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Making Britain Build Again

WHY PLANNING STOPPED WORKING AND HOW TO FIX IT

Michael Dnes

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Summary

Britain seems unable to build. Of 40 hospitals promised in 2020, 33 remain stuck on the drawing board.[1] The last new reservoir was filling up when the Soviet Union collapsed. Its high-speed railway, designed to connect London to Manchester and Leeds in 80 minutes, will now run out of track after 45. It has proven so difficult to raise a wind turbine on land that electricity companies prefer to erect them in 50-metre-deep seas. In the 1960s, Harold Wilson's government boasted of a 'thousand mile' roadbuilding programme; the next Road Investment Strategy will spend more money in real terms, but the mileage of new road will likely be under fifty.

This is a twofold failure. Many critics point to other countries where building is quicker, cheaper and more imaginative. But the more significant comparison is with Britain's own past. This is the nation that built the first railways; which first tunnelled beneath a river and dug the underground; which raised the first civil nuclear power plant and summoned the first National Grid in four years; and where McAlpine's Fusiliers could extend the M1 by a mile every four days. The UK was not merely capable of building infrastructure, but was skilled at it – so skilled that some of the UK's world-leading advantages today, such as its logistics sector and its global aviation network, depend upon legacies built for us by our grandparents.

How did this situation emerge? How did Britain unlearn the art of building? Why is it that a government elected today will struggle to build anything in the life of one parliament, when the same constraint would have been unthinkable to its Edwardian forebears? And, with a government now in power with an unquestionable mandate to fix this, what can be done to make Britain build again?

[1] *New Hospital Programme: plan for implementation - GOV.UK*

Why building has slowed

The slow delivery of infrastructure is a result of specific procedural requirements, rather than general inefficiency. These requirements seldom relate to the specific business of designing the infrastructure itself, but managing and minimising its impacts and reducing the risk of legal challenge. This process has extended development times so much that it is impossible to start construction on many classes of infrastructure within the five-year period of a democratic mandate.

This was not the case when the current planning system began operation – the 1950s and 1960s saw rapid delivery of infrastructure. Delivery began to slow from the 1970s onwards, as scheme promoters were asked to consider more subject areas, handle more technical information and give more space to public debate. Reforms in the 2000s addressed some of the resulting problems, but ultimately led to a major escalation in the workload of developers. In recent years, much of the growth in preparation work has been driven by old requirements being met through increasingly complex practice.

This process has been a slow accumulation, rather than a single unwise decision. This is because most of the incremental increases in the planning system have responded to reasonable concerns about the impact of development. It is only when brought together that it becomes clear that individually reasonable tasks add up to an unreasonable total. This makes reform extremely difficult – there is little natural support for intentionally ceasing to care about any of the individual topics considered in the development process, and a constant pressure to add more tests to the system.

Setting a new pace

The existing system has failed because it has been asked to consider too many issues without accounting for the impact on the overall timescale. This can be resolved by recentring the planning system with time, rather than process, at its heart.

The key step to achieving this is to establish an expected timeframe for development for projects, recognised in law. This sets a time period in which a project leaders can be reasonably expected to have made a good assessment of all the issues surrounding a particular planning application – with lesser issues handled briskly and more important ones examined in detail. Speed once again becomes the driver of progress.

Because project timescales have grown unchecked as a result of custom and practice, not direct legal requirements, a defined timescale automatically enables most of the workload to be handled far faster, without the need for detailed guidance or legislation.

This means the workload of projects will no longer be limitless, but match the time available. No project would ‘time in’ and scheme promoters would still need to manage impacts carefully. But project teams will be able to use their judgment and prioritise the issues that matter most.

To do this:

- **Create powers for ministers to specify an expected timescale for major infrastructure projects,** both generally and for specific cases. This would not be binding, but would provide a legally robust justification for proceeding at the specified pace.
- **Create structures for handling the impacts of development outside of an individual planning application** where possible – in the manner of the government's Nature Restoration Fund
- **Break up the big fixed tasks of the planning process and enable project teams to determine their own pathway,** so they can spend most time on the most significant issues
- **Give decision-makers a clear legal right to decide planning applications based on the best available evidence**
- **Establish a specialist infrastructure tribunal** to hear legal challenges on a faster timescale with more expert knowledge, and in a way that favours affected citizens rather than organised campaigns.

This would enable the simplest projects to proceed in as little as one year, rather than five or more; and the paper suggests specific places where this can be achieved.



Partial list of questions required for every offshore wind project
source: adapted from NPS-EN3

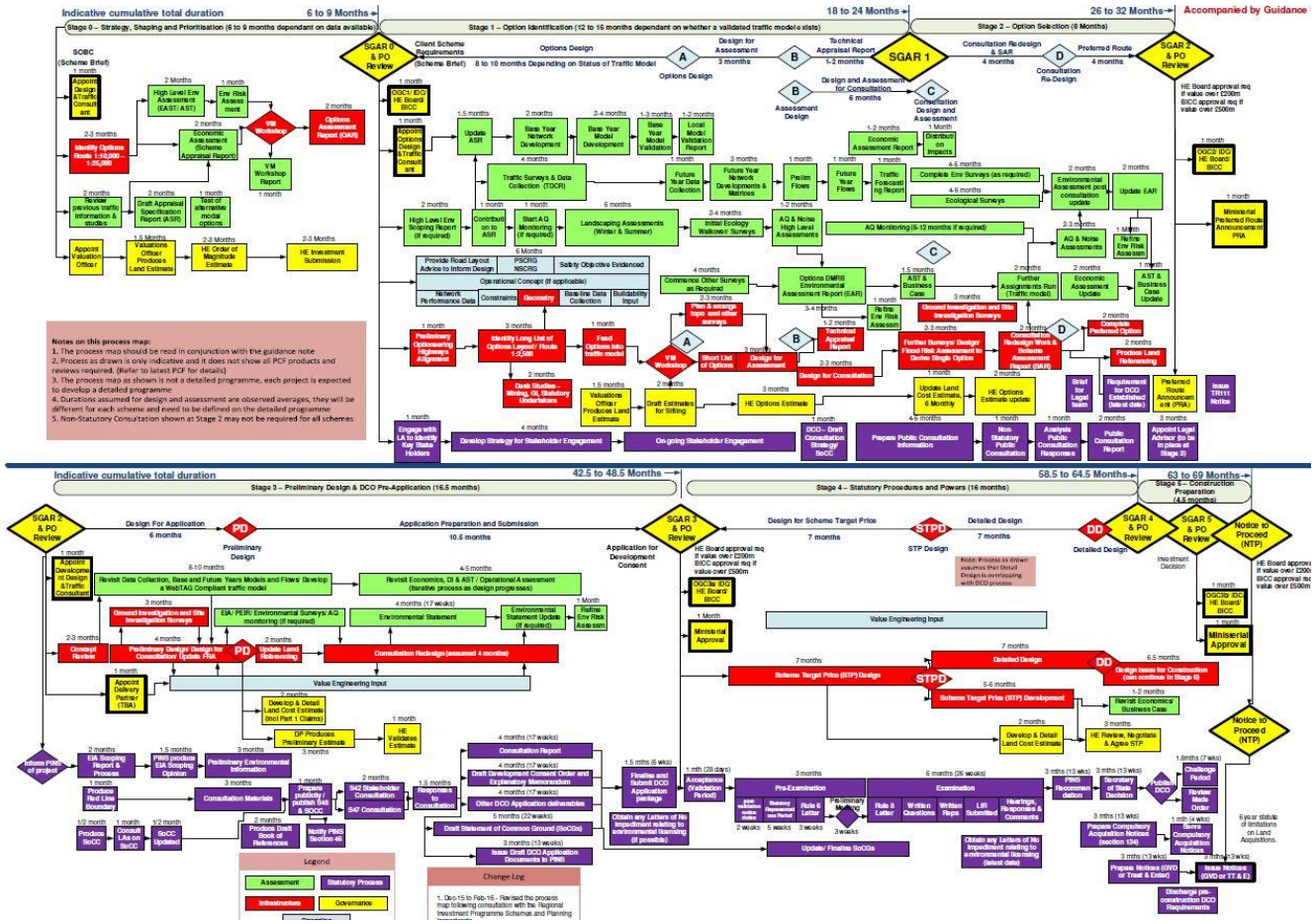
01 Why we do not build

If we ask why Britain does not build, the instinct is assume that the problems lie where earth is moved or cement is poured. Intuitively, we imagine that construction is the hard part of getting things built. However, this is not the case.

Some projects do build poorly; but these are balanced by many successes both in the UK and around the world. When British visitors marvel at the speed and ambition of infrastructure in Asia or the Middle East, they are frequently admiring the handiwork of their own compatriots. Even in the UK, the business of construction tends to be well-run, and can exceed expectations with adequate preparation. For example, the replacement of the A1 near Huntingdon in the mid-2010s was delivered in 18 months rather than the typical 3 years thanks to a multi-contractor alliancing model. The speed of construction is more often a choice than fate: other than in a few complex cases, projects can be accelerated simply by bringing in more staff and more construction equipment.

The greater challenge is the work ahead of construction. This 2016 chart from Highways England (now National Highways) shows the development process:

The road building process in 2016



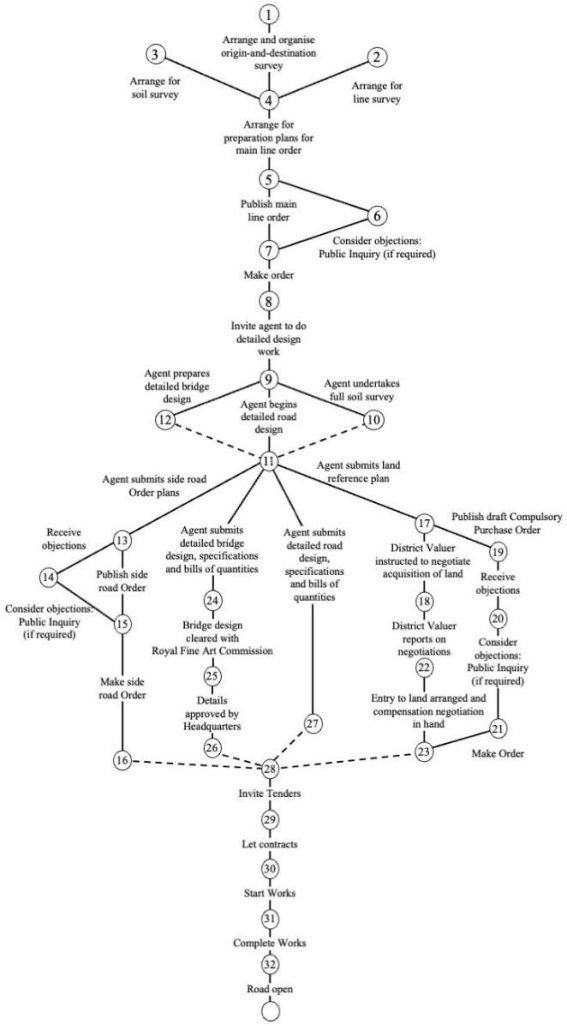
Highways England 2016

The reason why promises from government can take so long to appear in the real world is because they are passing through the kinds of process laid out above. This chart comprises 186 tasks, many of which are composed of smaller sub-tasks, and all of which need to be completed successfully for construction to begin. For a project proceeding well, this takes around 6 years from start to finish, but it is not uncommon for projects with marginal business cases or serious opposition to spend 10 years or more before the first spade goes into the ground, or the promoters lose heart and cancel the project.

