

ICE submission to the Public Bill Committee on the Planning and Infrastructure Bill

April 2025

About the ICE

The Institution of Civil Engineers (ICE) is a 97,000-strong global membership organisation with over 200 years of history.

It is a centre of engineering excellence, qualifying engineers and helping them maintain lifelong competence, assuring society that the infrastructure they create is safe, dependable and well designed.

Its network of experts offers trusted, impartial advice to politicians and decision makers on how to build and adapt infrastructure to create a more sustainable world.

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Key messages

- The Planning and Infrastructure Bill is much needed and will lead to an improved and streamlined infrastructure planning system. The proposals to accelerate the delivery of Nationally Significant Infrastructure Projects (NSIPs) are positive.
- By providing more certainty in the planning system the Bill will go some way to rebuilding investor confidence in the UK as an attractive place to deliver infrastructure. This will, in turn, support the government's economic growth and climate missions.
- Ensuring National Policy Statements are regularly reviewed and updated is welcome. However, the volume of work involved should not be underestimated and the certainty provided by regular updates will be undermined if the process provides a vehicle for successive governments to overturn decisions agreed during the previous Parliament.
- Streamlining the planning system alone is not a silver bullet. Many issues with strategic infrastructure planning and delivery will still need to be addressed through the 10-Year Infrastructure Strategy and the National Infrastructure and Service Transformation Authority (NISTA).
- Major infrastructure projects can span multiple parliaments, and certainty must be maintained throughout a project's lifespan. The government must also prioritise a more joined-up approach to strategic infrastructure planning and prioritisation, particularly in addressing cross-boundary and cross-sector planning.

- The Bill goes some way towards better integrating climate resilience into the planning system. However, more clarity is needed from the government about its plans for infrastructure climate resilience. A priority should be implementing Schedule 3 of the Flood and Water Management Act (2010) as soon as possible.
- The Nature Restoration Fund and a more strategic approach to mitigating the environmental impacts of development could provide a coordinated programme of nature improvement and generate benefits from the investment. However, consideration must be given to the burden this may place on delivery bodies.
- More proactive engagement with the public in infrastructure planning and decision-making can increase support for infrastructure projects and deliver co-benefits. The scale of infrastructure improvements and upgrades required in the coming years is vast, and it will be vital not to alienate the public.

Submission

1. Providing greater certainty

The Planning and Infrastructure Bill will establish a process for reviewing and updating National Policy Statements (NPS) every five years. The ICE welcomes this decision to provide a clear strategic direction and make NSIPs less open to challenge.

However, there are 12 designated NPSs, and the resources, time and engagement required to update each of them every five years should not be underestimated.

The ICE has called for a single overarching NPS on infrastructure linked to a National Infrastructure Strategy, with annexes for specific infrastructure types. This would mean consistency across all types of infrastructure on issues such as biodiversity and noise limits, and a more streamlined review process. Alternatively, the National Infrastructure Commission called for 'modular updates' for NPSs, linking them to primary or secondary legislation to clarify how future legislative change relates to NPSs.¹

The new system must also consider the timescale for delivering major infrastructure projects, which can span several Parliaments. The certainty provided by regularly updated NPSs will be undermined if the updates provide a vehicle for successive governments to overturn decisions already made during the previous Parliament.

Judicial reviews

Limiting judicial review challenges from three to one alongside regular updates to NPSs is welcome. However, it does not mean NSIPs will be exempt from delays and uncertainty. Since the NSIP regime started, decisions have been judicially reviewed 23 times, with only five successful challenges. Four of these successful challenges have occurred since 2020, when NPSs were not updated for some time and failed to align with the latest government policies. This implies that the NSIP regime is robust and well-understood, provided NPSs are regularly updated.

NPSs, once updated, should not be able to be challenged. They would have already undergone extensive consultation, been scrutinised by select committees and finally approved by Parliament. In addition, there would be a commitment to update them again within five years.

¹ National Infrastructure Commission (2023) [Infrastructure planning system](#)

Given the amount of time and investment involved at the pre-application stage, the robustness of the NSIP process and how few judicial reviews succeed, there is merit in the idea of Parliament being able to confirm specific projects deemed of critical national importance, thus exempting them from being delayed by any judicial review challenge.

