



1. Building a modern, competitive and resilient economy demands that we get better and faster at delivering the infrastructure required to power it. Delay has a cost, undermines investor confidence, and slows our transition to homegrown clean energy that protects households from volatile global prices. That is why this Government made infrastructure delivery a defining mission, backed by landmark reforms and sustained investment in the planning system. Given the challenges facing the world economy, and the scale of what we need to build, the Government now intends to go further in ensuring that legal challenge is focused, proportionate, and does not create unnecessary delay to the delivery of nationally important infrastructure.

### What we have done already

2. We have already taken the most ambitious steps to reform infrastructure planning in a generation. The Planning and Infrastructure Act 2025 streamlined the consenting process for Nationally Significant Infrastructure Projects (NSIPs), overhauled pre-application requirements, and is expected to speed up major projects by an average of 12 months, unlocking up to £7.5 billion in economic benefits over the next decade.
3. On judicial reviews, we have acted decisively to tackle the delays caused by legal challenges, and to ensure meritless challenges do not get multiple attempts to frustrate the process.
  - a. We made provision in the Planning and Infrastructure Act 2025 to reduce the number of attempts a claimant can make to bring a legal challenge, from three to one for meritless claims. In the recent *Stonestreet Green Solar* case, the measure enabled the court to quickly dispatch a meritless claim, meaning that a major solar project could continue with minimal delay.
  - b. We have worked with the judiciary to amend the Civil Procedure Rules to tighten procedural requirements for NSIP cases. This includes setting clear target timescales for NSIP cases in the High Court and Court of Appeal. The majority of these procedural changes came into effect in October 2025, with an update to the High Court timescales expected to be implemented by October this year.
  - c. In response to the Fingleton Review, the Government has committed to two further areas of reform: developing a government-backed indemnification scheme to give developers greater financial certainty when facing legal challenge; and extending NSIP judicial review reforms to other major planning regimes, including those under the Town and Country Planning Act.
4. Together, these reforms will make the judicial review process for major infrastructure up to six months faster, more predictable, and more focused on genuine legal concerns.

## What we propose to do next

5. We believe there is however a clear case to go further: economic headwinds are growing stronger, driven by events in the Middle East; the scale of the task before us in overhauling the country's infrastructure deficit and getting to clean power is significant; and there is a legitimate public interest in ensuring that unnecessary delay and unmeritorious challenge do not impede infrastructure delivery.
6. We are therefore proposing to introduce two optional mechanisms to the current process for consenting NSIPs – subject to detailed design and the passage of underpinning legislation – which would allow for proportionate protection from judicial review:
  - a. a **parliamentary authorisation** mechanism, which would be intended to provide the greatest degree of legal certainty for a narrow category of the most critical energy projects identified on a case-by-case basis by the Energy Secretary, and where Members of Parliament then judged this appropriate; and
  - b. a **challenge window** mechanism, which would allow Secretaries of State to respond in a more agile fashion to potential issues before finalising a planning consent, and limit the ability to raise other issues after the final consent was published.

### *Parliamentary authorisation*

7. Where Parliament deems a project of sufficient national importance, this mechanism would be designed to give the eventual consent effectively the same protections as afforded by primary legislation. Under this model, the Energy Secretary would determine that a project should be designated as of Critical National Importance, and the House of Commons would then vote to confirm that designation.
8. The normal process for submission and examination of the Development Consent Order (DCO) would then continue – but with the final decision put before the House of Commons again at the end of the process, and a further vote held. If approved, the DCO would be afforded a distinct statutory status specified in the underpinning legislation, akin to an Act of Parliament. As a result, the DCO would be protected from judicial review on issues other than human rights grounds.
9. This would be intended to provide a high degree of certainty against delay for projects where the national interest is clearest, and it had received explicit endorsement from Members of Parliament. This route would apply only to energy projects identified by the Energy Secretary, reflecting the urgency of the UK's energy security and net zero objectives.

### *Challenge window*

10. For all NSIPs, the second mechanism would provide an optional and structured challenge window in which issues could be raised and then where necessary addressed, with a view to avoiding drawn out judicial reviews.
11. The relevant Secretary of State would publish their draft decision, and as now a fixed window would then open during which any judicial reviews must be lodged. The Secretary of State would then have

a period in which they could consider and address these issues before amending a final DCO. As a consequence, where any judicial reviews on the same grounds were subsequently pursued, the courts would have a clearer basis to refuse permission or relief – making use of the provisions already introduced via the Planning and Infrastructure Act on meritless claims. The law would also be changed such that the courts would refuse permission for a judicial review to proceed on any issues not brought up during the consent process or challenge window.

12. This would help expose and address any legitimate issues earlier, while giving developers and investors greater certainty to press on with projects once consent is granted.

#### **Next steps**

13. The Government recognises these are significant reforms raising important legal, constitutional and practical questions, and will be engaging openly with the judiciary, developers, investors, legal practitioners, local authorities, and affected communities as the policy is developed and implemented.

14. We will set out further detail ahead of the necessary underpinning legislation being introduced.