This can be contrasted with the process seen for highways at the height of the motorway building boom. In 1964 the Ministry of Transport published a similar process chart. At this point, proposals for new motorways took around half as long as a modern road project to get to the point where construction could begin, despite stretching as far as London to Yorkshire.

The individual tasks in this process were arguably discharged with less efficiency than their modern-day equivalents; but the key difference is the that there were far fewer tasks to complete – only 32 items, of which the last was 'road open'. Nearly all of the work carried out in the first three years of a modern road project did not exist in 1964. Nor should it be assumed that this came at the cost of good design - the route of the M1 was shifted to avoid environmentally sensitive areas; and the chart even includes a step for having bridge designs approved by the Royal Fine Arts Commission.

The Road Building Process in 1964



Roads in England and Wales 1964

Further back in time, the process was simpler still. From 1908 to the 1930s, the closest thing to a motorway in the UK was the Brooklands racetrack in Surrey. Wider than a six-lane motorway, banked with ten-metre high concrete corners and globally unique at its completion, construction took nine months and required no planning permission at all. This at a stroke made the UK the world's premier location for high-speed vehicle testing, and became a visitor attraction for more than 250,000 spectators a year. Shortly after opening, the owners built the UK's second aerodrome in the middle of the track with a similar absence of oversight.

The Bat Tunnel – 2025 vs 1891

The clearest demonstration of the change in the ability to build in the UK may be the infamous £100m bat tunnel required as part of the design of HS2. By coincidence, this particular stretch of HS2 track reuses an alignment originally commissioned as part of the Great Central Railway's London Extension – the last effort to create a new mainline between London and the Midlands.

In the late 1880s the Great Central planned to extend its railway from Nottinghamshire south to London. The railway sought the legal powers to build from 1891-3, began construction in 1894, and was open to freight traffic by July 1898. No bat tunnel was required, but the project did need to re-lay a cricket pitch at Lords after digging it up to build a cut-and-cover tunnel underneath.

Had HS2 delivered at the same pace from its inception in 2009, it would have secured legal powers by 2013, opened to traffic in 2018, and reached 30 miles further north.

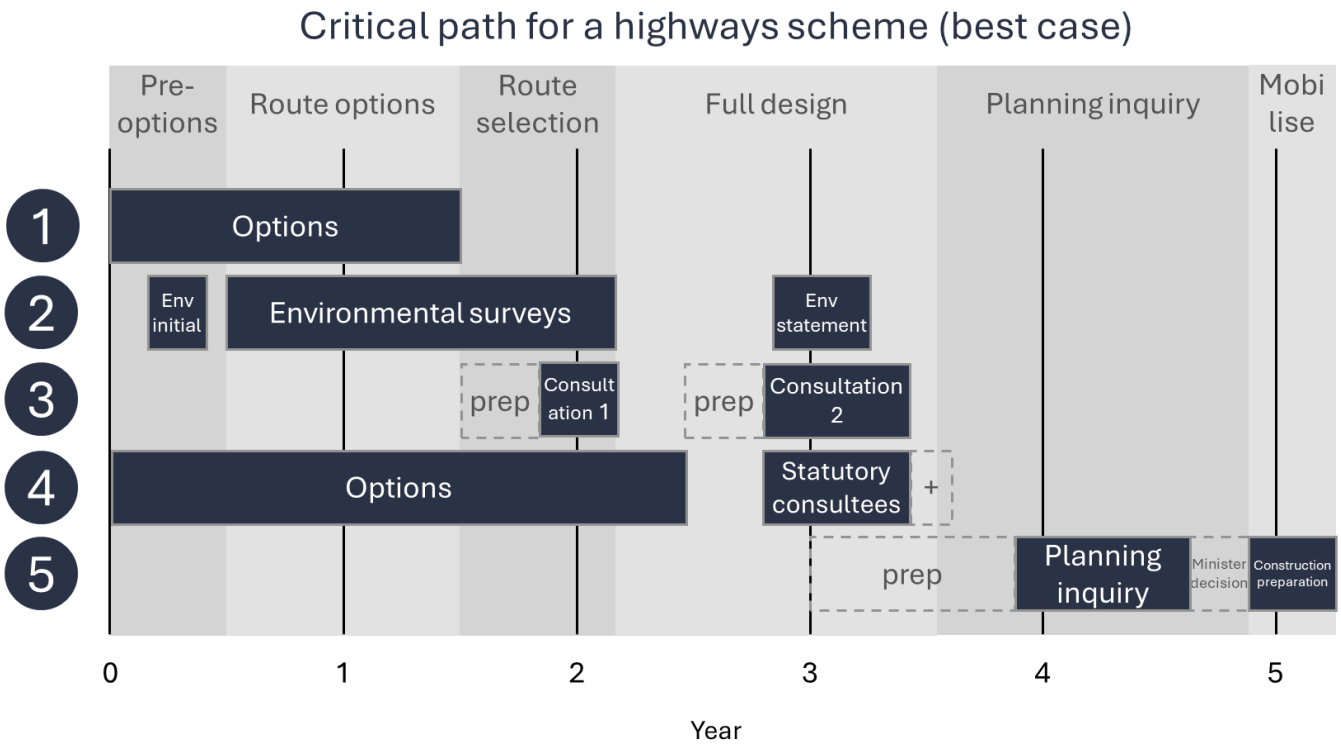
A 3D render of the Bat Tunnel



What drives the timescale

The process for designing a large-scale infrastructure project reflects a range of underlying legal obligations. The basic outlines are set out in the Planning Act 2008, but a suite of documents known as National Policy Statements develop this into a full list of tasks. Government issues the National Policy Statements to specify all the questions that must be resolved before a planning inspector can grant permission to begin building.

Strangely, the thing that defines the amount of preparation required to build a large infrastructure project is not the actual design. For our example highway project, the process of preliminary design takes around six months, and occurs in parallel with longer processes determining the case for investment and preparing materials for the planning inquiry. This is refined alongside the planning inquiry, over a further 14 months. This means that faster design does little to speed up project delivery. Instead, the main drivers of the timetable are break down into key areas:



1. A requirement to consider options ahead of any developments with an environmental impact.[2] This means that every infrastructure project above a certain level of impact must consider multiple different locations or approaches to delivery. Rather than developing one project and moving straight to detailed design, the development team must examine several at an outline level and select the correct one. In our example, this takes at least two years.

2. A requirement to carry out a full environmental appraisal, and to work these impacts through with key environmental bodies.[3] To deliver a sufficient environmental assessment, it is necessary to gather a wide range of environmental data, including about the species living on affected sites. Habitats surveys must be carried out over a full calendar year to take account of annual biological cycles, meaning this process requires a minimum of one year of data-gathering, plus a subsequent detailed assessment of 5-6 months after the design process is complete. This takes longer when there is no obvious least-worst option, and mitigation must be examined in greater detail.

3. A requirement to consult publicly on developing proposals, so that key decisions can be influenced by interested stakeholders and local residents.[4] A highways scheme of the type listed above would currently have at least two consultations – one ahead of the selection of the scheme's preferred route and one on the full design as part of the planning inquiry process. However, there is now an informal principle that a project will reconsult over any significant design change: the Lower Thames Crossing has had eight public consultations.[5] In the case of Sizewell C, public consultation has run for seven and a half years.[6] Government's planning reforms would replace some statutory requirements with more general guidance on how to carry out appropriate pre-application engagement.

4. A requirement to consult with a range of 'statutory consultees' – identified agents of government who determine whether a proposal has met with key tests set out in the National Policy Statement.[7] The process of agreement is an open-ended negotiation: ideally this occurs in parallel with design work, but frequently it runs into conflict. Where it does, this generates significant extra negotiations with the relevant statutory consultee, as disagreements are likely to create significant risks at the planning inquiry unless resolved. This process will be streamlined as part of the provisions in the Planning and Infrastructure Bill.

5. The planning inquiry itself. This has been required since the 1947 Town and Country Planning Act, and following the Planning Act 2008 has been capped at six months for the main examination, with a further three months for the inspector to write the report.[8] All work to design and shape the project must be completed ahead of this. While the planning inquiry proceeds, the project team frequently makes an early start on procuring and mobilising.

6. Parallel regulatory approval. Some infrastructure projects require specialist approval on technical grounds. While not relevant in our highway example, for energy projects this includes connections to the grid, and nuclear site licenses. For airports, it involves agreement from the Civil Aviation Authority over airspace. For railways, it includes authorisation from the Office of Rail and Road as safety regulator. More broadly, generic statutory approvals may be required, such as licenses for handling protected species, environmental permits and more.

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[2] This was originally required by the European Environmental Impact Assessment Directive 85/337/EEC, and has been adopted into British law post-Brexit under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

[3] Also required under the Environmental Impact Assessment arrangements.

[4] This was originally derived from the Espoo Convention, but has been incorporated into UK law under the Planning Act 2008 and accentuated further by UK case law. Some delivery routes, such as a hybrid bill, do not have this requirement.

