lords Report Stage. These amendments concerned Part 1 (Levelling Up Missions), Chapter 1 of Part 3 (Planning Data) and Part 6 (Environmental Outcomes Reports).
6. SLCM (No.4) was laid on 16 August 2023 to deal with amendments concerning Part 1 (Levelling Up Missions) and Part 6 (Environmental Outcomes Reports). The Legislation, Justice and Constitution Committee laid its report on the SLCM (No.4) on 29 September 2023. The Welsh Government will respond to that report ahead of the Plenary Debate on legislative consent, which is due to take place on 17 October 2023.
7. The tabled amendments can be found at <https://bills.parliament.uk/bills/3155/publications>

Policy Objectives

8. The UK Government’s stated policy objective is to reverse geographical disparities between different parts of the UK by spreading opportunity more equally. Under this, the Bill has four overarching objectives:
 - i. To place a duty on the UK Government to set, and report annually on progress towards achieving, levelling up missions to reduce geographical disparities across the United Kingdom;
 - ii. To create a modern framework to support the most radical devolution of powers in modern times through the creation of a new model of combined county authorities to support delivery of the UK Government’s levelling up mission that

'by 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement';

- iii. To deliver a new suite of powers for local authorities to regenerate their towns through high street rental auctions and reforms to compulsory purchase to support delivery of the UK Government's levelling up mission that 'by 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between top performing and other areas closing'; and
- iv. To create a planning system which delivers more beautiful and greener homes, with the associated infrastructure and democratic support that neighbourhoods want and deserve.

Summary of the Bill

9. A summary of the Bill was provided in the original revised Legislative Consent Memorandum (LCM) laid on 25 November 2022.
10. The Bill as introduced made provision for the setting of levelling-up missions and reporting on progress in delivering them; about local democracy; about town and country planning; about Community Infrastructure Levy; about the imposition of Infrastructure Levy; about environmental outcomes reports for certain consents and plans; about regeneration; about the compulsory purchase of land; about information and records relating to land, the environment or heritage; for the provision for pavement licences to be permanent; about governance of the Royal Institution of Chartered Surveyors; about vagrancy and begging; and for connected purposes.
11. Further information about the Bill can be found within the first LCM laid <https://senedd.wales/media/5gdfx1u1/lcm-ld15356-e.pdf>

Update on position since the publication of the Legislative Consent Memorandum (No.4)

12. On 28 September 2023 the UK Government tabled amendments for consideration at House of Lords Final Stages. These amendments concern Part 6 (Environmental Outcomes Reports). These amendments affect provisions contained within the Bill as introduced that fall within the legislative competence of the Senedd.

Amendments tabled to the Bill for consideration at House of Lords Report and Final Stages for which consent is required.

Environmental Improvement Plan provisions

Amendment 104

13. Amendment 104 inserted into clause 143 (in the Bill as amended at Committee Stage) reference to the current “environmental improvement plan” (within the meaning of Part 1 of the Environment Act 2021). The effect of this amendment would place a duty on the Welsh Ministers (as an “appropriate authority”) to have to consider the current Environmental Improvement Plan (within the meaning of Part 1 of the Environment Act 2021) when making Environmental Outcomes Reports (EOR) regulations when acting alone or jointly.
14. Discussions had taken place between Welsh Government and UK Government officials regarding this proposed provision. Welsh Government officials advised the UK Government that the equivalent provision in Wales to the “national natural resources policy” was provided for by section 9 of the Environment (Wales) Act 2016. Welsh Government officials requested that amendment 104 reflect this, however, this was overlooked at that time and amendment 104 was agreed during Report Stage.
15. Discussions have been ongoing since and the UK Government has tabled a motion in lieu of Lords Amendment 90 to rectify this.

Motion in lieu of Lords Amendment 90

16. The motion in lieu of Lords Amendment 90 will amend the reference to “current environmental improvement plan” in the context of EOR regulations made by the Welsh Ministers. The amendment requires the Welsh Ministers to have regard to “national natural resources policy” within the meaning of section 9 of the Environment (Wales) Act 2016 and not the current Environmental Improvement Plan (within the meaning of Part 1 of the Environment Act 2021).

Commencement provisions

Amendment 315

17. Chapter 1 of Part 3 and Part 6 of the Bill contain powers that are exercisable concurrently by the Secretary of State and the Senedd/Welsh Ministers. During ongoing discussions with the UK Government, at the request of the Welsh Government, a new clause was inserted into the Bill (see clause 245 of the Bill, as amended at Report Stage) that would remove the restrictions on the Senedd in relation to these concurrent powers by adding the Bill to the list of enactments in paragraphs 9(8)(b) and 11(6)(b) of Schedule 7B of the Government of Wales Act. The effect of this would mean the Senedd can alter the concurrent arrangements in future without needing the UK Government’s prior agreement.
18. Amendment 315 deals with the commencement provisions for (now) clause 245 and as tabled, it provided that clause 245 would come into force on such day as the Secretary of State may appoint by regulations. This provision was agreed shortly after tabling during Report stage.
19. This commencement provision was not acceptable to the Welsh Government, and during ongoing discussions, the UK Government agreed to table a motion in lieu of Lords Amendment 285 to address this.

Motion in lieu of Lords Amendment 285

20. The motion in lieu of Lords amendment 285 will mean that clause 245 will come into force at the end of the period of two months beginning with the day on which this Act is passed.

Welsh Government position on the proposed amendments

21. In SLCM 4 I identified that the provisions in respect of environmental outcomes reports are beneficial, and I was in support of their application to Wales.
22. The amendments made here mean that the legislative framework for making EOR regulations is specific to Wales and the commencement amendments ensure our devolution settlement is not affected.

Financial implications

23. There are no financial implications for Wales in relation to the amendments.
24. The financial impact of the Bill as affects Wales is summarised in the LCMs laid on 28 September and 25 November.

Conclusion

25. I still consider the overall provisions in respect for EOR are appropriate for Wales and these amendments resolve issues in the drafting that mean I recommend the Senedd consents to this Bill.

Julie James MS
Minister for Climate Change
05 October 2023

