

Government Consultation: Reforms to the statutory consultee system

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Response from the Association of Directors of Environment, Economy, Planning and Transport (ADEPT)

The **Association of Directors of Environment, Economy, Planning and Transport (ADEPT)** represents directors of place who are responsible for providing day-to-day services including local highways, recycling, waste, and planning as well as the strategic long-term planning and delivery of sustainable places. ADEPT members are at the very heart of delivering clean sustainable growth, tackling climate change at a local level. We manage the projects that are fundamental to creating more resilient, inclusive, and safe communities, economies, and infrastructure. ADEPT represents directors of place from county, unitary and combined authorities across England, along with sub-national transport boards and corporate partners drawn from key service sectors.

The key to unlocking economic recovery and renewal lies with local leadership. Place directors create the strategies, run the services, and lead the projects that shape local places for their communities. The whole country benefits from investment in local place. Tackling inequality and climate change, while promoting health and wellbeing, supporting business, and maintaining critical infrastructure is most successful when national investment is locally led. We represent members' interests by proactively engaging central government on emerging policy and issues, responding to consultations and enquiries, creating national guidance, and promoting initiatives aimed at influencing government policy. We also represent public sector interests across all our key areas in national sectoral organisations. ADEPT members manage some of the most pressing issues facing the country today, including green recovery and tackling climate change. We are responsible for everyday public services that people need to ensure communities thrive, are well-connected, sustainable, and healthy.

Local planning and services, public transport and high streets, green spaces and active travel, employment and skills all contribute to the wellbeing of our local areas and the people who live, study and work in them. ADEPT members are passionate about making them better, working with colleagues, partners, and government to create the places and communities and businesses need.

Our remit includes:

- delivering clean, sustainable growth through recovery and regeneration
- infrastructure including local roads, highways, and digital connectivity
- planning & housing
- environment including waste, flood & water management, energy, natural capital

We would be happy to engage further with the Government on the responses we have made to this consultation.

Ensuring the statutory consultation system supports economic growth

Question 1 - Are there other key areas we should be considering in relation to improving the performance of statutory consultees?

Yes.

We strongly welcome the government's proposed changes to the statutory consultee process to help deliver the growth this country needs as set out in the Government's Plan for Change. Positive and proactive working relationships between statutory consultees and local planning authorities is essential if the reforms the Government have recently made to the system are to have the desired effect. We wholeheartedly support the need for statutory consultees to respond speedily to both consultations on planning applications and local plans. Resourcing them to do so will be key to the new streamlined approach working.

With regard to the new 30-month timetable for preparing local plans, we consider that there should be specific measures put in place if statutory consultees fail to engage in a timely manner at the new key gateway points of the process. There should be a clear duty for consultees to respond in a timely and engaged way to consultation requests and if they do not respond within prescribed timescales the local planning authority should be entitled to proceed assuming they have no fundamental objections to the plan as published.

Question 2 - In exploring reforms to the system, we have so far focussed more on key national statutory consultees. Is there more that government should do in relation to smaller scale and local statutory consultees?

Local authorities should continue to have the power to consult other relevant local and smaller scale consultees as they consider necessary, as their advice can often assist the decision maker weighing up the overall planning balance and merits of a proposed development.

We also consider that more use should be made of standing advice from statutory consultees in a way that does not pass requirements for technical assessments to planning officers who may not have specific expertise in a particular area.

Reviewing the scope of statutory consultation in the Town and Country Planning Act

Question 3 - In light of the proposed mitigations, do you support the removal of Sport England as a statutory consultee?

Support.

Sport England provides important technical expertise as a specific plan-making consultation body and their contribution is appropriate at the strategic plan-making level. Therefore, they should be included under the new 'requirement to assist with plan-making provisions.' We

consider that any standing guidance on planning applications is clear and succinct and does not require planning officers to make detailed technical playing pitch assessments and is easily applied. We also suggest that specific and targeted training is provided to local planning authorities to support this change.

Question 4 - In relation to notification requirements, should substantial loss of an existing playing field be defined as:

- **20% ; a figure below 20%; a figure above 20%; an alternative approach.**
Please explain your answer/reasoning if possible.

Any loss of an active playing pitch could be regarded as substantial if it prevents the pitch being used for the purpose intended. This is all part of the overall planning balance and therefore we do not consider that an arbitrary percentage can be applied to planning applications where each case must be considered on its own merits. The provision of high quality playing fields for a range of sports and age groups in public use is crucial for a healthy and active population. Developers should be required to submit suitable evidence as part of any submission to demonstrate the use of the playing field will not be unduly compromised.

