

**Rebecca Evans AS/MS**  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA-RE-1418-25

Mike Hedges MS  
Chair of the Legislation, Justice and Constitution Committee  
Senedd Cymru  
SeneddLJC@senedd.wales

9 July 2025

Dear Mike,

Thank you for the Legislation, Justice and Constitution Committee's reports on the Welsh Government's Legislative Consent Memorandum on the Planning and Infrastructure Bill (May 2025) and the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Planning and Infrastructure Bill (June 2025).

Please find attached my response to these reports.

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

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Correspondence.Rebecca.Evans@gov.wales](mailto:Correspondence.Rebecca.Evans@gov.wales)  
[Gohebiaeth.Rebecca.Evans@llyw.cymru](mailto:Gohebiaeth.Rebecca.Evans@llyw.cymru)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

---

# **The Welsh Government's Legislative Consent Memorandum and Supplementary Legislative Consent Memorandum (Memorandum No.2) on the Planning and Infrastructure Bill**

## **Welsh Government response to the Legislation, Justice and Constitution Committee's reports**

**9 July 2025**

---

In May and June 2025, the Legislation, Justice and Constitution Committee submitted reports on the Welsh Government's Legislative Consent Memorandum and Supplementary Legislative Consent Memorandum (Memorandum No.2) on the Planning and Infrastructure Bill (the Bill).

The May report includes 4 recommendations and 2 conclusions, and the June report includes 2 conclusions. This is the Welsh Government's response to those recommendations and conclusions.

### **1. Introduction**

The Legislation, Justice and Constitution Committee (LJCC) issued a report on 28 May in response to the Welsh Government's Legislative Consent Memorandum on the Bill. The report included 4 recommendations and 2 conclusions. On 18 June, the Committee issued a report in response to the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No.2) on the Bill. This report included 2 conclusions.

I thank the members of the Legislation, Justice and Constitution Committee for their reports and I have set out my response to the recommendations and conclusions for each report below.

---

## **2. Response to the recommendations and conclusions in the Legislation, Justice and Constitution Committee report issued May 2025**

### **Recommendation 1**

The Committee recommends that:

The Cabinet Secretary should confirm the date on which:

- the Welsh Government became aware of the UK Government's legislative proposals that are being taken forward in the Bill;
- discussion on the Bill began with the UK Government;
- the Cabinet Secretary became aware of the issues that have materialised as regards clauses 24, 28 and 38.

### **Response: Accept**

My officials became aware of the development of various policy proposals through engagement with UK Government officials last summer. UK Government policy officials contacted my officials to learn from our approach and experience of legislation, including planning committees and significant infrastructure projects.

More formal discussions on the content of the Bill began in November 2024, including sharing initial drafts of the relevant legislation.

Officials first provided briefing on the identified issues to myself and relevant colleagues in December 2024 for clauses 24, 38 and February 2025 for clause 28.

Financial Implications – None

### **Recommendation 2**

The Committee recommends that:

The Cabinet Secretary should explain how the Bill's drafting was influenced by the Welsh Government.

### **Response: Accept**

See the response to recommendation 1 which outlines the engagement undertaken by Welsh Government Officials. This engagement, including the sharing of a number of draft clauses, enabled officials to influence drafting ahead of introduction. This included changes to ensure there would be no adverse effects on infrastructure consenting powers and were able to identify areas of

---

concern prior to introduction of the Bill. However, it was not until the final drafting was tabled that formal analysis could be undertaken and the issues raised in the Legislative Consent Memorandum were identified. My colleagues and I agreed that our officials continue to engage with UK Government officials, this has resulted in amendments to the Bill at Report stage (Gov 93 to Gov 98<sup>1</sup>) which ensure clauses 32 (clause 28 on introduction) and clause 42 (clause 38 on introduction) now work for Wales. Work is continuing on clause 28 (clause 24 on introduction) to ensure this clause is consistent with the existing processes we have in Wales.

Financial Implications – None

### **Recommendation 3**

The Committee recommends that:

The Cabinet Secretary should clarify and confirm our understanding, as set out in paragraphs 40 to 43 of our report, of the precise number of powers in the Bill delegated to the Welsh Ministers, as well as the number delegated to the Secretary of State to the act in devolved areas and how many of these require the consent of the Welsh Ministers before being used.

### **Response: Accept**

#### **Powers delegated to the Welsh Ministers**

There are eight new delegated powers that are being given to the Welsh Ministers in the Bill.<sup>2</sup> Subject to the additional clause identified below, I agree with the list of delegated powers for the Welsh Ministers as set out in paragraphs 40 to 43 of your report.

I consider that the following additional clause also delegates a new power to the Welsh Ministers:

- clause 92 (now clause 106) provides the Welsh Ministers (as the confirming authority) with a power to appoint an Inspector to confirm decisions on Compulsory Purchase Orders made under the New Towns Act 1981 or acquiring authorities where there are no objections. The provisions also provide for powers for the Welsh Ministers to revoke its appointment of an

---

<sup>1</sup> [planning\\_rm\\_rep\\_0603.pdf](#)

<sup>2</sup> These are clause 24 (now clause 28), clause 25 (now clause 29), clause 30 (now clause 34), clause 33 (now clause 37), clause 36 (now clause 40), clause 42 (now clause 46), clause 89 (now clause 103), clause 92 (now clause 106).