[5] Lords Hansard 2024 volume 837

[6] National Infrastructure Commission, Delivering net zero, climate resilience and growth, 2023

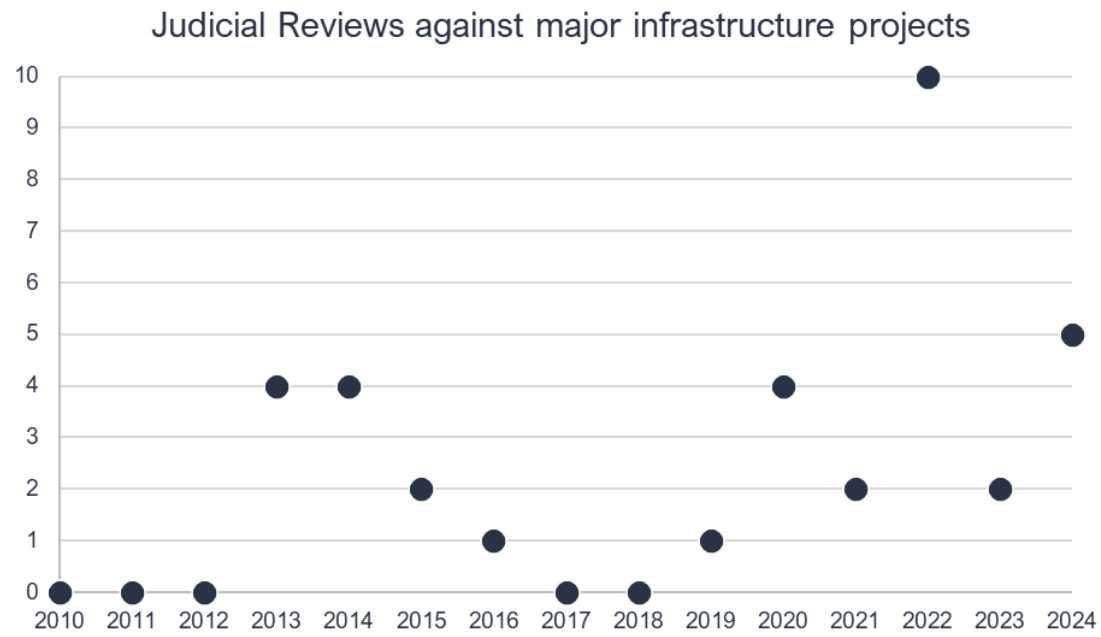
[7] Planning Act 2008 s42

[8] Planning Act 2008 s98

One further factor is external to this formal list of tasks, but increasingly influences how the list is approached: the rise of judicial review. In a judicial review, challengers take government to court, usually on the basis of a failure to complete due process or for failing to act in a 'rational' matter. In principle, the courts give government much freedom on both points and have been careful not to undermine its power of discretion. In practice, the each of the obligations above creates potential grounds for challenge, which courts are reluctant to dismiss out of hand. A legal challenge can take a year or more to resolve, and if successful can force the project to return to a previous stage of decision-making and start again – a process that frequently requires another cycle of surveying, design, consultation and decision-making, taking 2-3 years.

Increasingly, judicial review is also brought to challenge projects that are approaching construction, requesting an injunction to hold off on any irreversible activity until the case has concluded. In these cases, this leads to an absolute delay of 6-12 months.

Since 2020, the proportion of major infrastructure planning decisions formally challenged through judicial review has risen from 10% to 58%.[9]



Source: Independent review into legal challenges against Nationally Significant Infrastructure Projects (The Banner Review)

This has a chilling effect on project teams. A successful challenge completely undoes a project plan, and has a serious reputational impact on the people concerned. It therefore becomes a higher priority than almost any other question – including timeliness or cost. To reduce this risk, project teams invest in larger and more

[9] *National Infrastructure Commission, Delivering net zero, climate resilience and growth, 2023*

extensive assessments, so that it can be demonstrated that every relevant matter has been considered fully. Even projects which do not expect to be subject to judicial review often proceed on the basis that one might occur, and treat attempts to streamline or improve the process as a source of risk rather than efficiency.[10]

Finally, alongside these challenges is a constant need to retain political support. Final approval to proceed with public projects rests with ministers; and given the length of timescales it is almost certain that the minister in charge will have changed, and often that the Prime Minister and even the governing party will have been replaced during the project's gestation. A change in political priorities has brought many projects to a decisive end.

However, should all these tasks be successfully completed and risks avoided, over a period of 5-15 years, the team will then be permitted to begin the work of construction.



[10] Having been judicially reviewed for expanding a consultation and option-generation process, and promising not to destroy a local nature site, the author can attest to this.

What will current legislation change?

Government has made planning reform one of its key goals in its first year in Parliament. The Planning and Infrastructure Bill was introduced in March 2025, and at the time of writing has completed its Commons Committee stage.

Key reforms within the Bill include:

- Removing the statutory requirement in the Planning Act 2008 for large infrastructure projects to consult before making a planning applications, and replacing this with a more flexible process defined by government guidance.
- Reducing the number of government bodies (statutory consultees) with the power to veto development that must be consulted before a project can seek development consent.
- Handling more environmental mitigation through a centralised process run by Natural England, under which developers may be able to pay a Nature Restoration Levy to deliver a government-sanctioned Environmental Delivery Plan instead of carrying out mitigation on site.
- Limiting the opportunities for judicial review of decisions to a single window, rather than the current three opportunities.

These measures are solid incremental improvements to the existing system, particularly by adopting a more pragmatic approach to discussions with outside bodies. Some assessments have suggested that the removal of pre-application consultation in particular could speed development by as much as 6-18 months.[11] The centralisation of environmental mitigation should enable much more effective environmental improvements whilst speeding delivery – a win-win outcome.

However this is still very much a reform within the established system, rather than an attempt to challenge the fundamentals of the planning process. The most promising reforms pass responsibility from scheme promoters to central government specialists, making development simpler. But other reforms see requirements set out in law replaced by guidance and administrative arrangements – which as chapter 2 demonstrates can lead to replacement systems that are equally onerous.

The reforms currently in Parliament might be seen as a test – can incremental reform to the existing system deliver sufficiently fast results? These measures should certainly reduce preparation time, and may mean that this government can see the fruits of its own creativity before election day. If so, this will prove to be the quickest and least disruptive way to build again. But if incremental reform fails, the implication is that more fundamental changes are required.

Jack Airey, from Stonehaven partner Public First has suggested eight quick wins that can amplify the power of the current bill.

[11] *Major infrastructure projects planning process to be further streamlined (2025)*

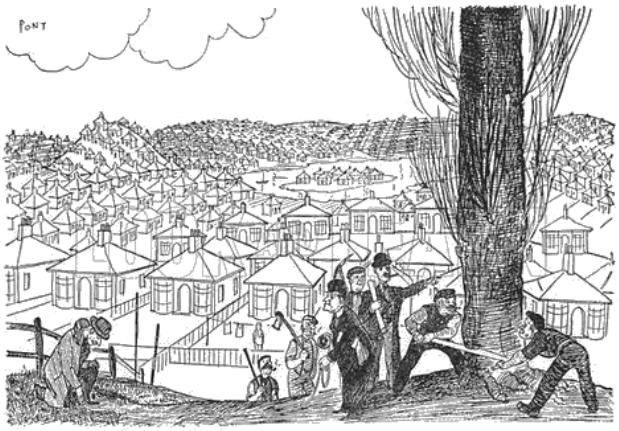


02 How we got here

How did the construction of new infrastructure become so difficult? Paradoxically, because it became too easy.

During the 1930s and 1940s, construction had become spectacularly rapid. To give one example amongst many, between 1939 and 1945 the Air Ministry built 444 new airfields – in 1942 one every three days – with a combined total of 9,000 miles of runway and a million supporting buildings.[12] Every London airport (other than City) built its runways under this programme – in the case of Heathrow all six.[13]

Building on this scale generated a reaction. An appreciation for nature had been part of British intellectual culture since the Romantic movement; had become a growing practical concern with the growth of outdoor activities in the nineteenth century; and started to become institutionalised with the formation of organisations like the National Trust. A reaction against urban growth had been pioneered by thinkers like Ebenezer Howard, and became increasingly strong with the sudden urban sprawl of the 1930s.



THE BRITISH CHARACTER.
DETERMINATION NOT TO PRESERVE THE RURAL AMENITIES.

Image source: Pont, The British Character, 1938

In 1947 the Town and Country Planning Act created a new regime of development control, including the creation of the Green Belt; while the National Parks Act 1949 further established the idea of land designated because of its environmental value. Now seen by some as the start of Britain's planning problems, it was originally intended as a system to constrain private development but leave government substantial flexibility to plan and build on a wartime scale – most notably the first wave of New Towns.

From building to questioning

During the postwar era, governments made full use of those opportunities. The motorway network, a mass programme of slum-clearance, a record-breaking period of public housebuilding, the development of the Supergrid, gigawatt-scale coal power plants and a world-dominating civil nuclear programme all came about notwithstanding new controls on development, as a result of highly active leadership by Labour and Conservative governments. Coupled with continued advances in civil engineering, it is no wonder that the immediate postwar period is remembered as an age of concrete and steel.

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[12] *English Heritage, Nine Thousand Miles of Concrete, 2016*

[13] *Subsequently two of the runways were lengthened for jet traffic, rendering the other four unusable between 1970 and 2002.*

Peak Delivery – the Supergrid

In 1950, engineers at the newly created British Electricity Authority were preparing for a postwar surge in electrical demand, and saw an opportunity. Electricity is cheaper and easier to move than coal. Hence, the electricity system as a whole would work better if, rather than transporting fuel to near consumers, large new power plants could be built next to coalfields and other fuel sources and the power sent by wire. The only challenge was that this task was well above the capacity of the existing electricity grid; so to fix this, in 1950 the engineers of the BEA agreed to create the 'Supergrid'.



The grid was super in more ways than one. The existing grid ran at 132kV; this would run at 275kV (later 400kV) – the limits of what insulator technology would allow at the time. It would also be superimposed over the existing network, with the first phase amounting to 1,150 miles of new transmission wires providing an entire second national grid. It was also physically tall – a line of 130 foot towers striding over the landscape.

The first 41-mile test line was ready by July 1953, built in under a year. Plans for a national network were laid out later that year; and the base plates for the 125-mile link from 'Megawatt valley' in the East Midlands to London were laid by September 1954, complete with 22 substations.[14] 465 miles had been erected by March 1956. Timing proved fortuitous, as the new capacity was available to underwrite London's transition from coal to electrical power following the Great Smog of 1953. It also unlocked a new generation of large-scale ultra-efficient power stations, including High Marnham – the first power plant in Europe able to provide a gigawatt of power.