Question 5 - Are there impacts of the removal of Sport England as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?

There will be a need for clear and concise guidance to be provided to enable planning officers to make sound decisions in the absence of specialist advice from Sport England. This should ensure local authorities are not put at increased risk of legal challenge, alongside the associated financial burden. Sport England also act as an intermediary, co-ordinating advice from different professional bodies; for example, the Football Foundation and Rugby Football Union. Their advice can help to highlight the most important factors for consideration and establish the key priorities for a particular site. Local planning authorities therefore are likely to receive separate representations through the general advertisement and consultation arrangements for planning applications and should also be free to consult these groups should they consider the need to do so as part of the determination of any planning application.

Question 6 - In light of the proposed mitigations, do you support the proposals to remove The Gardens Trust as a statutory consultee?

Support.

We strongly support the greater alignment of the consultation requirements associated with listed buildings so that the consideration of proposals on all designated heritage assets will be comparable.

Question 7 - Are there impacts of the removal of The Gardens Trust as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?

Not from our perspective.

Question 8 - In light of the proposed mitigations, do you support the removal of Theatres Trust as a statutory consultee?

Support.

Consultations with the Theatres Trust impact on very few planning applications. We consider this change will have a minimal impact. In the commentary on mitigations, the Government appears to be proposing that the Theatres Trust should still be notified on all applications that impact theatre land. The benefit of removing the Theatres Trust from the list of statutory consultees may therefore be compromised and so the Government should clarify its intentions here.

Question 9 - Are there impacts of the removal of Theatres Trust as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?

In our view a more consistent approach in how the Theatres Trust is treated would be welcomed. The Government could consider making them more akin to an amenity society.

Removal of other statutory consultees

Question 10 - Are there other statutory consultees for which we should consider removal? What evidence would support this approach?

Statutory consultees cover technical areas where planning officers cannot be expected to have the technical expertise. With regard to Neighbourhood forums in our view householder development should be excluded from the need for consultation. This would be consistent with the Government's proposals for a national scheme of delegation if that is to be implemented.

Reforms to key statutory consultees

National Highways

Question 11 - Do you support the proposed changes to National Highways' referral criteria?

The changes to the consultation criteria still appear to be open to interpretation and it would appear optimistic that the level of consultations would be reduced by the 25% suggested. Government is not categorically stating that if an application does not require a transport assessment it does not need to be reviewed by National Highways. The Government needs to be clearer on this point for this change to be effective. Local authorities may still therefore take a precautionary approach if they think there may be a safety impact in relation to a trunk road. Where Strategic Road Network (SRN) junctions are either operating close to or beyond their theoretical capacity during the peak traffic hours, it is very likely that National Highways will still therefore want to be consulted upon those applications which don't necessarily involve the submission of a Transport Assessment. If the

Government do want to reduce consultations it may be better to review the definition of minor development.

Consultations with National Highways could also be reviewed in light of whether the application is in accordance with an allocation in a Local Plan. The narrative in this consultation suggests they should have a greater focus as a statutory consultees on the plan-making stage which we would strongly support. If National Highways are engaged on allocated sites to assess the principle of development and its implications and impacts on the Strategic Road Network, then any subsequent consultation at planning application stage should only be focussed on detailed technical matters under the new vision-led approach advocated by the draft 2025 National Planning Policy Framework. They should not then be re-opening issues with regard to the principle of development at planning application stage. The government should be clearer what they are proposing in relation to the role of National Highways.

As part of the new Government approach to vision lead transport strategies, we also consider that this must be part of National Highways approach to considering both planning applications and the formation of local plans. Engagement should be positive, with a specific focus on modal shift and the development of sustainable transport models and infrastructure. The government's growth aspirations and changes to the Standard Method for housing will undoubtedly lead to increased potential pressure on the trunk roads: therefore, National Highways must help facilitate and delivery in their engagement with local planning and transport authorities as a facilitator of growth rather than automatically objecting to development which could impact on the trunk road network.

Question 12 - Is there anything else we should consider in relation to National Highways as a statutory consultee?

In light of the December 2025 National Planning Policy Framework (NPPF) provisions for a vision-led approach to the assessment of transport impacts of development, we consider this needs to be reflected in further revisions to the role expected to be played by National Highways as a statutory consultee both in plan making and considering planning applications.

Active Travel England

Question 13 - Do you support the changes to Active Travel England's proposed referral criteria?

No.

All the applications for which Active Travel England would be a consultee are applications that would require consultation with National Highways. The NPPF makes it clear that transport decisions should prioritise sustainable travel and therefore this consideration should be incorporated into the comments of National Highways and the Local Highway Authority.

Question 14 - Is there anything else we should consider in relation to the role of Active Travel England as a statutory consultee?

No.

Natural England

Question 15 - Are there other actions that the government and/or Natural England should be taking, to support their role as a statutory consultee?

Yes.

We have a concern that various specialist technical aspects of development proposals are being effectively shifted to non-specialist planning officers to assess. This will only work if there is targeted and bespoke training to support these proposed streamlining arrangements. We see a significant opportunity for the greater use of new digital tools, such as the Impact Risk Zone Tool, and other digital tools, to provide the clear and easy to understand guidance planning officers will need to enable them to consider these technical issues as part of their assessment of the overall planning balance as to the merits or otherwise of a specific development proposal.

Natural England also have a fundamental role in the Habitat Regulation Assessment (HRA) process. They act as the Statutory Nature Conservation Body (SNCB) and we would welcome any changes that allow them to work more proactively in this role. At present, restricted capacity means that early engagement at pre-application stage does not always occur which can result in delays with subsequent planning applications.

The Environment Agency

Question 16 - Are there other actions that the government and/or the Environment Agency should be taking in relation to the Environment Agency's role as a statutory consultee?

Whilst we support the use of clear, concise standing advice, in many scenarios we would want to ensure that the push to streamline processes does not remove the provision of bespoke advice from too many applications. Planning officers cannot be expected to be experts in a range of technical matters without targeted support and training.

Other areas such as contaminated land and biodiversity are matters that are often considered by other specialists in the planning process so the use of standing advice in these areas is sensible.

Historic England

Question 17 - Do you support the changes to Historic England's proposed notification criteria?

Yes.

The changes proposed are considered proportionate and would allow Historic England to focus on those applications of most significance as well as strategic plan-making work. It is noted that the use of prescribed sizes for development within Conservation Areas can lead to consultations not taking place for development that may have a significant impact on the character and appearance of a locality. Local Authorities could choose to consult Historic England, on a non-statutory basis, if they consider extra specialist guidance would be beneficial and allow for a timely decision.

Question 18 - Do you support changes to align the listed building consent process in London with the process that applies elsewhere?

In principle, yes.

Question 19 - Is there anything else we should consider in relation to the role of Historic England as a statutory consultee?

In recognition of the even greater reliance on in-house historic environment support the government should consider the need for a small charge to help cover the costs of the assessment of listed building consent applications, which place a financial burden on local authorities. In our view there is no longer any justification for listed building consent applications to be free.

The Mining Remediation Authority

Question 20 - Do you support the changes to the Mining Remediation Authority's proposed referral criteria?

Yes.

Question 21 - Do you support the proposed changes in relation to the Mining Remediation Authority commenting on the discharge of conditions?

Yes.

Question 22 - Is there anything else we should consider in relation to the MRA as a statutory consultee?

No.

Other changes to statutory consultees

Question 23 - Are there other statutory consultee referral criteria we should consider amending? What evidence supports this?

No.

Question 24 - Is there anything further government should consider in relation to voluntary pre-application engagement and for any statutory consultees in particular? What evidence supports this?

Many of our members report receiving feedback from the development industry that statutory consultees are unable to engage in pre-application discussions due to a lack of resources. The NPPF recommends the frontloading of planning matters through the pre-application process as it allows for more effective and responsive engagement to secure better planning outcomes. Government should ensure that all statutory consultees have sufficient resources and the ability to recover costs for pre-application engagement.

Question 25 - Is there anything further government should consider in relation to statutory consultee engagement in post-approval processes, such as agreeing that planning conditions have been fulfilled? What evidence supports this?

Post-approval condition discharge applications are as important in getting development delivered as the original application. Condition discharge applications are not subject to performance monitoring by government and, as a result, there is a risk these may be given lower priority by statutory consultees. Any performance monitoring of statutory consultees should cover all application types to ensure development is delivered in a timely manner. Our members are aware of many examples where there have been substantial delays from statutory consultees on condition discharge applications.

Statutory consultee performance

Question 26 - Do you have suggestions for how government can effectively incorporate appropriate developer and local authority feedback into consideration of statutory consultee performance?

The government could consider the use of the Planning Advisory Service (PAS) to co-ordinate and collate meaningful feedback from local authorities, which is a role they have successfully carried out for other topics in the past.

Funding statutory consultees

Question 27 - Do you agree with this approach?

