



Department for Levelling Up,
Housing & Communities

Edward Mountain MSP
Net Zero, Energy and Transport Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Lucy Frazer MP
Minister of State for Housing and Planning

**Department for Levelling Up, Housing and
Communities**
2 Marsham Street
London
SW1P 4DF

Our reference: 21873664

16 December 2022

Dear Edward,

Thank you for your letters of 11 and 28 October to the Rt Hon Simon Clarke MP and to the Rt Hon Michael Gove about the Levelling-Up and Regeneration Bill. I am responding as the points you raised fall within my ministerial responsibilities. I would like to apologise for this letter missing your requested deadline of 4 November; due to Ministerial changes it was not possible to respond within the timelines set. I understand how important this matter is to you and your colleagues, and I am grateful to you for raising these queries with me.

The Government's intention is to use the powers in the Bill to focus on reforming the environmental assessment regimes that are not within devolved competence. We have however taken a limited power to legislate in areas of devolved competence following consultation with the devolved administrations, therefore we are seeking legislative consent in line with the Sewel Convention. The requirement to seek consent is only triggered in relation to primary legislation which has been introduced in the UK Parliament; the requirement to consent does not apply to secondary legislation. This power was included at introduction to maintain the current position for those circumstances where the Government has historically legislated for matters within areas of devolved competence. Not including this power could lead to there being areas where the new framework of assessment could not be rolled out, potentially resulting in legislative gaps and the undermining of the delivery of certain types of development.

We are, however, in ongoing discussions with the Scottish Government, and the other devolved administrations, to consider the broader position in respect of environmental assessment, recognising the importance of respecting devolution settlements. This includes discussion on whether and to what extent the Scottish Government may wish to adopt this framework of powers through the Bill. Providing concurrent powers would allow Scottish Government Ministers to, for example, make provision regarding environmental outcomes in Scotland in respect of matters within their devolved competence and would help the UK maintain a coherent approach to environmental assessment across the four home nations.

The UK Government is committed to working with the Scottish Government in the spirit of the Memorandum of Understanding agreed with the devolved administrations. Once the Bill has

received Royal Assent, we will continue to work with the Scottish Government on regulations that may have impacts on Scotland.

Thank you for writing to me on this important matter. I have copied this letter to the Secretary of State for Scotland.

Yours sincerely,

RT HON LUCY FRAZER KC MP
Minister of State for Housing and Planning