This process all took place within the framework of the Town and Country Planning Act 1947, and there were public concerns around the visual impact of a new network of pylons. But, unlike developments today, most of the work of agreeing a suitable route was done through informal discussion. Routes were informally refined with local councils before plans were finalised, treating local government as the designated representatives of the wider community. In the first three years 97.5% of the necessary land rights were secured by voluntary agreement with the landowner. [15]

[14] *Northampton Mercury, 1954*

[15] *Hansard 31 July 1956 column 507*

This scale of building was even more disruptive than that of the 1930s. There had always been debates and discussions about the impacts of construction,[16] but these took on a greater intensity during the 1960s. This not only shifted public consciousness, but also public policy: by the early 1960s British policymakers were consciously introducing the word 'environment' into the public debate,[17] and in 1970 the Heath government created the Department of the Environment – a world first.[18] The growing opposition to rebuilding cities, and in particular to the demolition of historic urban buildings and the construction of urban motorways, led to a major shift in the politics of infrastructure in the early 1970s.[19]

As part of this shift in attitudes, two significant changes were made to the 1947 planning system:

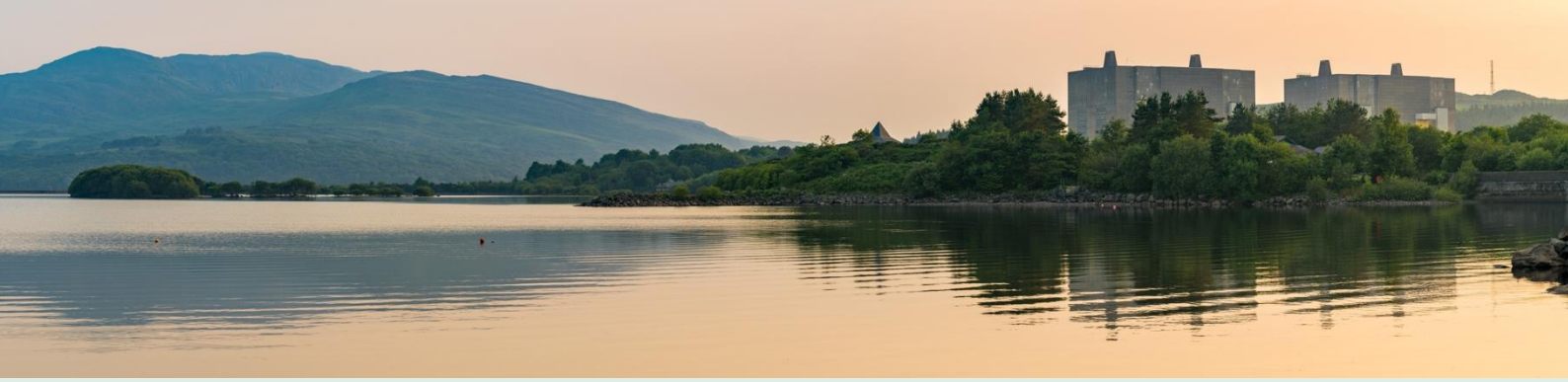
- Greater public consultation was introduced. A new iteration of the Town and Country Planning Act in 1968 required consultation to take place as part of the development process. What this meant was filled out through the 1969 Skeffington Committee, proposing greater public involvement and education as a way of lessening tension around the scale and impact of new building. This set within the planning process the idea that greater discussion would provide an outlet for concern, adjust plans in response to local concerns, and allow the authorities to proceed with clearer public backing.
- Explicit environmental controls were introduced as part of the planning system. This began with listed buildings in 1947, protections for rare birds in 1954, conservation areas in 1967 and wild creatures and plants in 1975. Most arrangements for the natural environment were codified under the Wildlife and Countryside Act 1981, which also began the process of incorporating relevant European law. After the Environmental Protection Act 1990, statutory bodies began forming to police these responsibilities and engage with the planning process.

This led to a dramatic shift in how the planning system worked in the 1970s. Prior to this point, difficulties in planning were mostly handled informally within Whitehall and with county authorities. Planning inquiries into the redevelopment of Covent Garden in 1971 and the building of London's Ringway urban motorways in 1972 led to very public defeats for the authorities, demonstrating that development could be stopped by committed opposition. In the decade that followed, lengthy planning inquiries became more common and frequently contested. The need to defend plans under cross-examination meant that plans were scrutinised more carefully before issue and less likely to change once exposed to the public.

The escalation of procedural requirements did not happen in isolation. Public finances were worsening and inflation posed a particular challenge to large infrastructure projects delivered over several years. Delays and cancellations necessarily became more commonplace during the 1970s. Regulatory regimes also tightened during the 1980s and 1990s, both for environmental reasons and in response to the practical requirements of privatisation. The growth of environmental sciences increased the sophistication and depth of understanding about the substantial environmental consequences of development. All of these factors made building major infrastructure more complex.

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[16] For example Hansard 221 columns 419
[17] Traffic in Towns, HMSO (1963)
[18] Hennessy, P, Whitehall (1989)
[19] Dnes, M, The Rise and Fall of London's Ringways (2019)



Public inquiries – before and after

The change to planning inquiries begun in the 1960s can be shown by comparing the examination of two nuclear power plants – Transwfynydd in 1958 and Sizewell B in 1983.

Trawsfynydd was one of the early Magnox reactors, and the most controversial of the initial programme as it was located in Snowdonia National Park. It therefore had the most complex planning inquiry of the series, lasting a full three days. There was a split decision between the two planning inspectors, motivated by one inspector's concerns that the size of the plant would have an unacceptable impact on the National Park, which led to further investigations. The inquiry report was therefore 50 pages, rather than the more customary 8-10 associated with a Magnox nuclear power station.[20]

Trawsfynydd was one of nine nuclear power stations opened between 1956 and 1966, meaning by 1970 the UK had generated 65% of all the civilian atomic energy in the world.[21]

By contrast, the Sizewell B inquiry began in January 1983, and lasted until March 1985, hearing 340 days of evidence. The inquiry had a chair, four expert leads and a secretariat in support, and it was alleged that the notes of the inquiry stacked on top of each other would be higher than Nelson's Column. The report of the inquiry would then wait another two years before being published in 1987. With strong local opposition, significant and detailed objections were raised around the local impacts; but much of the Inquiry was spent debating the fundamental principles and safety of nuclear power.

Margaret Thatcher's government in 1979 had set out plans for a fleet of nuclear power stations, built at a rate of one a year. Sizewell B was the only fruit of this programme, and began generating power in 1995.

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[20] To respond to the environmental challenge, the power station itself was designed by noted architect Basil Spence and landscaping was carried out by landscape architect Dame Sylvia Crowe. While the power station is in the process of being demolished, the landscaping is now a Grade II registered historic park and garden.*

[21] Hill, C N, An Atomic Empire (2013)



A further complication came in 1979, when the EEC began issuing European law on environmental protections.[22] This process was outlined in much more specific detail than previous UK law, making the process of environmental assessment and mitigation more complicated – a trend that intensified as relevant case law was established. But, more importantly, it also created a right to appeal development decisions within Britain to the European courts on environmental grounds. Inadvertently, this broke one of the crucial features of the 1947 planning regime: under the original system ministers had the power to bypass or override the rules and mandate action, but now those decisions could be challenged in a European court. A minister ordering action no longer had the last word, but instead was risking being publicly humbled and forced to climb down.

Abortive reform

By the 2000s, there was a consensus that some types of development were too hard to deliver: the planning inquiries for Sizewell B, Hinkley Point C (1987-90) and Heathrow Terminal 5 (1995-99) were seen as delaying crucial infrastructure. Central to this was the fact that the fundamental science or rationale for the development could be scrutinised from first principles during the planning inquiry – a process that could take years.

The Labour governments of 1997-2010, seeking to deliver a third runway at Heathrow and a new generation of nuclear power stations, concluded that it would be quicker to reform planning law than to sit through the inquiries. The Planning Act 2008 was the most substantial overhaul of the planning system for major projects since 1947, and brought in three key changes for nationally significant infrastructure projects:

- Establishing a 'statement of need', setting out the reasons why the government wished to proceed with particular categories of infrastructure development. Planning inspectors had to take this as axiomatic, to prevent planning inquiries getting stuck on the fundamental question of whether a particular type of project should ever be built.
- Limiting the time period of planning inquiries to a maximum of 6 months of examination, plus 3 months for the final report.
- Establishing what information had to be provided prior to the planning inquiry in a National Policy Statement, to ensure that the inquiry could reach a decision effectively.

Initially, this was seen as being a significant improvement to the process, and did eliminate the never-ending public inquiries of the 80s and 90s. However, the decision to set out a specific list of tasks to be completed for each project turned out to have far-reaching consequences. In practice, a National Policy Statement is an extensive to-do list, covering everything from effects on protected wildlife sites to the likelihood of insect infestation. Twenty-seven different specialist government bodies or types of organisation may need to offer

[22] *Directive 79/409/EC*

their views and recommend changes before the planning inquiry can begin – which has been the source of some of the most expensive mitigation measures required on projects.

The amount of work involved in answering these questions ballooned rapidly. Road projects in the early 2010s typically had examiners' reports of 50-100 pages, and the largest road project of the decade took 272 pages to assess. Today, 300+ page reports are frequent, and in 2021 the report for the M25 Junction 28 upgrade (a new slip road) required 221 pages of analysis to reach a recommendation. The Lower Thames Crossing spent more than a quarter of a billion pounds on development work, and took 13 years to secure development consent.

This escalation has been driven at least in part by the growing capabilities of environmental science, where wider and deeper knowledge has *de facto* expanded the coverage and implications of pre-existing controls. Whereas environmental protection at the time of the 1954 Protection of Birds Act meant protecting a modest number of nesting sites, the successor provisions now aim to protect whole ecosystems, at a much wider range of known locations, for nearly 1,000 protected species.

Data and decisions – bat mitigation on HS2

Recently, the £100m 'bat tunnel' for HS2, protecting a small colony of Bechstein's bats from the risk of being hit by a passing train, has become emblematic of the irrational way in which the planning system now operates.[23]

Originally, Bechstein's bats were thought to be limited to six sites in the UK, and under extreme threat – meaning that strict environmental controls were placed on their habitats. There was no known population of Bechstein's bats within 50 miles of HS2. However, from 2006 to 2011 a major new survey tried to find new colonies across the south of England, using newly developed acoustic lures.[24] This survey was highly successful, and we now know of at least 70 colonies, including one next to the route of HS2.

The standard of protection for these bats was still set on the assumption that they were exceedingly rare, and implemented controls to ensure maximum protection. Planning rules meant Natural England could only give permission to proceed with construction if they were certain either that harm to the Bechstein's bat population had been prevented, or it had been mitigated to the maximum extent possible. This in turn required the HS2 team to consider multiple options for bat mitigation, before selecting the now-famous 'bat tunnel'. This satisfied Natural England's requirements, and allowed the project to proceed.

However, this may only be the tip of the iceberg. The fact that Bechstein's bats are now known to spread so wide means that the same bat standards that affected HS2 now apply to potentially 11,000 km^2 of England – slightly less than one tenth of the nation.[25]

The availability of environmental data has acted as a silent driver of planning escalation. Standards put in place for one species end up covering many; and species that were thought to be scarce continue to be

[23] *Times 25.1.25; Dnes, 2024*
[24] *Bat Conservation Trust, Bechstein's Bat Survey, 2011*
[25] *Natural England. 2023. Definition of Favourable Conservation Status for Bechstein's bat. RP2970. Natural England*

protected at the same level when they are found in more locations. This may represent effective environmental policy; but it means that the costs of protection have increased substantially without democratic consideration – and are now much greater than their original authors would have expected.

The process established by the Planning Act 2008 is notable both for its scale and its slowness, and reflects a particular concern about the risk of legal challenge. The use of judicial review to frustrate infrastructure projects escalated from the 2000s onwards, particularly around Heathrow's third runway and HS2. This created a situation where a failing on any part of the extensive requirements in a National Policy Statement could lead to a successful legal challenge, setting progress back by years. This created an incentive for project managers to risk-proof their projects, investing in extremely extensive treatments of every environmental requirement, and providing high-cost mitigation to guard against potential sources of challenge. This was successful in limiting the number of successful challenges, but had a chilling effect across development as a whole.

