



The Scottish Parliament
Pàrlamaid na h-Alba

Rt Hon Simon Clarke MP
Secretary of State for
Levelling Up, Housing and
Communities
UK Government

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

Email: netzero.committee@parliament.scot

Via email only

11 October 2022

Dear Simon,

UK Levelling-up and Regeneration Bill

I am writing on behalf of the Net Zero, Energy and Transport Committee of the Scottish Parliament in relation to the UK Government's Levelling-up and Regeneration Bill.

The Committee has been designated as lead committee for consideration of the [Legislative Consent Memorandum \(LCM\)](#) lodged by the Scottish Government on the Bill. Our scrutiny will focus primarily on aspects of the Bill which engage with devolved competence in areas of environmental law, namely through the provisions outlined in part 5 of the Bill which seeks to establish a new regime of 'Environmental Outcome Reports' (EORs) across the UK.

At our meeting on 4 October 2022, the Committee took evidence on the LCM from a panel of stakeholders. Following this we are seeking further clarity on a number of points in relation to the Bill—

1. The Committee has heard from stakeholders about a potential problem with clause 121 of the Bill (requirements to consult devolved administrations) with regards to the Sewel Convention which sets out that the UK Parliament will “not normally” legislate on a matter within the devolved competence of the Scottish Parliament without legislative consent. Is the UK Government considering amendments to this clause to require consent when the Secretary of State makes

EOR regulations which contain provisions within the devolved competence of the Scottish Ministers?

2. How will the UK Government seek to meaningfully engage the devolved administrations when developing further proposals on EOR regulations?
3. How does the UK Government envisage the outcomes regime operating within the landscape of the devolved settlement?
4. Does the Bill as drafted affect responsibility for planning decisions on cross-border projects? For example, decision-making on compensation and mitigation for offshore wind or developments on river catchments that straddle England and Scotland.

Please note the Committee hopes to report our findings on the LCM to the Scottish Parliament by the end of November. As such, it would be helpful if a response to the points raised above could be provided by 4 November.

Thank you and I look forward to hearing from you.

Yours sincerely,

A handwritten signature in blue ink that reads "Edward Mountain". The signature is written in a cursive style.

Edward Mountain MSP
Convener, Net Zero, Energy and Transport Committee

This letter is copied to the Rt Hon Alister Jack MP, Secretary of State for Scotland and Ariane Burgess MSP, Convener of the Local Government, Housing and Planning Committee.