

Judicial Review Policy
Ministry of Justice
102 Petty France
London
SW1H 9AJ

27 August 2026

Response submitted by email only to: JRReform@justice.gov.uk

Dear Sir / Madam,

Re: Judicial Review Reforms

The Land, Planning and Development Federation (LPDF) welcomes the opportunity to respond to the consultation on the ‘Judicial Review Reforms Beyond Nationally Significant Infrastructure’.

We fully support the Government’s ambition to streamline the Judicial Review (JR) procedures for major schemes, whilst still allowing individuals to challenge the lawfulness of a decision in court, but ensuring that unnecessary delay in the process is avoided.

About the LPDF

The LPDF seeks to represent the UK’s leading land promoters, home builders and commercial developers. LPDF members support the housebuilding and commercial development sectors by promoting sites through the planning system, providing “shovel ready” land with a planning permission which can facilitate the delivery of infrastructure and serviced land parcels.

The LPDF seeks to actively engage with government on planning, housing and commercial development policy and to educate the wider public on the social, environmental and economic benefits of development through an evidenced based approach.

The LPDF encourages its members to deliver well designed, high quality, sustainable places which deliver a mix of housing types and tenures, commercial spaces and community uses that have a positive social, environmental, and economic impact.



Our key values include:

- Working in a positive and cooperative way with central and local government and key stakeholders, to deliver a planning system capable of supplying the homes and employment space we need.
- Promoting research and an evidence-led approach to policy development.
- Increasing the supply of new homes to meet demand and make home ownership a realistic possibility for all those who aspire to it.
- Ensuring that we build the affordable homes of all types and tenures that this country so desperately needs.
- Delivering new employment space to meet demand from businesses and support economic growth.
- Championing the impact of increased housing delivery on reducing intergenerational unfairness.
- Creating well designed, high quality and sustainable places to live and work.
- Educating and informing about the social, environmental and economic benefits of development.
- Supporting diversity of delivery in the market and championing SME developers.
- Promoting diversity and inclusivity within the sector.



Questions

Q1. Do you think that the NSIP judicial review reforms should be extended to other planning regimes? Please explain your response with reference to the potential benefits and risks of doing so.

Yes – Major housing and commercial developments should be considered to be national infrastructure and the Government have placed considerable focus on the delivery of both significant numbers of new homes and major economic growth. However, vexatious and/or unjustified Judicial Reviews (JR) of decisions are on the increase, and they are causing significant delay in the planning process.

The LPDF has sought to undertake research to understand the scale of the problem and the length of delays that are being caused as a result. However, there is a lack of available data to monitor, and it is not collated in a single location or in a consistent format. Therefore, the Department of Justice (DoJ) should establish a monitoring regime to fully understand the impacts of the JR process on the planning system.

In addition, the LPDF recognise the statutory limits that are placed upon the appointment of High Court Judges, as well as the lack of planning specialist judges within the High Court. If the MoJ implements the JR reforms, as suggested in the consultation and these representations, then the statutory limit on High Court judges needs to be increased.

It is the LPDF's view, that there should be a minimum of six High Court Judges that are considered to be planning specialists and these judges need to be focussed exclusively on planning casework, rather than sitting on other criminal cases, so as to ensure that the inevitable increase in workload that will occur as a result of these reforms, does not lead to additional delays in the process. It is also highly likely that there will need to be a review of the pay schedules for High Court planning specialists, in order to ensure that a suitable number and calibre of judges can be recruited.

Q2. Do you agree that consideration for further judicial review reforms should be limited to 'major infrastructure projects' consented under the TCPA 1990 and the TWA 1992 and other 'strategically important developments' (as defined by this consultation)?

The LPDF do not wish to make comments on this question.



Q3. Do you agree that onshore wind projects over 50MW and under 100MW, electricity network projects and large grid-scale battery storage projects with a capacity over 100MW, all of which are currently determined under the TCPA 1990 should be considered ‘strategically important developments’?

Yes.

Q4. Should other developments, such as significant housing developments, also be in scope of this review? If so, how should these developments be defined. Please explain your response with reference to the importance of these developments and the potential impact of delays resulting from legal challenge.