The system no one built

The overall result of this has been a transformation of the planning system. In 1947 a system of control was put in place to stop building sprawl, and to contain the tremendous power of modern building techniques. The question of how to use this power wisely has never been resolved. But, as the decades passed, there was a greater and greater expectation that planning was the mechanism through which to resolve the impacts of developments upon their surroundings. The list of demands grew over time, from questions that could be resolved in days to arguments that could not be resolved in decades. Reform dealt with the most visible expression of this uncertainty, but did nothing to tackle it at root – meaning that nothing moved faster as a result.

As a result, the coverage of the planning system is now vast – far beyond the sensible comprehension of any single human being. The range of issues makes it even harder for further reform to cut down on process or accelerate delivery. It is debatable whether there is any comparable example in human history of so many questions needing to be answered by a single team of people – the work in a typical infrastructure project requires expert consideration of far more variables than building a rocket to the moon. We have already seen one attempt at reform – the Planning Act 2008 – attempt to simplify one part of the system only to see many of the same questions reappear elsewhere.

While the government has set out to reform planning, it is seeking to tame one of the most complicated legal frameworks ever built, and one which is naturally primed to increase and complexify further. It is therefore essential that reform finds a better way to meet the reasons we turn to planning control – or else failure is more likely than success.



03 The reasonable and the unreasonable

Recent debates around the ability to build in Britain have focused on the impacts of the development controls first set out in the Town and Country Planning Act 1947. In UK Foundations, Southwood, Bowman and Hughes argue that the Act set out an over-prescriptive regime that hobbled the development of housing and infrastructure.[26] By contrast, Edgerton argues that the period after the Act was passed was a golden age of infrastructure delivery.[27] Both of these perspectives are justified, but only by looking at the system at different points in time. The early system was indeed effective at delivering infrastructure, but from the 1970s onwards that capacity collapsed, and today a lack of infrastructure investment is globally recognised as a key weakness of the UK economy.[28] The fault lay not in the fundamental idea of development control, but by the system breaking under the weight of the increasing number of demands made upon it by each passing generation.

Those demands are also – crucially – reasonable ones. There are very few elements of the planning regime which appear to be ridiculous when considered in isolation. Few people actively wish to harm scarce species, worsen flood risk or release pollutants into the breathable air. New factors, such as climate resilience, seem to be sensible additions to this system. To spend time minimising these risks is not the demand of fringe figures or cranks. Such a system, once made, does not have the appearance of unnecessary red tape; it is not removed as part of normal bureaucratic housecleaning.

But although the individual demands appear reasonable, when combined we begin to see that their collective weight is unreasonable. We have now reached the point at which a government elected on a promise to build cannot do so within the five years of its democratic mandate, and where society as a whole is unable to step from infrastructure of the past into its own chosen future.



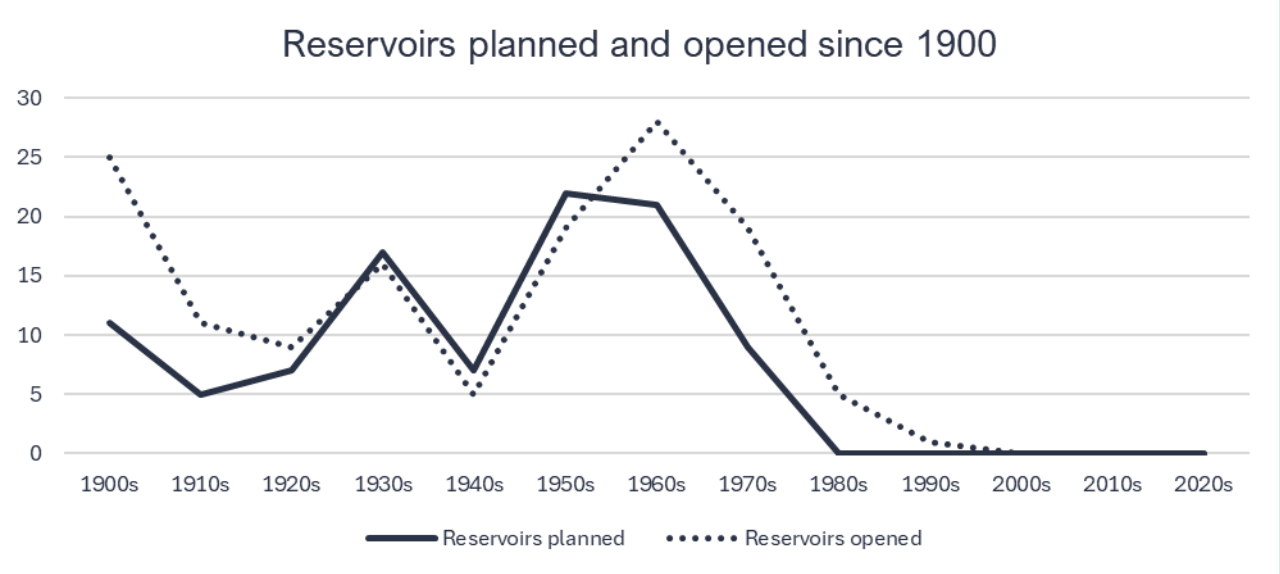
[26] *Bowman, Southwood & Hughes, UK Foundations, 2024*
[27] *Edgerton, 'Don't be seduced by the myths of the economic right' - New Statesman, 2024*
[28] *International Monetary Fund, United Kingdom: Concluding Statement of the 2025 Article IV Mission, 2025*

Delivery collapse – UK reservoirs

During the post-war building boom, reservoir construction in the UK hit its peak. In a typical year between 1950 and 1970 between two and three new reservoirs entered planning and three began operations. This includes some of the UK's most popular outdoor attractions, such as Rutland Water, and several that are now registered as nature reserves or Sites of Special Scientific Interest for their positive contribution to biodiversity.

In the 1970s, this process came to an end. In 1973, the application for Carsington reservoir was submitted, and then had to wait five years for the inquiry report. In 1976, an application was submitted for Roadford reservoir, beginning a six and a half year wait. There has been no successful application to build a new reservoir since 1976, and the last new reservoir in the UK formally opened in 1992. The system has been in suspended animation since - the proposed reservoir currently closest to delivery, Broad Oak, would be built on land acquired in the 1970s, delivering proposals drawn up in the 1940s.[29]

One current debate is over the importance of privatisation to infrastructure delivery. While the 1970s saw consolidation of government-owned water companies, privatisation of the sector did not occur until 1989. This, together with a similar (if less dramatic) experience on highways, suggest that private- and state-led delivery are equally affected by the shifts in planning.



Source: NERC Environmental Information Data Centre

[29] https://www.southeastwater.co.uk/about/our-plans/broad-oak-reservoir/

This process has been gradual, driven mostly by our growing understanding of the environment and our effects upon it; and an increasing expectation that we must consider the full range of impacts upon communities, individuals and ecosystems. Slowly, we have added together so many important questions that we are losing the ability to reach any kind of answer.

This tension means that the debate underlying the planning and delivery of infrastructure is unlikely to be resolved quickly. There is no easy path back to the carefree pace of the 1950s even if the legal regime of the past were restored, as the expectations of environmental management will remain.

Yet at the same time, the loss of our capacity to build has enormous costs for growth, society and political legitimacy. The ability to coordinate the use of land and the construction of public assets is central to many of the functions of the state. If elected governments of every stripe are unable to build hospitals, schools, roads or energy systems to satisfy public need, the results will be a crisis of legitimacy for the political system as a whole. More worryingly, if this problem is already precluding delivery of manifesto promises such as the government's 2030 clean energy target, that crisis is already upon us.

Few people think of the planning system as more than a means to an end – whether that is to permit building or to limit harm. This means that the debate has begun to polarise, in a way that complicates reform and which puts at risk both environmental protection *and* wider economic and social goals.

As discussed in chapter 2, the planning system is in constant evolution. The protections in the planning system are constantly reinterpreted through working processes, driven by growing data, expanded by precedents and fed on good intentions. All of this increases the scale of the task, without an obvious counterbalance. Unchecked, this creates a ratchet effect requiring more and more effort at compliance; whilst the consequences for delivery are only realised after they are impossible to undo. Without change, we should expect the requirements of planning to continue to increase over the years ahead.

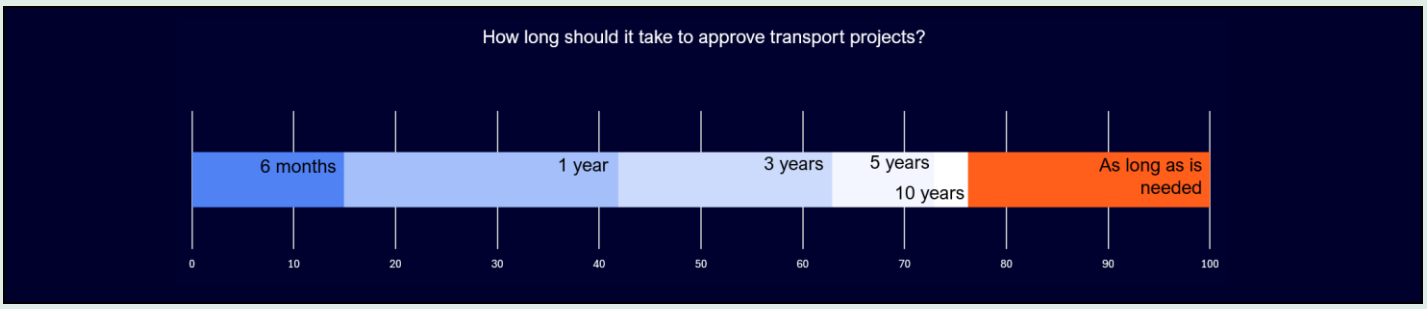
Neither growth nor environment will cease to be important objectives of public policy. Absolutes of any kind – either that the environment must always come first or that growth can never be stopped – resolve nothing. Any reformed system therefore has to find a way to balance these conflicting demands, despite the fact that the fruits of these goals are defined in incomparable terms. On the one hand, the system must fulfil the wish to build, grow and deliver. On the other, it must be able to limit the impacts that follow where it makes sense to do so. Both impulses must temper one another.

This may sound like an unhelpful philosophical challenge. Fortunately, the way in which the system has evolved means it is a practical insight – even a return to its core principles. All of the components necessary to restore balance are present; what they require is setting in proper relation to one another following decades of evolution.