Additionally, there are questions about whether the Bill can reduce all the barriers that would impact the government's ability to deliver its target of 1.5 million homes and 150 major infrastructure projects by the end of this parliament. For example, the number of challenges to Development Consent Orders has been reduced to only one but has not been removed entirely, so delays in the system could persist. Furthermore, consultations are expected on the regulations and guidance needed to implement the measures. Thus, there is still a degree of uncertainty as to what the future planning regime will look like.

2. Improving infrastructure delivery

Even if issues with the planning system are resolved, delivery challenges must also be addressed. These must be considered through the 10-Year Infrastructure Strategy and the National Infrastructure and Service Transformation Authority (NISTA).

Many other factors, from interest rates and market incentives to the availability of skilled workers and materials, are critical. This requires joined up planning and for the government to better understand market capacity across its infrastructure and housing plans. It must also consider its defence plans, as the supply chain is very similar.

There are numerous stalled housing development sites unable to proceed for reasons such as water stress, insufficient capacity in the power network, and inadequate transport links. This indicates that planning is only part of the issue; other more systemic problems, such as availability and quality of data, a lack of strategic infrastructure planning, and poor spatial planning, need to be tackled for housing and infrastructure to be delivered optimally.

3. Integrating climate resilience and decarbonisation

Climate resilience and nature-first approaches need to be integrated into the planning system. The Bill's proposal to insert the phrase "the mitigation of, and adaptation to, climate change" into the New Towns Act 1981, the Local Government, Planning and Land Act 1980, and the Localism Act 2011 would be a positive step towards achieving this.

The ICE welcomes the creation of a funding model to make Long-Duration Energy Storage viable. This will further enable the decarbonisation of the energy system and provide the necessary flexibility and resilience to absorb and manage fluctuations in demand and supply.

Alongside the Bill, the government should further clarify its thinking on flood resilience by committing to implement Schedule 3 of the Flood and Water Management Act (2010). This process ensures that any new development includes high-quality, sustainable urban drainage systems and removes developers' automatic right to connect to public sewers. Many developers would welcome the certainty that implementing Schedule 3 would bring while improving resilience to surface water flooding events. As the legislation for this already exists, the government could quickly enact it alongside the other measures introduced in the Bill.

The ICE also recommends that NPSs include a list of climate hazards and desired protection standards for selected climate scenarios, such as extreme heat and flooding. This will fill an information gap about climate risks for the infrastructure needed in the UK.²

The Climate Change Committee's recent advice on the Seventh Carbon Budget made it clear that delivering infrastructure and meeting the country's climate objectives shouldn't be considered an either/or choice.³ Pitting development and resilience needs against each other would create a false binary – both can be achieved.

If the reforms in the Bill are badly implemented, and decision-makers only focus on building as many houses as possible at the lowest cost, the UK will miss the economic benefits of building resilience in early, and future risks will only get worse.

Nature Restoration Fund

The proposed Nature Restoration Fund in the Bill could provide a coordinated programme of nature improvement at a more strategic and catchment level, generating more benefits from the investment. But there are risks; nature degradation in one location could be compensated for at a distance from the development.

Success will depend on a robust policy and enforcement process to enable statutory consultees to identify the most appropriate development requirements and planning professionals to have the power to do what is best for society in the long term.

However, the Fund will also depend on Natural England and other delivery bodies deploying successful Environmental Delivery Plans (EDPs). It would be unrealistic to think that specific EDPs could be created for every environmental impact that a project has, so there must be flexibility in the system. Natural England is also a small body, so it must be appropriately resourced to deliver EDPs and administer the Fund. Otherwise, there is a risk the body will be unable to deal with the new demands placed on it.

4. Increasing public engagement

Alongside the measures set out in the Bill, more proactive public engagement within infrastructure planning and decision-making can increase support for infrastructure projects.

The government must better communicate information about major infrastructure projects to the public. The ICE commissioned polling in early 2025 which found that 63% of respondents felt that information about major projects was poorly communicated to them.⁴

This matters because the scale of infrastructure improvements and upgrades required in the coming years is vast, and it will be vital not to alienate the public. For example, a wider review is needed on compulsory purchase and compensation beyond the changes in the Bill.

A much broader review of community benefits is also needed across all infrastructure sectors to explore how local communities can be effectively compensated in more ways than discounted bills, for example, by focusing on outcomes instead. NISTA could play a role in considering this.

² ICE (2023) [ICE policy position statement: how can the UK's infrastructure system be made more climate resilient?](#)

³ Climate Change Committee (2025) [The Seventh Carbon Budget](#)

⁴ ICE (2025) [ICE briefing paper: paying for Britain's infrastructure system](#)