



DCO Decisions: Faster, Higher, Stronger?

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Introduction



Context, Ambition, and Delivery

Planning and Infrastructure Bill

The Banner Review

Policy Reform

Legal challenges



Context





Infrastructure decisions are difficult for elected politicians

“It is sometimes right to ask our constituents to take local pain for national gain, but does my hon. Friend agree that the national gain of HS2 has always been argued to result from its being a network of high-speed rail lines, not a single line? If it is a single line, are we not in danger of the national gain being extraordinarily limited, and the local pain, including to my constituents, being extraordinarily extensive and long lasting?”

Sir Jeremy Wright MP





Ambition





PLAN FOR CHANGE

Milestones for mission-led government

5 December 2024

CP 1210

1.5m new homes ... and more infrastructure by 2029

“We will do this while delivering the infrastructure the country needs: not simply through investment, but by reforming planning rules and fast-tracking 150 planning decisions on major infrastructure by the end of this Parliament – more than double the number decided in the previous Parliament”

150... by the end of this Parliament

$$150 \div 5 = 30 \text{ p.a.}$$



Delivery





In the beginning...

Progress so far



Year 1:
21 decisions
made

Year 2: 25
decisions
(possibly)



There is a pipeline... seventy six projects



Reform: The Planning & Infrastructure Bill



The big reform: no more statutory consultation

"Consultation and compliance can conduce little to the perfection of any literary performance; for whoever is so doubtful of his own abilities as to encourage the remarks of others, will find himself every day embarrassed with new difficulties, and will harass his mind, in vain, with the hopeless labour of uniting heterogeneous ideas, digesting independent hints, and collecting into one point the several rays of borrowed light, emitted often with contrary directions."

~ Samuel Johnson

Planning and Infrastructure Bill	
[AS AMENDED BY PUBLIC BILL COMMITTEE]	
CONTENTS	
PART I	
INTRODUCTION	
Chapter 1	
National policy statements and development consent	
1	National policy statements: review
2	National policy statements: preliminary requirements
3	Power to supply requirement for development consent
4	Applications for development consent: national or certain pre-application requirements
5	Applications for development consent: changes related to section 4
6	Applications for development consent: compliance stage
7	Applications for development consent: local impact reports and representations
8	Applications for development consent: costs
9	Planning for 2008: right to enter and survey land
10	Changes to, and revocation of, development consent orders
11	Planning for 2008: legal challenges
Chapter 2	
ELECTRICITY INFRASTRUCTURE	
Connections to the electricity transmission and distribution system	
12	Connections to electricity network licence and other modifications
13	Scope of modification power under section 12
14	Provisions relating to modifications under section 12
15	Provisions relating to modification agreements
16	Managing connections to the electricity strategic plans etc
Consents for electricity infrastructure in Scotland	
17	Consents for generating stations and associated lines: applications
18	Revocation of consents etc
19	Provisions relating to qualifying water-bodies: etc: consents



Reform: The Banner Review







Banner Review



Introduction and list of recommendations

1. I was appointed by the Prime Minister on 12 February 2024 to undertake this review of legal challenges to development consent orders (“DCOs”) granted for nationally significant infrastructure projects (“NSIPs”) under the Planning Act 2008 (“2008 Act”).
2. By their nature, NSIPs are generally speaking the most important development projects, for both the national economy and the public interest, that progress through the planning system. Hence the bespoke consenting regime for them under the 2008 Act.
3. The prompt for this review was a concern in government and amongst some stakeholders that unmeritorious legal challenges to DCOs were causing significant undue delay to the delivery of NSIPs, with consequent detriment to the public interest.
4. The report examines that concern, informed by data as well as extensive engagement with stakeholders in the NSIP regime from a wide range of perspectives. I conclude that it is in significant respects well-founded, in the terms that I set out fully in the main body of the report.
5. I have therefore sought to examine ways of streamlining the process for judicial review of DCOs so as to minimise delays caused by unsuccessful legal challenges, whilst at the same time respecting constitutional principles and UK’s international obligations including under the Aarhus Convention^{[\[footnote 1\]](#)}.

Banner Review: Implementation

**Permission
Stage**

CMCs

**'significant'
designation**

**Appeal
timescales**



Policy Reform



National Policy Statements

**Clean
Power**

Water

Transport

**Nuclear
Power**

NPS EN-7

Nuclear Energy Generation

- Novel nuclear technologies
 - Small Modular Reactors
 - Advanced Modular Reactors
- New approach to siting
 - EN-6 sites continue to have “advantages”
 - Site selection criteria
- Absence of time-limits
 - No deployment deadlines

National Policy Statement for Nuclear Energy Generation EN-7

1 Introduction

1.1 Background

- 1.1.1 The demand for electricity is likely to increase significantly over the coming years, with the potential for demand to more than double by 2050,¹ even with significant improvements in energy efficiency. New low-carbon energy generating capacity is essential to affordably meet this demand, while improving the UK's energy security and working towards net zero emissions. This urgency is recognised in the overarching energy National Policy Statement, EN-1, designated in January 2024, which sets out a “Critical National Priority” for low-carbon energy infrastructure.
- 1.1.2 Nuclear energy provides an abundant, safe and reliable source of low carbon energy that will play a vital role in ensuring a secure, stable and affordable energy system for the future. The UK has a longstanding history of deploying nuclear technologies at scale, and in 2023, nuclear energy provided the second largest share (approximately 23%) of low carbon electricity generation in the UK.² As a low carbon energy source, nuclear energy offers a cleaner source of energy that will contribute to net zero ambitions. For example, it is estimated that the Hinkley Point C station will avoid around nine million tonnes of carbon dioxide emissions per year in comparison to a gas-fired power station and cause lower carbon emissions per unit of electricity across its life cycle than offshore wind or solar.³ It will generate enough electricity to supply six million homes.
- 1.1.3 The existing programme of construction, operation and decommissioning of nuclear infrastructure provides significant socioeconomic benefits, with 96,000 people employed in the UK's civil and defence nuclear sectors in 2024.⁴ As of 2025, the new Hinkley Point C power station has provided 26,000 new employment opportunities, invested £24 million into education, skills and



Legal challenges





EIA-based challenges

Post-Finch arguments



“likely significant effect”

- Effect
- Likely
- Significance
 - Methodology
 - Benchmarking
 - See DESNZ guidance on scope 3 emissions re: offshore oil and gas



Thank you



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