



Ein cyf/Our ref MA/RE/1125/25

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28 May 2025

Dear Mike and Llyr,

I laid a Legislative Consent Memorandum (LCM) regarding the UK Government's Planning and Infrastructure Bill (the Bill) on 26 March¹. I recently laid a Supplementary LCM (SLCM) which set out my position regarding Government amendments made to the Bill during Committee Stage at the House of Commons.

I am writing to you to update you regarding clause 4(3) of the Bill as introduced². This clause, amongst others, was included in the LCM I laid on 26 March. However, recently tabled Government amendment, Gov 58, proposes to remove clause 4(3) from the Bill. This amendment was not included in the SLCM I recently laid as it is consequential on amendment Gov NC44 and it did not meet the test as set out in Standing Order 29.2. This letter provides clarity on the resulting position.

As introduced, clause 4(3) required a relevant public authority to have regard to guidance issued by the Secretary of State to assist such authorities in responding effectively to consultation under section 42 of the Planning Act 2008 – pre-application procedure: duty to consult. A relevant public authority that must have regard to the guidance included a local authority in Wales.

The LCM laid on 26 March included clause 4(3) as a relevant provision as the provisions would affect the functions of the Devolved Welsh Authorities and therefore requires the consent of the Senedd. The change by Government amendment Gov 58 removes this duty at the pre-application stage as a consequence of amendment Gov NC44 which removes that statutory pre-application consultation stage.

¹ [LEGISLATIVE CONSENT MEMORANDUM](#)

² [Planning and Infrastructure Bill](#)

The requirement for Devolved Welsh Authorities to have regard to guidance issued by the Secretary of State is retained in clause 4(4) and (5) of the Bill. These relate to the production of the local impact reports under section 60 and making any representations about an application (oral or written) under the new section 96A of the Planning Act 2008. Both of these clauses were also included in the LCM I laid on 26 March. For the avoidance of doubt, these clauses remain in the Bill and still require the consent of the Senedd.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive, flowing style.

Rebecca Evans AS/MS

Cabinet Secretary for Economy, Energy and Planning

Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio