

"Removing the grit from the system"

Changes needed for a more efficient planning application process

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LICHFIELDS

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Executive Summary

The focus from Government and the development sector has shifted: from ‘major planks’ of planning reform over the last few years to what the Minister refers to as “*a renewed emphasis on removing ‘grit’ from the planning process to ensure that the application journey is as fast and easy as possible*”.

Our findings in this report reinforce the well-established view that the planning process has become increasingly unwieldy for applicants and overly contentious. This report identifies three core principles that should be addressed at every stage of the process:

- 1 Measuring what matters – introducing key performance indicators at each stage of the application journey will help track improvements across the system. Linking these indicators to grant funding could also provide a stronger incentive for progress.
- 2 Getting the culture right – both applicants and decision makers will need to prioritise quality and efficiency. Achieving this will require a shift in incentives to support and embed these behaviours.
- 3 Applying the principle of proportionality – that less can be more - will help give stakeholders confidence that decisions are based only on relevant evidence and policy considerations.

The report then considers five stages of the planning process and the challenges that are currently slowing determinations at each of these. We identify a key performance indicator for each, and a set of recommendations to improve the system. Our key recommendations are:

- 1 **At the pre-application stage:** Clear planning policy guidance stating that pre-application advice should be proportionate to the size of site. The requirements, advice and post decision agreements for smaller and medium sized sites, or areas with an up-to-date local plan, will often not need pre-application advice except in exceptional circumstances, or on complex sites.
 - 2 **At the validation and initial review stage:** Upon adoption of the new NPPF, guidance should be issued to assure local planning authorities that unless evidentially necessary, the national information list requirements are sufficient for validation and consideration of an application.
 - 3 **At the consultation stage:** A Written Ministerial Statement should be issued stating that AI-generated objections carry no additional weight by volume. Guidance on how to manage the growth of AI generated consultation responses should also be consulted on ensuring it remains up to date.
 - 4 **Statutory consultee advice should be grouped into those providing ‘safety-related or regulatory responses’ and ‘advisory responses’.** Set timescales for responses should be agreed for the former (reflecting the complexity of the proposal), and penalties should be issued for missed deadlines. For the latter group, ‘no objection’ should be issued if deadlines are missed.
 - 5 **At the determination stage:** A Written Ministerial Statement to state that planning officers are the decision takers, using the planning balance. LPAs should support officers with access (formally and informally) to the skills, expertise and tacit knowledge of specialists and/or senior colleagues to help them consider the evidence in applications and the responses of statutory consultees.
 - 6 **At the post decision stage:** A written ministerial statement clarifying that conditions should only be considered when “planning permission would have to be refused if that condition were not to be imposed”. If this does not apply, the condition should require precise justification.
 - 7 **Template s.106 agreement wording** (as are currently being drafted for smaller sites) should also be drafted and used for major site applications, unless there is clear justification not to do so.
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1.0 Introduction

- 1.1 2025 was a year of significant policy change in planning: the most radical re-write of the NPPF since its inception was published in draft, the Planning and Infrastructure Act passed and the policy and legal structures for local government reform alongside the return of strategic planning were created.
- 1.2 The Minister of State for Housing and Planning considers that the Government has put in place the “*major planks*” of planning reform and the Ministry for Housing Communities and Local Government (MHCLG) now has “*a renewed emphasis on removing ‘grit’ from the planning process to ensure that the application journey is as fast and easy as possible*”.¹
- 1.3 Although the number of homes permitted remains low, the second half of last year did see a strong uptick in planning application submissions for new homes.² Turning these submitted applications into deliverable permissions requires an efficient approach to determining this increased pipeline of proposed developments.
- 1.4 As we showed in *How Long is a Piece of String* (HLiaPoS) (research by Lichfields for LPDF and Richborough), the increase in determination periods has coincided with a period where the flow of decisions has dropped to just a third of previous levels.³ Despite a sustained period in which caseloads (measured by numbers of applications) have fallen, determination periods for outline residential applications are extending. This ties up resource for longer to achieve less.
- 1.5 HLiaPoS shows quite how big the challenge has become. The average time taken to determine a major outline application has risen to two years, an increase of one year and four months since 2014. This has significant cost implications; as an illustrative example - a developer may borrow £120,000 (10% of the value against £1.2m for a plot of land capable of delivering 100 homes) to pay for an option agreement and initial costs through a typical development finance agreement of 1.3% interest per month. A six-month delay in this case could cost close to £10,000 in interest payments, even before considering staff costs or professional fees. Slower planning applications mean a slower return on capital and tie up resources for longer, reducing applicants’ ability to recycle capital to take forward the next scheme. It also increases the time taken from deciding to bring forward a scheme and when it might be built and taken to the market – a period over which wider economic circumstances have changed. When the internal rate of return is weakened in this way, it deters investment in development relative to other investment opportunities. Put simply, capital will be reallocated, and fewer homes or business premises will be built.
- 1.6 This new research focuses on identifying the ‘grit in the planning system’: the issues which appear to have had most impact in slowing determination times so significantly over the past decade, in order to make the application journey faster and easier

¹ <https://www.planningresource.co.uk/article/1920377/pennycook-major-planks-planning-reform-will-place-end-year> and Minister of State Keynote address at UKREIFF, 19 May 2026.

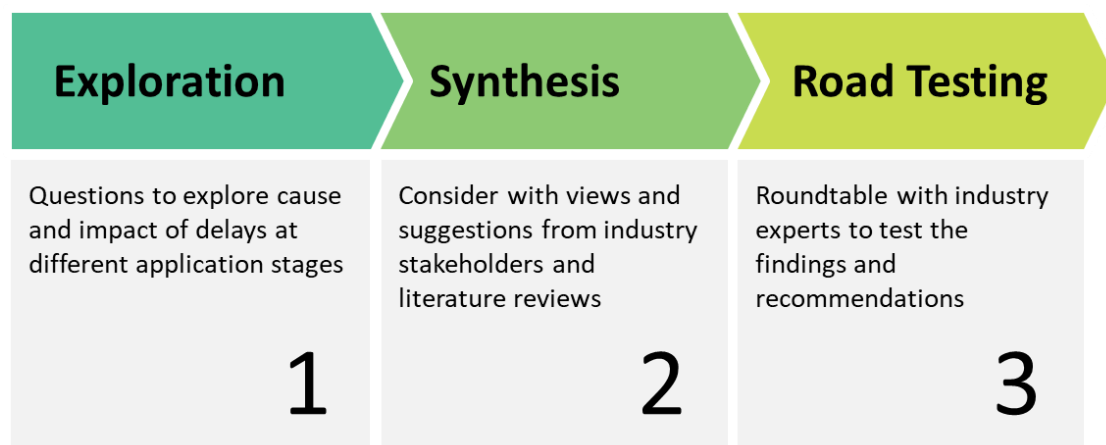
² TerraQuest Q4 2025 <https://www.terraquest.co.uk/news-and-insights/q4-2025-index>

³ Lichfields, 2025 *How Long is a Piece of String*

2.0 Methodology

2.1 LPDF instructed Lichfields to identify where development management delays are most acute. To do this with rigour, we used a series of approaches to triangulate on the key issues that housebuilders, land promoters and co-consultants experience in the application journey (See Figure 2.1)

Figure 2.1 Methodology



2.2 The approach is described in more detail below:

- **Exploration:** We composed a detailed set of questions to survey a range of planning process users. Respondents gave a ‘nose to tail’ review with an opportunity to highlight and quantify the cause and impact of delays and costs at different stages of the planning system. Over thirty respondents (of which two thirds were either housebuilders or land promoters) provided detailed answers based on their experiences as users of the planning system. These inform the elements in the application process that are causing the most significant impact on costs and delays.
- **Synthesis:** We synthesised these findings with the challenges and improvements posited by industry stakeholders (including findings from the Future Homes Hub ‘snagging list’ workshop)⁴ and conducted a review of the extensive literature on these subjects. We also engaged with colleagues within Lichfields (one of the country’s largest planning consultancies) to benefit from their experience of preparing, submitting and negotiating planning applications across England.
- **Road Testing:** The draft challenges, costs and potential recommendations were then ‘road-tested’ in a research roundtable of industry experts from across the housebuilding, technology, policy making, land promotion and development sectors, with the findings presented here.

⁴ Held in June 2025, this workshop included a section “*Identifying the challenges and ideas for solutions for each stage in gaining planning permission*”; attendees included Central and local government colleagues, housebuilders, co-consultants and planning lawyers.

- 2.3 The research focused on the five stages of the planning application/permission process, which we explore further in Section 4.0 of this report. However, we also identified some key recurring issues, and it is to these that we turn in Section 3.0.

3.0 Recurring Themes

- 3.1 There are a host of specific actions and recommendations that we identify in subsequent sections of the report from the pre-application stage to the discharge of conditions.
- 3.2 We ultimately conclude that individual measures and process improvements will not succeed without addressing some underlying or recurring issues that applied at virtually all stages.