Yes - Given the emphasis that the Government has placed on the delivery of new homes and commercial development, coupled with the length of time it currently takes to gain planning permission for major development (see the LPDFs research [‘How Long is a Piece of String?’](#)) and the increasing delays that are caused by the JR process, it is considered critical that these types of developments come into the scope of the JR reforms.

It is considered that major housing development should be defined as schemes consisting of 100+ new homes and major commercial growth should be considered to be 10,000sqm or greater. These definitions will ensure that delays can be minimised for a greater number of proposals, whilst also ensuring that the court system is not overburdened.

5. In your view, is there an issue with delays to ‘major infrastructure projects’ and ‘strategically important developments’ consented under the TCPA 1990 regime resulting from legal challenges? If so, please provide details (for example, how long does it take on average for a legal challenge against a decision to reach a conclusion; are there any specific cases of concern; what is the impact of the resulting delay).

Yes - However, this view has been drawn from the experiences of a number of our members, rather than a statistical analysis of a body of data. As stated previously, there is a lack of available data to monitor, and it is not collated in a single location or in a consistent format. Therefore, the DoJ should establish a monitoring regime to fully understand the impacts of the JR process on the planning system.



Q6. Although to date there have been few challenges against TWA decisions, in your view, is there a risk that the number of challenges could increase in light of changes in the PIA? If so, what would be the potential impact on ‘major infrastructure projects’ consented under the TWA 1992 regime? Please provide details (for example, what is the likelihood of challenge and the expected complexity of proceedings, including the amount of evidence required; and what would be the potential impact of the resulting delay).

The LPDF do not wish to make comments on this question.

Q7. Should the CPRC be invited to remove the paper permission stage for other planning decisions? If so, do you agree that this change should be limited to ‘major infrastructure projects’ and other ‘strategically important developments’ only?

Yes - Although it is recognised that this is likely to increase the burden on the court system and therefore, the MoJ should consider some of the suggestions made in response to **Q1** above, in order to ensure that there are no unintended consequences as a result.

Q8. Should the removal of the right of appeal for ‘totally without merit’ cases be extended to other planning decisions? If so, should this change be limited to ‘major infrastructure projects’ and other ‘strategically important developments’?

Yes - This would be a significant improvement to the system for all JRs and would lead to a reduction in delays in the process and a consequent reduction in the number of unmerited JRs being made as a result.

Q9. Should the CPRC be invited to amend PD 54D to formally designate ‘major infrastructure projects’ and other ‘strategically important developments’ as Significant Planning Court Claims?

The LPDF do not wish to make comments on this question.



Q10. Should the CPRC be invited to amend the PD 54D to encourage the use of case management conferences following the grant of permission to apply for judicial review in other types of planning cases? If so, should this change be limited to ‘major infrastructure projects’ and other ‘strategically important developments’ consented or should it be extended more widely to all planning cases?

The LPDF do not wish to make comments on this question.

Q11. Should the CPRC be invited to extend the target timescales for NSIP judicial reviews in the High Court to ‘major infrastructure projects’ and other ‘strategically important developments’? Please explain your response with reference to any potential risks and resources implications.

The LPDF do not wish to make comments on this question.

Q12. Should the CPRC be invited to extend the target timescales for NSIP appeals in the Court of Appeal to ‘major infrastructure projects’ and other ‘strategically important developments’? Please explain your response with reference to any potential risks and resources implications.

The LPDF do not wish to make comments on this question.

Conclusion

Overall, the LPDF support the MoJ in seeking ways to reduce the delays caused by vexatious and unmerited JRs in the system. Any improvements should be aimed at reducing the delays experienced by developers and consequently, reducing the risks and costs associated with bringing development schemes forward. This will significantly help the Government to achieve its new homes and commercial development aspirations, whilst reducing the potential financial burdens for developers, which will particularly benefit SMEs.

Finally, there is a lack of available data to monitor on the impact of JRs on the planning system, and what there is, is not collated in a single location or in a consistent format. Therefore, the DoJ should establish a monitoring regime to fully understand the impacts of the JR process on the planning system.



I hope that you find this representation helpful and please do not hesitate to contact me if you require anything further from ourselves or our members.

Yours faithfully



Phill Bamford

Policy Director