ADEPT strongly supports both statutory consultees and local authorities being suitably resourced to provide both high quality and timely advice and decisions. Any increased use of standing advice and guidance, which necessitates greater understanding of technical matters by planning officers, needs to be supported by specific and targeted training and the right form of guidance. In relation to local authorities providing more directed consultations to statutory consultees, the Government should continue to drive for modernisation of IT systems that support town planning functions and also consider the potential for AI to add to this risk and further burden local authorities.

While the new plan-making system will provide additional clarity in terms of engagement periods, it is vitally important that statutory consultees engage with local planning authorities based upon requested advice, including implications of different growth strategies that their local plans may be advancing. In our view, this engagement in plan-making should not be limited to any formal engagement period; instead, there should be a duty on

consultees to proactively engage throughout the plan making process, particularly in the scoping and visioning stage, to ensure that their views and guidance can inform plan making through to adoption. Equally, at the local plan examination, there should be a requirement to engage in developing solutions or changes to a plan to overcome any objections so the plan can proceed speedily to adopted. In other words, they should adopt a partnership approach with the local planning authority and be solutions orientated.

Question 28 - Is there anything else the government should be doing to support local planning authorities in their engagement with statutory consultees?

In relation to plan making there should be a duty on consultees to respond to requests made by local authorities in writing, even if that is to confirm that there are not comments or objections within the consultation period. In the absence of any response the Local Planning Authority should be entitled to view this as “no objection” to the local plan and proceed to subsequent gateways on that basis. There should then be no further opportunity for a statutory consultee to raise issues of principle later in the plan-making process. Equally, it should be an obligation to respond within either the prescribed consultation stage or within an alternative period agreed with the local authority. This is important to ensure that LPAs can appropriately manage their plan preparation given the constrained 30-month time periods for plan production.

Question 29 - Are there best practice examples from local authorities that help support statutory consultees and developers, for example, checklists/proformas for environmental issues?

Many of our members will have very positive and good relationships with a number of statutory consultees, both at an operational level and at a more strategic senior manager and political level. We can provide examples of these should that be of assistance to Government.

Question 30 - How might best practice be expanded to support statutory consultees, including through reducing the volume of material which developers have to produce?

ADEPT supports the approach now advocated in NPPF Policy DM2 (Information requirements) and accompanying Annex C to set out national validation requirements with more narrowly focussed local validation requirements where specified in a local plan.

Moratorium on new statutory consultees

Question 31 - How best can government and statutory consultees support the increase in capacity and expertise of local and strategic authorities?

ADEPT supports the approach now advocated in NPPF Policy PM8 (Evidence for plan-making) to have a more proportionate and streamlined approach the evidence required for plan-making.

Question 32 - Do you agree that these criteria clearly set a framework for decisions on future statutory consultees?

Yes.

Question 33 - Should the government maintain the moratorium, subject to periodic review, or adopt criteria for consideration of new statutory consultees?

ADEPT supports the suggested six criteria set out in the consultation as the basis for considering whether new statutory consultees should be considered in the future. In our view, the current set of statutory consultees covers the full range of technical areas likely to impact on most development proposals so we do not consider that further statutory consultees should be needed at this point in time. However, as the consultation itself highlights, policy and circumstances can change. Therefore, we would suggest a periodic review of statutory consultees every 5 years. We strongly believe Government should do this in partnership and in collaboration with local planning authorities. ADEPT would be willing to facilitate such an approach if considered appropriate.

Question 34 - Is there anything else the government should consider in relation to the criteria?

No.

Impact

Question 35 - Are there any equality impacts in relation to the proposals in this consultation that the government should consider?

No.

Question 36 - The government considers that these measures would have a deregulatory impact. Do you have evidence from engagement with statutory consultees under the current system of the impact this may have?

ADEPT has established positive working relationships with many statutory consultees and is in a unique position to work with Government and the sector to ensure the changes proposed are communicated and effectively implemented. We strongly believe that in order to achieve the overall objectives of these changes that a programme of targeted training to planning officers should be rolled out ahead of the new approach being implemented.

Question 37 - Based on the proposed changes to referral criteria, would statutory consultees expect to see performance improvements? Please explain your reasoning.

Yes.

Whilst some of the suggested reductions in consultation response times may prove to be rather optimistic, any reductions should help to improve overall planning application performance if resources are not reduced. We would also point out that the propensity for

legal challenge to planning decisions has significantly increased in recent years, and this often leads to local planning authorities taking an unduly precautionary approach, leading to some unnecessary consultations. Similarly, statutory consultees often stray outside their formal areas of responsibility and the basis upon which they have been consulted on a development proposal in the first place by commenting on issues and planning matters that are not within their organisational scope. These issues will be important for Government to address as part of streamlining the statutory consultee process.