---

Inspector at any time and determine the case themselves or appoint another Inspector.

### **Powers delegated to the Secretary of State to act in relation to devolved areas**

I consider that there are five powers delegated to the Secretary of State to act in relation to devolved areas:

- clause 4(4) (now clause 7(2)) – which provides the Secretary of State with a power to issue guidance relating to local impact reports which must be considered by a local authority (where the development is in Wales).
- clause 4(5) (now clause 7(3)) – which provides the Secretary of State with a power to issue guidance relating to representations from public authorities.
- clause 5(7) – which provides the Secretary of State with a power to issue guidance to applicants setting out best practice for pre-application steps.
- clause 34 ((now clause 38) subject to the comments detailed below) – which enables the Secretary of State to set rules regarding deadlines for decisions via regulations.
- clause 41 (now clause 45) – which provides the Secretary of State with a regulation making power that may amend an Act of Parliament or an Act or measure of the Senedd (although any such regulations may only make amendments that are consequential to clauses 34 to 44 of the Bill).

#### Clause 34 (now clause 38)

Although clause 34 (now clause 38) provides the Secretary of State with a power to set rules regarding deadlines for decisions via regulations in a devolved area, this is because the rule and regulation making powers conferred by the TWA 1992 have not been transferred to the Welsh Ministers<sup>3</sup>.

As the Welsh Ministers do not have rule making powers, it is appropriate for the power to be conferred on the Secretary of State on this occasion. However, the rule making functions of the Secretary of State are exercisable only with the agreement of the Welsh Ministers<sup>4</sup>. As your report notes, this has been reflected in the Bill, as clause 34 (now clause 38) provides that any rules that will apply in Wales, may only be made with the consent of the Welsh Ministers.

---

<sup>3</sup> See article 2(a) and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)

<sup>4</sup> See article 5 and Schedule 2 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

---

Financial Implications – None

#### **Recommendation 4**

The Committee recommends that:

The Cabinet Secretary should, in consultation with the Counsel General and Minister for Delivery, confirm whether the Bill has implications for the Welsh Government's proposals and scheduling to consolidate the existing planning law as it applies in Wales.

#### **Response: Accept**

The Bill amends various Acts of the UK Parliament. Those Acts are not ones that will be restated as part of the planning consolidation exercise, so the amendments made by the Bill will not affect the content of the Planning (Wales) Bill.

In a small number of cases the Planning (Consequential Provisions) (Wales) Bill and the Bill will both need to make consequential amendments to the same provisions of another Act. Where that is the case the Government is preparing the Planning (Consequential Provisions) (Wales) Bill to take account of the amendments to be made by the Bill. Any further amendments to the Bill will be kept under review and could be dealt with at the Detailed Committee Consideration stage for the Planning (Wales) Bill, if necessary. I do not anticipate there being an issue in timings of these Bills and my officials are continuing to engage with UK officials on the timescales for the Bill.

Financial Implications – None

#### **Conclusion 1**

We agree with the Welsh Government's assessment, as set out in the Memorandum, of the provision within the Bill which requires the consent of the Senedd in accordance with Standing Order 29.

#### **Response:**

Many thanks to the Committee for its consideration of the LCM. I am pleased that the Committee agrees with the Welsh Government's analysis of the provision in the Bill which requires the consent of the Senedd.

---

## **Conclusion 2**

We consider that clauses 83 to 87 and 89 to 92 require notification to the Senedd under Standing Order 30.1, as these provisions modify the functions of the Welsh Ministers.

### **Response:**

My assessment of these provisions is that they make relevant provision for the purpose of Standing Order 29 and are included in the LCM. Standing Order 30.1 expressly excludes from its remit “a relevant provision within Standing Order 29.1”. Therefore, I do not consider that a Written Statement under Standing Order 30.1 is required in relation to these clauses.

---

### **3. Response to the conclusions in the Legislation, Justice and Constitution Committee report issued June 2025**

#### **Conclusion 1**

We continue to agree with the Welsh Government's assessment, as set out in the Memorandum and Memorandum No. 2, of the provisions (and amendments to those provisions) within the Bill which requires the consent of the Senedd in accordance with Standing Order 29; but this is subject to our views set out in conclusion 2.

#### **Response:**

I am pleased that the Committee continues to agree with our assessment of the provisions of the Bill.

#### **Conclusion 2**

We consider that Gov NC43 and Gov NC44 require notification to the Senedd under Standing Order 30.1, as these provisions modify the functions of the Welsh Ministers.

#### **Response:**

For the same reasons as set out in my response to Conclusion 2 of the Committee's report on the LCM issued in May 2025, I do not consider that a Written Statement under Standing Order 30.1 is required in relation to these amendments.

---