Political intelligence

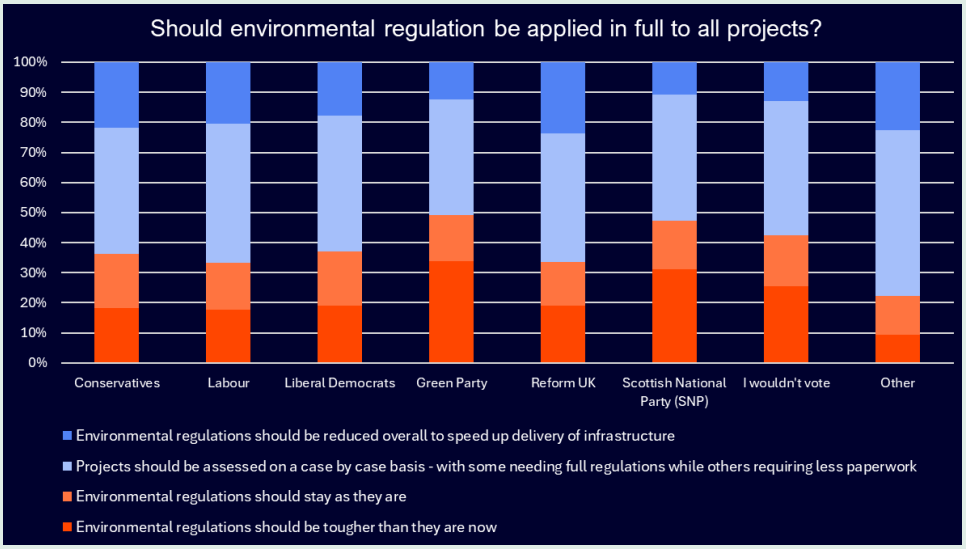
The failure to deliver infrastructure has been connected to political discontent in much of Stonehaven's work. In November 2024, we published Moving Hearts and Minds, a paper which looked at constituencies that had turned to Reform at the 2024 election. It shows that all had experience of a missing piece of transport infrastructure, and many of the areas where Reform was now on track to win at the next election had similar experiences.[30] Globally, populists like Donald Trump and Jair Bolsonaro make political gains by promising material gains at the expense of environmental and other protections.

Stonehaven used its Compass survey and MRP model to test nationwide attitudes to the speed of planning for transport, housing and green energy projects. We found that public expectations of the planning process were conflicted.



- The underlying aims of the planning system have legitimacy. For example, a plurality of respondents supported the idea that local people should be involved throughout project design, even if it slows down delivery.
- But when asked how long projects should take to actually prepare and plan, the most common view was that the process should take 12 months; and almost one in five thought that it should take six months. Only a quarter of respondents thought that planning should take as long as necessary, regardless of timeframe.
- There was significant openness to the idea that the level of regulation should be decided case-by-case. When presented with the impacts on overall timescales, even 51% of prospective Green Party voters thought that environmental regulations should be loosened or applied case-by-case (as opposed to 34% who thought the current regime should be tightened).

This conflict was strongest amongst Reform voters. This group simultaneously held the highest proportion of voters who thought that projects should take only six months to plan, and the largest group who thought planning should take as long as was necessary, regardless of time. This contrasts with Labour, whose voters are more united in their support for faster delivery.



[30] *Moving Hearts and Minds*



04 How we build again

A crisis in the planning system was always likely after a change of government. Since 2010 the UK has lost the ability to start the construction of major infrastructure within the five-year life of a parliament. Any new government was destined to have this unpleasant discovery; and it is to Labour's credit that they came to face this challenge fully aware of the task ahead.

However, a promise of planning reform does not automatically lead to success. The Planning Act 2008 appeared to be a major improvement when it began operation in 2010, but seems to have relocated much of the complexity from one part of the process to another. A planning reform that moves activity around, without a strategic plan, risks running into the same problems in a different order.

Instead, reform of the planning process needs to focus on the whole task, from the initial idea all the way to the first spade in the ground. It needs to restore the link between typical project timescales and the five-year mandates of elected governments. It needs to focus on the efficient care of communities and the environment, prioritising genuine protection over proceduralism. It needs to accept the fact that action will always have consequences, and no proposal can be perfect. And it needs to proactively manage the risks of legal challenge, so that the route to delivery is controlled by ministers rather than litigants.

And the route to doing all of these things is surprisingly simple: government needs to set out in law how long project delivery should take.

Recommendations

- **Create powers for ministers to specify an expected timescale for major infrastructure projects**, both generally and for specific cases. This would not be binding, but would provide a legally robust justification for proceeding at the specified pace.
- **Create structures for handling the impacts of development outside of an individual planning application** where possible – in the manner of the government's Nature Restoration Fund
- **Break up the big fixed tasks of the planning process and enable project teams to determine their own pathway**, so they can spend most time on the most significant issues
- **Give decision-makers a clear legal right to decide planning applications based on the best-available evidence**
- **Establish a specialist infrastructure tribunal** to hear legal challenges on a faster timescale with more expert knowledge, and in a way that favours affected citizens rather than organised campaigns.

Time is a choice

The debate around planning has assumed that projects inevitably take years to prepare, as a result of the combined processes set out in chapter 1. Added together, these typically mean that a project takes half a decade or more to reach the point at which it is approved to begin. However, these processes are intellectual exercises rather than practical tasks; and are in one sense or another a matter of choice. The scale of the challenge is not set by the laws of physics, in the way that the work of moving a ton of earth or auguring a ten metre foundation is.

In his infamous 2019 'misfits and weirdos' blog, Dominic Cummings cited the example of the civil engineering contractor C C Myers, and his efforts to rebuild California's I-10 freeway after a 1994 earthquake.[31] This saw two major bridges rebuilt in 66 days[32] – far less than the 140 expected by the state's authorities. This is over thirty times faster than many of the projects in the UK government's future roads pipeline, and potentially a hundred times faster than the reinstatement of Hammersmith Bridge.

The rebuilding of the I-10 is an unusual example: as it had to fix break in one of California's key transport arteries there was no disagreement about the need to restore the structures as fast as possible. However, it is precisely this unity of purpose that helps explain the wider predicament of the infrastructure planning system. The 66 day design and construction period shows what can happen when absolutely no time is given to surrounding debates and no preparatory work is required. This is how swift building can be – and we make it slower to serve our wider purposes.

The amount of time given to debate and preparation needs to become a conscious choice on the part of policymakers. At present, the planning system is arranged to give every part of the process (other than the planning inquiry itself) as much time as is desired. **The trick to accelerating infrastructure is to consciously decide how much time we want to take to prepare a project, and then to do the best job possible within that timeframe.**

This change is more powerful than it sounds. At present, all projects are expected to carry out a range of tasks as part of their design process, and are expected to do so in full. The only way to be certain of fulfilling a requirement is by exhaustive analysis or expensive mitigation work. There is no counterbalancing pressure to keep timescales or costs down, meaning that the natural way to deal with demands is to make process longer and more expensive.

This is at odds with how infrastructure projects have operated in more successful periods. Building infrastructure has always been a process of balancing cost, capability, risk, impact, credibility and more; with the project's leaders deciding a way forward based on their best judgment. Increasingly prescriptive rules and searching opposition have overshadowed this judgment, but by centring the development process on a

[31] *'Two hands are a lot' — we're hiring data scientists, project managers, policy experts, assorted weirdos… – Dominic Cummings's Blog*
[32] *Engineering News Record, 2024*

finite period of time, these project leaders are once again re-empowered. They must make choices about how time is spent, how to prioritise attention and how to maximise results – all of which reenergises the process.

This is not only powerful, but works with the grain of the system. The scale of development work carried out at present is rarely driven by statutory requirements alone: much of the work that takes so much time is a matter of precedent and professional practice. Ambiguous requirements have turned into ever-growing piles of paperwork – but this ambiguity can reduce these demands as easily as it made them. If developers have gold-plated public engagement in order to avoid legal risk, clearly removing the legal risk means they can once again collapse this activity to its historic scale without the need for further legislation or guidance. It becomes possible to move and scale down the big blocks that make up the current development process without compromising end goals.

Importantly, this is not a blank cheque for developers. There is still a process of approval following development – through a planning inquiry and/or through ministerial approval – and if a proposal is not convincing at this point it will not proceed. This means the developer cannot simply 'run out the clock', and creates a real incentive for them to use their time wisely. But it also means that others in the process, including those making the decision and those affected by development, also want to see that time used well.



Why time matters – Environmental Impact Assessments

An environmental impact assessment (EIA) is often the single largest piece of work required before a planning inquiry, consisting of the creation and assessment of a document known as an Environmental Statement. For the Lower Thames Crossing, the final Environmental Statement is a suite of 370 separate documents – compared to only 11 for the actual scheme design.

By law, the Environmental Statement must consider four key areas that break down into twelve categories. It must then consider this in terms of seven separate aspects of construction. Then it must consider twelve different frames of impact. Multiplied together, this is over a thousand generic questions, before any consideration has been given to the specific circumstances of the project under discussion.

IMPACT		ASPECT		EFFECTS
Population & human health Biodiversity Protected species Protected habitats Land Soil Water Air Climate Material assets Cultural heritage Landscape		Construction and existence of the development Use of natural resources, in particular land, soil, water and biodiversity Emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste; The risks to human health, cultural heritage or the environment The cumulation of effects with other existing and/or approved projects Impact of the project on climate and the vulnerability of the project to climate change; Technologies and the substances used.		Direct effects Indirect effects Secondary effects Cumulative effects Transboundary effects Short-term effects Medium-term effects Long-term effects Permanent effects Temporary effects Positive effects Negative effects
12	x	7	x	12
			=	1,008

In a context of unlimited time, the idea of assessing every impact thoroughly appears natural: specification like this ensures that a full job is done and there is no opportunity to cut corners. But where time is finite, or there is an urgent need to deliver, asking a thousand questions seems actively unhelpful – as it distracts from a more practical choice about where to focus resources and best prevent negative impacts.

With a fixed time budget, the aim of engaging with this process would be to identify the high-value questions early, and to deal with those of low relevance summarily. An early sift might easily remove half of these questions from consideration, and note the two or three issues that required serious attention. And, critically, the person making these decisions would have confidence that their judgment will be respected rather than unpicked in subsequent litigation.

Before the clock starts

If we are to set time limits on the development period of projects, it becomes important to ask whether any tasks can be removed from the process entirely by achieving the same outcomes through alternative means. If time is limited, removing work from individual projects frees up more time for other questions, leading to better outcomes.

This can be done in a number of ways:

Centralising management of issues. Some issues are arguably more effectively resolved above the level of an individual project. One example of this is the government's proposed approach to measuring and mitigating impacts on nature, by establishing an Environmental Delivery Plan as a positive programme for nature improvement; and expecting developers to contribute to it in proportion to their impacts. Another is nitrates – where a new system of nutrient credits means each new development site is no longer responsible for managing all nearby agricultural activity. By handling these issues centrally or through offsetting payments, it is possible to resolve questions efficiently without spending time at the project level.

