

TAN response to MCHLG consultation on streamlining infrastructure planning

Name: Chris Todd

Position: director

Type of organisation: Environmental Organisation

Transport Action Network

254 Upper Shoreham Road, Shoreham-by-Sea, West Sussex BN43 6BF

chris@transportactionnetwork.org.uk

07889 302229

Introduction

1. Transport Action Network (TAN) welcomes the opportunity to respond to this consultation. We are concerned however about the limited scope of the questions, in particular the failure to ever consult on the principle of removing statutory consultation. Likewise we are concerned about the very recent changes to the acceptance test in the Planning and Infrastructure Bill¹, which interacts significantly with the consultation materials. This raises significant issues of fairness.
2. The scale and timing of those significant changes to recently announced planning reforms also call into question how well thought through the measures in this consultation are. This is all the more so with the hurried attempts at creating a planning fast track failing to attract a single applicant. Badly thought out interventions in the planning system risk increasing complexity and delay for minimal if any gain.
3. TAN certainly understands why consultation for nationally significant infrastructure projects (NSIPs) is often seen as a tick box exercise. But that does not mean statutory consultation should be abolished, rather it should be improved. We agree with the opposition peers who said in debate that if statutory requirements are in fact removed, “we will be left with engagement that is designed by the developers and often for the developers—not for the community, as it should be”. In that spirit we make constructive suggestions below, rather than addressing the 47 consultation questions that appear to take the planning system down another dead end.

Key points

4. The justification for the measures underlying this consultation is weak, which would have been obvious if they had been consulted upon. The assertion that they “could save over £1 billion” fails to consider any **potential financial downside**. That does

¹ [Pro-growth package unshackling Britain to get building](#), MHCLG (2025)

not suggest an open-minded nor an evidence-based approach. Good consultation helps tackle issues at an early stage, including considering different ways to meet objectives, as well as building rapport, which can make for better engagement in later stages of developments.

5. Likewise the assertion that statutory consultation is the reason for slower NSIP decision taking, despite the fact that the relevant legislation has been in place since the Planning Act 2008 was commenced. As the 2023 NSIP Action Plan acknowledged, in many instances the **failure to update National Policy Statements** with the latest policy and evidence is the issue, then requiring a wider range of issues to be discussed in examinations. Despite commitments by the Labour government to refresh key NPSs within a year of the general election, the Impact Assessment published for the Planning and Infrastructure Bill revealed that commitment had quietly been dropped.
6. Furthermore, if MHCLG is so concerned about speed, why has it failed to progress the **digitalisation of NSIP planning**? Since powers for data standards in the Levelling Up and Regeneration Act 2023 came into force, the focus has only been on local plans where there has been admirable progress.
7. The consultation's focus on "statutory bodies and communities" leaves out the important **role of non-governmental organisations**. This is especially important on climate mitigation, as there is no statutory body active in the planning system on this crucial issue. It is not the only issue where this applies, however. There are no statutory bodies raising equalities issues, whether for increasing opportunity for those with protected characteristics or socio-economic disadvantage.
8. The consultation focuses on **mitigation rather than the question of need**, saying for instance that "[p]lanning up front to resolve environmental issues and building mitigations into project designs will speed up project delivery". Yet in many instances, especially for publicly funded or supported projects, it is imperative that need is considered.
9. Recent Treasury guidance highlight the importance of option generation and striking out options that do not deliver on strategic objectives, giving the example of a road scheme not being long-listed due to its pollution impacts². Similarly the PAS2080:2023 standard promotes a "build last" approach, seeking alternative ways to meet need. Advice from expert bodies such as the Climate Change Committee has recommended reviews of road and aviation projects. Separate to the environmental limits, the UK's economy faces capital and construction workforce capacity challenges. Ignoring issues of need in such circumstances seems foolhardy.
10. Going forward, TAN believes that these proposals to remove statutory consultation should be paused, pending a **fundamental review**. There are two key measures that require consideration. First, the creation of a **Public Engagement Commission**, informed by the success of the French Commission National du Debat Public in

² [Green Book Supplementary Guidance: Value for Money](#), HMT (2022)

accelerating useful infrastructure projects. An amendment drafted by TAN has been tabled to the English Devolution and Community Empowerment Bill to further this.

11. Second, a review as to the different types of consultation that could be considered depending on whether a relevant NPS is in place, its degree of specificity and any sectoral spatial plan. Although this summer's Infrastructure Strategy referred to such plans, details how they will be drawn up or relate to NPSs remains at best unclear. A key element of this change needs to be better front loading of engagement, with far improved engagement on NPSs, something that a new Commission could assist greatly with. TAN would be delighted to discuss any of these ideas further with officials.