

**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-1882-25

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

3 September 2025

Dear Mike,

Thank you for the Legislation, Justice and Constitution Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Planning and Infrastructure Bill (July 2025).

Please find attached my response to the report.

Yours sincerely,

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

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Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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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.

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## **The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Planning and Infrastructure Bill**

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

**3 September 2025**

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In July 2025, the Legislation, Justice and Constitution Committee submitted a report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Planning and Infrastructure Bill (the Bill).

This report includes 2 recommendations and 2 conclusions. This is the Welsh Government's response to those recommendations and conclusions.

The Legislation, Justice and Constitution Committee issued a report in response to the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No.3) on the Bill. The report included 2 recommendations and 2 conclusions.

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

### **Response to the conclusions**

#### **Conclusion 1**

**We agree with the Welsh Government's assessment, as set out in Memorandum No. 3, of amendments made to the Bill which require the consent of the Senedd in accordance with Standing Order 29.**

Response

I welcome the Committee's agreement of the Welsh Government's assessment of amendments made to the Bill which require the consent of the Senedd, in accordance with Standing Order 29.

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## Conclusion 2

**Given the months of engagement between the two governments ahead of the Bill's introduction, it is disappointing that the Bill was introduced to the UK Parliament containing provisions of concern to the Welsh Government.**

Response

I agree that it would have been desirable for all issues to have been addressed prior to introduction. As outlined in my response to your report in May, we were able to influence the drafting and changes were made prior to introduction. However, it was not until the final draft was tabled that formal analysis could be undertaken and the issues raised in the Legislative Consent Memorandum identified. This meant that, unfortunately, some matters were not able to be resolved prior to the introduction of the Bill. The ongoing engagement between officials has ensured that amendments to the drafting resolved those issues without any unintended consequences. This has resulted in a number of Government amendments which have addressed two out of the three areas of concern, and work is continuing on the third to ensure the Bill works for Wales.

## Response to the recommendations

### Recommendation 1

**The Committee recommends that:**

**The Cabinet Secretary should confirm whether the Welsh Government asked the UK Government to include provision in the Bill that would transfer to the Welsh Ministers the rule and regulation-making powers conferred by the Transport and Works Act 1992 to enable the regulation-making power in clause 34 of the Bill as introduced (now clause 38) to be delegated to the Welsh Ministers to act in devolved areas.**

Response: Accept

My response to the Committee, dated 9 June 2025, provides commentary on the reasons why the provisions in clause 34 of the Bill as introduced (now clause 38) are considered appropriate. For these reasons the delegation of the regulation making power in clause 34 of the Bill as introduced (now clause 38) was not sought from the UK Government.

Financial Implications – None

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## **Recommendation 2**

### **The Committee recommends that:**

**Given the Cabinet Secretary is not in control of the Bill's progress through the UK Parliament, both in terms of the timescales for the remaining stages and the final text of the Bill that the UK Parliament may pass, we believe the Cabinet Secretary should provide clarity on how the Welsh Government proposes to handle a situation whereby the final text of the Bill is not approved by the UK Parliament by the time the planning Consolidation Bills reach Detailed Committee Consideration in the Senedd.**

Response: Accept

Based on the current progress of the Planning and Infrastructure Bill through Parliament, we continue to anticipate there will not be an issue with the timings of the Bills. However, if this were to occur and amendments were required to the Planning (Wales) Bill or Planning (Consequential Provisions) (Wales) Bill there are three potential ways this could be dealt with: firstly, by utilising the Detailed Senedd Consideration Stage the Business Committee has recently timetabled; secondly, by the UK Parliament amending its Bill; thirdly utilising a proposed power within the Planning (Consequential Provisions)(Wales) Bill that enables regulations to be made that would allow further provision to be made in connection with the principal Act and would therefore enable any necessary changes from the Planning and Infrastructure Bill to be made. The use of the power would of course be subject the Bill being passed by the Senedd.

Financial Implications – None

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