Streamlining processes that already exist. If we wish to reorientate the existing system to give more of a role to judgment, some existing legal obligations should be rewritten to reflect this discretion. For example, if we look at the thousand questions posed by an EIA as set out above, most of the work is driven by the way legislation specifies the precise questions to be considered, without leaving scope to decide whether a particular frame of reference adds value. It is easy to reduce the number of questions by framing requirements more openly. Similarly, statutory timescales (e.g. the requirement to give local authorities 28 days to review materials before a consultation in their area) should be made discretionary.

Explicitly make some tasks optional. The National Policy Statement system introduces a variety of non-statutory topics for assessment, many of which are not required by wider legislation. Making these explicitly optional will help, particularly where the topic is unlikely to add significant value to the development process.

Zoning sites for expedited clearance. One option for speeding planning is the idea of 'zoning' areas for certain types of development. This could, for example, include government carrying out a single piece of analysis on impacts of a certain type of development in a particular location. Multiple projects could then use this analysis rather than carrying out their own. Where appropriate, this could also include shared mitigation measures as well, as it has been for recent developments around offshore wind farms.

Handling unlikely, low impact risks through law rather than planning. If an impact is unlikely to occur in practice, it may be sensible to handle it under law (i.e. arranging compensation after the event) rather than as a matter of planning.

Zoning in particular may be an effective technique for delivering the government's growth agenda, as it creates the conditions where private developers can build with fewer risks and to a significantly faster timescale.

Setting the clock

In theory, infrastructure can be built in extremely short timeframes. In practice, the circumstances where we would wish to see new infrastructure delivered within a few months are limited. Outside of emergency or wartime conditions, we would normally expect the planning process to consider the impacts of building and allow time to plan for smooth delivery. But the work to be done ahead of delivery should not be established on a one-size-fits-all basis, and should reflect the circumstances of a particular development.

Balancing these factors may sound like common sense, but it has a significant implication. Striking a balance is a task that reaches above the narrow technical consideration of individual aspects of development, and represents a wider trade-off between competing goals that cannot be measured against one another. There is no technical process that allows a planning inspector to compare the loss of wading bird habitats against the provision of a gigawatt of zero-carbon energy.

In a democratic society, this balance between benefit and cost can only be struck at the level of an elected government. This is why ministers need to be the ones to set expected timescales for the development of general types of project, as well as potentially intervene in individual cases to make bespoke arrangements.

In handing this responsibility to ministers, we make them responsible for balancing the benefits of growth and development against the impacts that come with it – a responsibility that no one in the current system bears. We also solve the discrepancy between project development times and the democratic mandate of a government: with control over project timescales, ministers can decide whether to be led by ambition or caution, but they can be confident of delivery within a reasonable timeframe. If the decisions they make are unwise, they can be held accountable.





In order for timescales to be effective, a project must understand what requirements it is working to from the outset. This cannot be a case-by-case ministerial decision: there are already challenges in securing ministerial approval within specified timeframes under the existing system, and a project would be in limbo until a ministerial view was provided. Instead, practicality would require expected timescales to be set through a series of categories. The existing National Policy Statement system establishes a categorisation of projects, and generic timeframes could be established with reference to these and to scale or location criteria.

Ministers could potentially intervene at the outset of some complex projects to set a bespoke expected timescale. This could be to require more time to consider a key sensitivity, or to establish that the project met an overriding need and should proceed faster. This process would be transparent and accountable, again helping to demonstrate balance.

The expected timescale for a project is intended to shape the amount of work that is carried out to discharge legal responsibilities. What this means in the case of an individual project should vary greatly by situation; but to help illustrate what this might mean in practice it may be helpful to consider the following three potential timeframes:

- A one-year development period, intended for projects where need is high, where impacts are largely generic and understood, or where there are few options for delivery – for example an offshore wind farm.
- A three-year development period, intended for relatively standard projects that do not throw up particular issues, but where the government confirms there is a need to proceed at pace to secure the resulting benefits – for example a new railway station designed to support housing growth.
- A five-plus year development period, where it is recognised there is great complexity around the project, and that the fullest consideration of impacts is required – for example a new airport runway.

Again, to be clear, these timescales would not be binding. But as indicative periods for development, they provide project teams with a justification for deep-diving into some tasks and handling others lightly. We could also hope that more experience in working quickly will ultimately lead to more efficient practices, meaning either faster consideration or more detailed assessment in the same timeframe.

STAGE	FIVE-YEAR PLUS APPROACH	THREE-YEAR APPROACH	ONE-YEAR APPROACH
Options development	A full 5+ year development process would see the detailed consideration of a range of different options for delivering the project, with a comparison on the full range of matters considered under the planning process, as well as costs and economic benefits. This potentially lasts 1-2 years.	A shorter approach might allow for a desk-based exercise, with option generation and first filter supported by AI. A decision by the project team on which option to with could be completed within 3-6 months (excluding consultation time). This might be appropriate for a transport project where there is strong agreement of a need to proceed, but some flexibility over routing.	The fastest approach would be to select an option based on a rapid 1-week assessment using pre-existing information. This might be appropriate for a road project that is looking to upgrade an existing junction at its current location, without any physical impacts over a wider area.
Environmental appraisal	A full 5+ year development process implies a full set of surveys – assessments of site landscaping, ecology (in all times of the year), environment, air quality assessments, noise assessments, pest control surveys, flood risk mapping and more. Many of these elements require detailed modelling and field surveys, making this the most significant task in terms of labour and technical resources. This process cannot be completed in less than a year (because of the need to survey species throughout an annual lifecycle), and normally takes 2-3 years.	A shorter approach would be to target areas of assessment where the marginal impacts of examination and mitigation were expected to be highest, and to deprioritise areas where outcomes were known and unlikely to be changed. This would apply both in terms of general areas of coverage (e.g. dealing with noise outcomes at a high level) or on points of detail within a category (e.g. spending more time on impacts on bird populations than invertebrates).	The fastest option would be to use pre-existing environmental information and AI-led modelling of the site to rapidly generate a picture of expected environmental impacts, using the kind of products already offered by systems such as Scout. Where practical impacts could be managed through direct payments to affected parties or central mitigation efforts, rather than a redesign for mitigation at a project level.
Detailed design	A full 5+ year process would usually seek to optimise every element of design in order to minimise costs or wider impacts.	A faster approach would seek to copy design elements from other projects to avoid the need for repeated work and simplify delivery, and aim to optimise site/route design through the use of AI and computerised tools. It would also bank efficiencies from the consultation process by only designing the project once, rather than spending multiple rounds optimising (and potentially reconsulting) on elements.	The fastest approach would carry forward the 1-week options assessment into an outline design whilst more detailed work such as ground surveying is being carried out. This means there is a higher chance of risks appearing later in design, but this could be handled through adjustment mid-process – especially when the site is well-known. Previous information from design could also be reused, to benefit from past experience.
Consultation	A full 5+ year process requires consultation at least twice, and adds a further consultation after any significant design change. Each consultation takes approximately a year from start to finish, with the process doing much to define the wider timescales for options and design work.	A shorter process would limit consultation to a single opportunity, either at the options stage or just before the planning inquiry.	The fastest approach would aim to secure public participation through routes other than a formal consultation – such as through a continuous parallel process of information and feedback gathering.
Agreement across government	A full 5+ year process sees bilateral agreements made with each statutory consultee prior to a planning inquiry taking place.	Government has full discretion of how these issues are resolved, and can centralise the process to expedite agreement. This could include centralising mitigation strategies for key elements (as with the Nature Restoration Fund).	For fastest resolution, the Cabinet Office can broker deals across government or a deal between a scheme promoter and statutory consultees. (The Cabinet Office itself was created to broker these kinds of agreements in wartime)
Planning inquiry	At present, the timeframes for a planning inquiry are set in the Planning Act 2008, at six months plus three months for deliberation.	An expedited process could see a focused inquiry on contentious parts of the project, run to a shortened timeframe.	The fastest process would see the planning inquiry replaced by a ministerial Special Development Order, informed by the information gathered through the standard process.
Parallel regulatory approvals	Full regulatory approval would need to be secured in line with the project's bespoke requirements – for example approval by the ORR, by the nuclear safety regulator or by NESO. Further detailed environmental permissions are needed for handling certain protected species.	The requirements for regulatory approval are unique to each situation, but can be accelerated by the intelligent management of risk. For example, advocates of faster delivery of nuclear power argue that well-tested foreign reactor designs do not need to be scrutinised as if they were entirely new. Regulators working with ministers can authorise rapid progress.	Ministers can directly issue licences where relevant (especially if multiple ministers are empowered to do so), and can also enter into agreements to underwrite the potential costs of starting construction at risk.
Procurement and mobilisation	At present, procurement of a government-built project can be organised in parallel with planning and potential legal challenges – meaning it does not usually form part of the project's critical path. Faster progress in other areas may make procurement timescales more significant, especially for a one-year development approach. For repeatable government-led projects, it is possible to expedite this process through greater use of framework contracts, delivery alliances, or through more open-ended project procurement that involves greater risk-share with the private sector. While it may seem this approach would increase cost, with construction inflation running as high as 15% p.a. in recent years[33], this increased risk needs to be balanced against a saving from faster delivery.		

[33] *Office for National Statistics - Construction Output Price Indices*

Putting together these processes might look like this:

	1 YEAR PATHWAY	3 YEAR PATHWAY	5+ YEAR PATHWAY
Year 1	• Desk-based selection of a single option for design • Environmental assessment from existing models and sources • Continuous public engagement in lieu of consultation • Rapid standardised design • Special development order • Work commissioned via framework contract	• 3-6 month options consideration window • Environmental assessment from existing models plus targeted evidence-gathering and stakeholder engagement • Rapid design with largely standardised components	• Multiple options worked up • Detailed environmental surveys and modelling from scratch
Year 2		• Brokered agreement on cross-government impacts • Single set-piece consultation ahead of planning inquiry • Design completed	• Design refinement • Further development of surveys and models
Year 3		• Planning inquiry • Procurement and mobilisation	• Options consultation • Selection of preferred option
Year 4			• Detailed design • Second public consultation • Consultation with statutory consultees • Preparation for planning inquiry
Year 5+			• Planning inquiry • Further design changes • Procurement and mobilisation

Making decisions

The framework for planning exists to feed decision-making, which in the case of major infrastructure is the preserve of ministers. Notionally, ministers have the discretion to make a free decision on whether or not to approve a proposal. But in practice the minister is subject to legal duties and to a wider requirement to behave rationally – all of which provide an opening for significant legal challenge. This risk becomes significantly higher in a world where a project has not followed a commonly used procedure, such as where compliance work has intentionally been streamlined.

