



# Ministry of Housing, Communities & Local Government

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David Simmonds MP  
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30 July 2025

Dear David,

I promised to write with further detail in response to the questions you asked during Committee about how Clause 3 of the Planning and Infrastructure Bill would work in practice.

As you know, the purpose of this measure is to allow redirection of development applications into the most appropriate consenting regime. This will play an important role in supporting the Bill's aim of streamlining the delivery of new homes and critical infrastructure. The need to get Britain building and kickstart the economy is a pressing one that I believe should be recognised regardless of party affiliation. Clause 3 takes a proportionate and pragmatic approach to ensure the development order consenting process can be used to further these objectives.

You raised questions about when the Secretary of State can use the proposed section 35A redirection power and why the timeframe for making decisions, under section 35D, is not included on the face of the Bill. You also emphasised the need for clear supporting policy and guidance on the process.

## Overview of the measure

As we have developed this measure our consistent objective has been to ensure that the consenting process is efficient, proportionate and effective – supporting the timely development of infrastructure projects. We recognise the need to strike a balance between providing certainty for applicants and maintaining the necessary flexibility within the system.

The aim of this power is to improve certainty for applicants as early as possible in the consenting process. At present, as applicants develop their proposals it is not always clear whether a development will fall within the thresholds of the Planning Act. For example the energy output of a site may depend on the specific technology chosen. Developments may also include multiple elements that, at present, need to be considered separately under different consenting regimes, creating greater uncertainty and cost for developers. For example, an economic development or housing site being consented through the Town and Country Planning Act may require an access road, that would need to be consented through the Planning Act.

The current regime already contains an element of flexibility under section 35 of the Planning Act, which allows the Secretary of State to direct that certain projects (that fall outside of the statutory definition) be treated as NSIPs, requiring development consent. Examples of where this power

has been used include the H2 Teesside and Net Zero Teesside projects, demonstrating the need for flexibility in identifying the most appropriate development consent regime.

The Bill's redirection power delivers the same flexibility in reverse – by enabling developments to be directed out of the Planning Act's development consent process. This will help provide certainty for applicants at an early stage and maintain the necessary flexibility within the system where development could be better consented through an alternative regime. At Committee I gave examples of circumstances where the flexibility this power provides will be important. Under our proposals, applicants will seek redirection before applying for development consent so that time is not wasted in circumstances where an alternative regime would be appropriate. There are also specific circumstances in which a development may be redirected without a request, this includes when the Secretary of State is the one proposing to carry out the development or the Secretary of State considers that the appropriate alternative consenting regime for the development is that under section 59 of TCPA 1990 (development orders).

### **Secretary of State's use of redirection**

I know that you are particularly interested in the parameters around where this power would be used. Our policy, which will be published in due course, will set out the matters that will be considered by the Secretary of State when making a decision on a request (where applicable) for redirection of a development. Most importantly this policy will be based on securing the key test I outlined at Committee: considering whether an alternative consenting regime is more appropriate to apply in relation to the development, rather than the Planning Act 2008. Proportionality and timeliness will be primary considerations when assessing whether an alternative route is appropriate. There may also be factors that point to a direction not being appropriate, such as where a consenting route is not commonly used and could delay a timely decision. This will be accompanied by guidance which will set out the process more clearly. I am confident – as is commonplace across many aspects of planning regimes including the existing flexibility set out in Section 35 of the Planning Act – that the policy and guidance will be sufficient in giving clarity about how the power is used, and will support the Bill provisions without needing to provide specific detail on the face of the Bill. Such an approach could limit flexibility and undermine the central objective of the measure, constraining the power more than that which already exists under section 35 power. I hope you will be further assured that all directions will need to be published to ensure transparency.

### **Timetable for determining requests**

You also asked about the regulation-making power in section 35D, specifically why the timetable for deciding requests and the provision of information to the Secretary of State are not on the face of the Bill. Proportionate flexibility is needed to ensure any timeframe for decisions can be made in a timely fashion and fairly. By taking a power to create regulations, we can set a timeframe in due course that we have confidence provides certainty for applicants, ensures a deliverable timeframe for decisions, and avoids unnecessary delays and extensions through an inflexible timeline on the face of the Bill. As we understand more about the way requests are made, we can amend the timeframe in regulations – should it become clear that there are benefits to doing so – so that it continues to provide clarity. You also asked about the potential for this power to be used to issue directions at politically expedient moments, such as before an election. It is important to note that directions do not pre-determine the outcome of the consenting process – they simply confirm that development consent under the Planning Act 2008 will not be required. Normal rules about pre-election periods would also apply.

Thank you once again for engaging with me on this important issue. I am copying this letter to other members of the Planning and Infrastructure Bill Committee for their information.

Best wishes,

A handwritten signature in black ink, appearing to read 'Matthew Pennycook', with a large, stylized initial 'M'.

**MATTHEW PENNYCOOK MP**  
Minister of State for Housing and Planning