Logistics UK Judicial Review Reforms Beyond Nationally Significant Infrastructure

Summary

- Freight and logistics infrastructure should be explicitly recognised as strategically important. This should include rail freight terminals, warehousing, inland ports, inland waterways, HGV parking and driver welfare facilities, and other infrastructure that supports resilient national supply chains, decarbonisation and modal shift.
- Persistent gaps in freight and logistics understanding within parts of the planning system mean nationally important developments are often assessed primarily on local impacts rather than their wider economic, supply chain and network benefits. This challenge is becoming more significant as more infrastructure decisions are taken through local planning processes.
- Strategically important logistics infrastructure should receive the same procedural certainty and prioritisation as other nationally important infrastructure sectors. This includes applying streamlined judicial review processes, restricting further appeals and formally recognising key freight and logistics developments as Significant Planning Court Claims to support timely delivery and economic growth.

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About Logistics UK

Logistics UK is one of the country's largest business groups, and the only trade association which represents all of logistics. Our mission is to support, shape and stand up for a safe, sustainable and efficient logistics sector. Our membership of more than 22,000 includes global, national and regional businesses and SMEs spanning road, rail, waterways, sea and air freight, in ports, airports and warehousing, as well as the customers of freight services such as retailers and manufacturers. We deliver services, representation and thought leadership, helping members and policymakers to seize new opportunities for the sector and the economy as a whole, right across the country.

The logistics sector

Nothing moves without logistics. The sector employs 8% of the UK workforce in good jobs with strong career progression, contributes £170 billion in GVA each year, and underpins the resilience of the everyday economy.

Logistics plans and coordinates the movement and storage of the goods that businesses, public services and households rely on – using ports, airports, roads, railways, waterways, warehouses and smart digital systems to tie it all together.

With the right policies, logistics can drive up UK growth by £8 billion a year.[1] However, rising costs, red tape and poor infrastructure are holding the sector back, putting firms out of business, fuelling inflation, and undermining productivity and supply chain resilience. As a result, the UK has fallen from 4th to 19th in the World Bank Logistics Performance Index over the decade to 2023.

[1] Logistics Delivering a solution to the UK's productivity puzzle, Oxford Economics, 2023

Logistics has transformed the UK and is now delivering for the future. It helped deliver the country's canals, roads, railways, airports and ports, has driven revolutions in global trade and e-commerce and is now innovating to deliver decarbonisation and even greater efficiency.

1. 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, for developments of strategic importance.

The logistics sector supports extending NSIP judicial review reforms to other planning regimes where delays arising from legal challenge can significantly affect and delay economic growth, infrastructure delivery, supply chain resilience and national productivity.

The consultation notes that following changes introduced through the Planning and Infrastructure Act 2025, a growing number of major infrastructure projects may be consented through the TCPA 1990 and TWA 1992 processes, including projects out of the NSIP regime.

Infrastructure that is essential to the efficient operation of the logistics sector can face significant delays despite its strategic national and regional importance. This includes strategic warehousing and distribution facilities, rail freight interchanges, inland ports, inland waterway freight infrastructure, HGV driver welfare and parking facilities, electric charging and alternative fuels infrastructure for commercial vehicles, and infrastructure required to enable the movement of abnormal and indivisible loads. These developments are often critical enablers of economic growth, supply chain resilience, construction activity and energy infrastructure delivery and yet the strategic role of freight and logistics infrastructure is not always fully understood at a local level.

As an increasing number of major infrastructure projects are determined through local planning processes rather than the NSIP regime, there is a growing risk that developments with national or regional supply chain functions are assessed primarily through the lens of local impacts. This can lead to insufficient weight being given to wider economic benefits, network connectivity, freight efficiency, resilience, decarbonisation and national productivity considerations.

Strategic logistics infrastructure underpins the movement of goods, construction materials, food supplies, manufacturing inputs and consumer products across the UK. Delays to consented developments can therefore have consequences for wider supply chains and economic activity. Delays can also affect workforce development and job creation. Strategic logistics developments frequently support skilled employment across transport operations, warehousing, engineering, vehicle maintenance, digital systems and supply chain management. Prolonged delays can therefore postpone new employment opportunities, apprenticeships and skills development that would otherwise support local and regional economies.

The benefits of extending the reforms include:

- Greater certainty for investors and industry provision.
- Faster delivery of important infrastructure.
- Reduced costs associated with prolonged litigation.
- Improved supply chain resilience.
- Faster delivery of economic, welfare and connectivity benefits.

Judicial review performs an important constitutional role in ensuring lawful decision-making. Reforms should therefore focus on reducing unnecessary delays to strategically significant infrastructure applications rather than limiting legitimate legal challenge.