Any acceleration process must address this risk head-on. Just as project teams need legal protection to work faster, so to do decision-makers and the planning inspectors who support them. In particular:

- Planning inspectors need to have clear instructions on how to handle an accelerated process. It is not reasonable to expect them to assess a project developed in one year using the same standards as one developed over a decade. They need a clear mandate in law to take account of the expected development timeframe, both in terms of the level of assessment of a particular topic and in terms of the general allocation of resources across a project – without this, their decisions will be challenged. This power also needs to leave sufficient space for a planning inspector to maintain their concerns where an important issue genuinely has not been assessed sufficiently within the expected timescale.
- Decision-makers also need to be placed under a duty to consider the expected timescale in their decisions, and to balance the availability of information against the value of development. A decision-maker can and should take decisions based on the information available to them, and should not be at risk of legal challenge for doing so.
- Decision-makers need the ability to confirm that a project has met a particular legal duty. This is not an absolute power – unjustifiable decisions can and should be held to account in court – but it moves the focus of a future legal challenge away from technical detail to the balance of decision-making.

These protections can only work if written into primary legislation, ideally specifying exactly which powers are expected to be considered within scope.

These opportunities come with an obligation: a system that hinges on ministerial intervention will challenge departmental bandwidth. In recent years, some decisions have spent years on ministerial desks, either to allow time for reflection or (sometimes) as a response to Treasury pressures to manage wider government spending. For a private developer, these delays carry financing and readiness costs in the tens of millions – enough to break a project. A system that places ministers in charge must also put them under an obligation to decide quickly, and to give them the necessary support to do so.

Making timescales stand

When delivery was fast, development and planning rested on discretion and judgment; as the process has slowed it has become more and more anchored in law. Critics of decisions regularly take their complaints to judicial review, even when they are almost certain of failure.[34] Infrastructure projects have reacted by encasing themselves in ever-thicker legal armour, which has made them slower and slower – now reaching the point where this caution has removed the ability of a government to deliver within a five-year democratic mandate.

As with all matters of law, the goal for the process has to be fair play. Any system designed to move fast enough to meet democratic needs will need protection against legal challenge – or else it will be frustrated in repeated courtroom battles. But this protection will need to be established in a way that preserves the fundamental ability of the public to hold planners and decision-makers to account.

Similar situations have arisen before. In the early 2000s there was an explosion of the number of immigration decisions challenged at judicial review, effectively breaking the system. The response was to create a specialist immigration tribunal, where cases could be heard more quickly by subject matter experts. The growing weight of legal challenges to infrastructure projects (coupled with the raised threat of challenge if the current process is expedited) means that there is a case for a similar expert tribunal for infrastructure.

This increases the sophistication with which a case can be considered. It also provides scope for specialising the legal process to react to the shifting nature of challenge. For example, a large proportion of current challenges are not considered arguable – there is no legal case to consider – and a specialist could dismiss such a challenge in days rather than the current months. In extreme cases, special rules could also be applied for vexatious litigants, thereby ensuring ordinary challenges to continue to operate freely.

The use of a tribunal, with multiple decision-makers, also allows for more than one view to shape the case. With all expert-led processes, there is a risk of capture by individuals whose expertise encourages them to see a particular question as pre-eminent. A tribunal keeps the focus broad, and gives more space to the concept of good faith.

An additional legal tribunal may seem like a needless expense, but this must be put in context. The Banner Review puts the typical cost of a single unsuccessful legal challenge against a road scheme at £66m-122m, with up to ten judicial reviews taking place each year. Compared to this, the cost of keeping a specialist tribunal in readiness is trivial.

[34] *Independent review into legal challenges against Nationally Significant Infrastructure Projects, paragraph 31*

What are the legal obligations?

The legal requirements for major infrastructure are split across a number of different regimes. Procedural requirements are mostly set in the Planning Act 2008; with more specific regimes set out in the Town and Country Planning Act 1990, the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 (which continues the EU Habitats and New Wild Birds directives following Brexit) and the provisions of National Policy Statements created to interpret the Planning Act for particular types of project. There are also international agreements which feed many of these arrangements – and while international law only has effect when transposed into UK law, these do affect the deliberation of the courts. The EU-UK Trade and Cooperation Agreement (TCA) contain level playing field rules, which can be interpreted as requiring the UK to maintain previous (and future) EU environmental standards to some degree.[35]

However, almost all of these requirements are set out in general terms, rather than in the level of detail required for administration. For example, the Aarhus Convention (and the non-retained EU law that originally incorporated it into UK statute) creates a requirement to consult during project development. But the idea that a consultation must be a twelve-week process, with public engagement events and a detailed response report, is all custom and practice. Other options for consultation are available.[36] Similarly, international obligations include provisions recognising that a public interest test can justify action that comes with an environmental cost.

The fact that these provisions set general requirements without specifying how has allowed the planning process to grow silently. But, for exactly the same reasons, that ambiguity can also be harnessed to bring it back under control. This would mark a return to the original aims of legislation, whilst also delivering within a faster timescale.

The exception to this comes from highly-specified procedural legislation, usually derived from EU law (where the desire for interoperable legal frameworks has driven more detailed specification of practical provisions). In these areas, it may be productive to consider granting explicit powers to ministers that allows them to edit this process to enable faster routes through – for example enabling the granting of wildlife licenses for environmental mitigation on a site, or determining that a government body should be treated as having agreed to the project.

[35] *Gehring, 'Bat(ting) away nature could cost the UK its trade with the EU', accessed 5 Mar 2025*
[36] *For example see Adams (1978)*

Starting here

No process of reform can be rated a success until it has delivered benefits in the real world. Abstract questions of process will ultimately need to create real assets in steel and concrete – and the new process will be judged by how well this can be done. It would be wise to prove the principle of accelerated delivery on a series of projects where it will be easy to demonstrate that speed does not result in unacceptable compromises in terms of local impacts.

Given the government's emphasis on delivery, some obvious areas suggest themselves as testbeds for action:

- **Health – hospitals due for replacement because of RAAC.** The review of the New Hospitals Programme exempted seven rebuillds from the review of spending because of the risks posed by RAAC. There is clearly an overriding need for action where patient safety is at risk. The nature of the New Hospitals Programme also means that industrialisation of design and construction are well-established in the programme. Expediting development consent therefore has significant benefits.
- **Transport – on-site upgrades, where an existing station or junction is proposed for improvement in its current location.** For example, the M1/M62 interchange at Lofthouse is Yorkshire's busiest junction, and there is no realistic chance of anyone relocating it. Existing structural issues mean it will need rebuilding; and as part of that rebuild new slip roads can be added. Historic investigation work means this could be developed in twelve months, and with a ministerial special development order it could be shovel ready within that time.
- **Renewable energy – the government was elected with a manifesto promise to decarbonise the electricity grid.** This is impossible without the deployment of a large amount of wind or solar power, on a scale where impacts on surroundings are likely to be unavoidable. Approaching these impacts at a regional or national level can clear the way for a quicker pathway to development consent.
- **Nuclear energy – building small modular reactors (SMRs).** There is an international race underway to deploy small modular reactors – small-scale nuclear reactors built out of prefabricated parts that are easier to deploy than large-scale plants. These produce zero-carbon energy, and can particularly support industrial functions or data-centres. They are also much smaller than conventional nuclear power plants – about the size of a tennis court – meaning that much existing regulation is designed to handle far bigger impacts. There are discussions of locating SMRs at decommissioned nuclear sites, where environmental impacts are demonstrably within acceptable bounds.



Conclusion: Building Britain's Future

Britain's history is filled with building. From the mills of Manchester to the nuclear reactors in the lee of the Lake District, Britain was a land that could build what others could not yet dream. How, then, have we become a country that cannot dam a river or raise a pylon? And how has this come to pass, not as a result of collapse or catastrophe, but in a time of peace, prosperity and political consensus?

The reason for this is that building has consequences. For a century, we have debated how best to constrain these consequences in order to preserve things that we value. By the middle of the twentieth century, the apparatus for controlling development had been established, and from the 1960s onwards, that system grew bigger – asking more questions and demanding deeper answers before it would give permission to proceed. All of these questions are reasonable by themselves; but by the 2010s the combined volume had pushed the development timeframe of many projects beyond the lifespan of an elected government.

The barriers that prevent building are not physical ones: they can be moulded to suit our purposes. But they exist to fulfil a real need in the hearts of many, to ensure that development is not delivered at too high a price. A successful reform will recognise both of these points – guarding against poor development in a proportionate and balanced way, but removing the invisible chains that hold down growth and creation.

At the heart of this is the question of time. The planning system that we have is one that accumulated, rather than one thought through in terms of how long the process should take or where priorities should sit – with the result that the journey is as endless as the uneasy hearts behind it demand. To deliver for the public, the system needs to address those worries, but at a pace that matches the urgency of our need. Government's reforms will improve the situation, but can deliver more if they go further.

Setting time at the centre of the planning system, and giving developers in government and the private sector a clear licence to work at pace, changes this. It will protect developers from the legal threat that forces over-compliance. It will incentivise teams to deliver on a timeline that gets real results, without removing their need to think through the consequences of what they propose. And by moving away from checkbox compliance to genuine judgment, it will move us closer to the balance we have always sought.

In particular we should:

- Establish the time in which we expect projects to be ready, so that there is a clear sense of how long we want to give to achieving a balance between benefits and impacts.
- Create structures for handling the impacts of development through national action, outside of an individual planning application, where possible
- Break up the big fixed tasks of the planning process and enable project teams to determine their own pathway, so they can spend most time on the most significant issues
- Allow decision-makers to make decisions on the best evidence that can be gathered in an expected timeframe, rather than wait for perfect analysis to conclude.
- Upgrade the processes for legal challenge so that specialist courts are available – to act quickly, to dismiss vexatious challenges, and to protect the rights of ordinary citizens.

Taken together, these processes can cut development time for suitable projects from years to months. We have identified projects where preparation takes more than five years, but could be done in as little as one.

Above all, it must be stressed – this is entirely possible without compromising the goals of planning and environmental regulation. But to do so, we must restore power to the decision-makers leading projects, so they can exercise their powers of judgment once again. If we can connect the protections of today with the democratic discretion of the 1950s, we will have the best of both worlds.

Britain could build. Britain can build again.



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Michael Dnes worked at the Department for Transport from 2006 to 2024 including highways, railway and applying technology to transport. As head of the 2020-25 Road Investment Strategy he created the first new transport upgrade across the Pennines since 1971; committed the infrastructure behind some of the government's most likely New Towns; and failed to create a road to connect link together the Oxford-Cambridge arc. He was involved in the establishment of the National Networks and Aviation National Policy Statements, and oversaw the creation of Transport Focus and the expansion of the ORR to cover roads as well as railways. He is the author of The Rise and Fall of London's Ringways and London's lost ringways – about the collapse of London's proposed system of urban motorways.

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