2. 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)?

Yes, provided strategic freight and logistics infrastructure is explicitly recognised within the definition of strategically important development.

Alongside energy and transport projects, Government should expressly recognise the strategic importance of:

- Strategic Rail Freight Interchanges.
- HGV parking and driver welfare provision.
- Rail freight terminals and associated rail infrastructure.
- Inland ports and inland waterways.
- Port-related logistics developments.
- Intermodal freight terminals.
- National and regional distribution centres.
- Warehousing.

These developments are critical infrastructure as they facilitate the efficient movement of goods across the UK economy and enable modal shift.

Government should also recognise infrastructure that enables multimodal freight operations and workforce sustainability as strategically important development. Rail-connected logistics facilities, inland waterway freight infrastructure and intermodal freight terminals support the transfer of freight to the most efficient mode, helping to reduce congestion, improve network resilience and support decarbonisation. Similarly, HGV driver welfare and parking facilities play a critical role in workforce recruitment, retention and safety, helping to address skills and labour challenges across the logistics sector.

3. 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'?

Logistics UK believes the definition of strategically important development should not be confined primarily to energy infrastructure. Freight and logistics infrastructure that performs nationally significant economic and growth functions should be treated in a similar way.

For example, strategic rail freight infrastructure, inland ports and major logistics hubs can be as important to national productivity and economic resilience as energy projects**.** There is an estimated shortfall of around 11,000 HGV parking spaces each night. As a result, drivers often lack access to safe and secure rest facilities, increasing the risk of freight crime and negatively affecting driver welfare, safety and retention. Strategically located driver facilities are essential infrastructure that help keep supply chains moving and support economic growth. However, their national importance is not always recognised at a local level, leading to planning delays.

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).

From a freight and logistics perspective, the principal issue is often not whether a challenge ultimately succeeds, but instead the uncertainty and delay that litigation can create after a project has already completed extensive planning scrutiny.

Particular concerns arise where delays affect:

- Major warehousing developments.
- Rail freight terminals.
- Strategic Rail Freight Interchanges.
- Inland ports and water freight infrastructure.
- Driver welfare and parking facilities.

The logistics sector also continues to experience challenges arising from a limited understanding of freight and logistics within parts of the planning system.

As more strategically significant infrastructure decisions are taken through local planning processes, it becomes increasingly important that decision-makers have a strong understanding of how supply chains operate and the role that modern logistics networks play in supporting economic growth. This includes recognising the importance of national freight corridors, the growing need for strategically located warehousing, opportunities to move freight by rail and inland waterways, and the critical role of driver welfare infrastructure.

Too often, freight developments are considered primarily through the lens of local impacts without sufficient recognition of their wider economic and national significance. This can contribute to lengthy disputes and increase the likelihood of challenge. Greater recognition should also be given to the contribution such developments make towards multimodal freight connectivity. Strategic freight infrastructure frequently enables the transfer of goods between road, rail and water, improving overall network efficiency and supporting Government ambitions for economic growth and decarbonisation.

6. 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).

Freight and logistics projects frequently have strategic functions extending well beyond their local authority area and are often intended to improve network efficiency, increase freight capacity and facilitate modal shift from road to rail or water.

A delay to these projects can therefore have impacts extending far beyond the scheme itself, thus reducing capacity across the whole of the network.

As more nationally significant infrastructure decisions are devolved or taken through local consenting routes, there is an increasing need for planning and legal processes that recognise the strategic role of freight and logistics infrastructure. Judicial review reforms should therefore ensure that strategic logistics, rail freight and inland port developments receive the same level of procedural certainty and prioritisation as other nationally important infrastructure sectors.

8. 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'?

Where a court has determined that a claim is 'totally without merit', it is reasonable to remove further opportunities to prolong proceedings. This can help reduce avoidable delays and provide greater certainty for strategically important projects.

Any extension of this measure should not be confined to major infrastructure projects and strategically important developments. This should include strategic freight and logistics infrastructure, where delays can affect investment decisions, supply chain resilience, productivity and economic growth.

The change should not prevent legitimate legal challenges from proceeding but would help reduce delay arising from claims that have been considered and found to have no merit.

9. 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?

Formal designation would provide greater certainty, consistency and transparency regarding how such cases are managed. Major freight and logistics infrastructure must be included within this designation, including Strategic Rail Freight Interchanges, rail freight terminals, inland ports, inland waterway freight infrastructure, driver welfare and parking and major logistics hubs. These developments frequently support national supply chains and economic activity across multiple regions. Formal designation would help ensure that the courts recognise their strategic importance and manage challenges accordingly.