1. Measuring what matters will incentivise change

- 3.3 To make the planning system more efficient, better data will need to be collected, that reflects the outcomes of the planning service. Measuring timelines to key milestones will make it possible to identify where change is happening, and to understand and incentivise improvements.
- 3.4 The lessons from the Planning Delivery Grant could be built upon for today's housing market. The policy, introduced in 2002-03,⁵ had the aim of rewarding local planning authorities (LPAs) to improve planning outcomes. By tying grant allocation to key performance metrics, the then Office for Deputy Prime Minister (ODPM) rewarded authorities for determining applications and adopting local development frameworks in a timely and effective manner. The policy specifically targeted meeting the ODPM's public service agreements for a 'better balance between housing availability and demand'⁶, and for up-to-date local development frameworks. The grant's objective received support from the house building sector at the time for its funding to "*support those authorities that are positively addressing their housing requirements*" and incentivised improved performance.⁷
- 3.5 A critique of the Planning Delivery Grant was that in measuring performance against a single 13 week target, LPAs "*lost interest in applications once the target has been missed*"⁸ also that there were more rejections as LPAs were incentivised to make any decision within the time limit, rather than take the time they might need to be able to make a positive one.
- 3.6 Currently, the closest equivalent measurement is that for determination periods which are considered 'in time' if they meet the statutory 13-week target, or an extended period agreed with the applicant. Previous Lichfields research (HLiaPoS) identified issues with this measurement of 'in time' given the tendency for application timescales to be repeatedly extended. To address this, performance indicators for timelines need to be re-calibrated, and financial incentives should be linked to performance against these measures.
- 3.7 Throughout this report and for each stage of the application process we have identified key performance indicators; performance against these metrics should be reported and form part of the assessment of service levels for planning departments. These are the key indicators which show improvements in the speed of decision making.

⁵ Hansard, 2003, Volume 440, Minister for Housing and Planning.

⁶ Select Committee on Office of the Deputy Prime Minister 2003; Eighth Report.

⁷ HBF, 2007 HBF welcomes the objective of the new Housing and Planning Delivery Grant

⁸ 2009, Public Accounts Committee, Report on speeding up planning applications

2. Getting the culture right

- 3.8 *"Culture eats strategy for breakfast"* is a management aphorism that almost certainly applies to the planning system. Despite repeated policy adjustments and entreaties from central government, parts of the planning process in some (but by no means all) LPAs remain stubbornly resistant to improvement and indeed have worsened over the past decade to a greater extent than is justified by the reduced resources, taking into account the dramatically reduced volume of applications (as HLiaPoS demonstrated).
- 3.9 A consistent theme throughout our research is that achieving the benefits of a more efficient system will require a cultural shift among both decision-making authorities and applicants. Although culture can be difficult to define and even harder to change, there was broad agreement that such a shift is essential to creating a planning system that works effectively. The objective is clear: to achieve a decision-making system in which high quality and efficient decisions, based on proportionate and robust information, are the norm.
- 3.10 For applicants, this means a commitment to submitting high-quality applications that fully engage with relevant policy requirements. Applicants should also adopt an open and collaborative approach throughout the process, from pre-application discussions through to post-decision matters.
- 3.11 For decision makers, a cultural shift is also needed, towards one that shapes broader behaviours and favours a proactive, positive engagement between applicants and officers, and ensures that efficiency is appropriately valued alongside the quality of decision-making.
- 3.12 At present, the incentives to deliver an efficient system do not outweigh the perceived risks. Across LPAs, the growing politicisation of planning decisions and the litigiousness of the planning system (i.e. risk of judicial review) mean that decision-makers are, perhaps understandably, often more comfortable deferring decisions than making them. It has been suggested that committee reports could include as standard, data on costs of temporary accommodation, scale of waiting lists and on expenditure settling contested appeals. This would go to the point that not taking a decision carries social and other costs too, and should not be underestimated.

3. The principle of proportionality

- 3.13 We return throughout this report to the principle of proportionality. Under s.38(6) planning decisions should be made in accordance with the applicable statutory development plan (which includes forthcoming spatial development strategies and local plan policies) unless material considerations (including the NPPF) indicate otherwise. Inherent within this is planning judgement – giving consideration to evidence on specific policy tests and then weighing up all of the considerations on a set of imaginary scales.
- 3.14 Planning decisions have always involved addressing this balance. However, as policy complexity, legal regulations, and case law has developed, the evidence that is sought as the basis to make these decisions has also increased.
- 3.15 The principle of proportionality is not absent from the statutory framework that governs the planning application process. It is already there, in terms sufficiently precise to be enforced, and its consistent disregard is one of the most significant sources of systemic delay that this research has identified.

- 3.16 Article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 — the operative instrument governing what LPAs may require at validation stage — provides that particulars or evidence can only be required if they are: 1) reasonable having regard to the nature and scale of the proposed development; and 2) about a matter which it is reasonable to think will be a material consideration in the determination of the application. These are cumulative conditions, not alternatives, so both must be satisfied. Current NPPF paragraph 45 reinforces them at policy level, requiring information requirements to be kept to the minimum and confined to what is relevant and necessary to the application. The legal and policy framework is not permissive about over-requirement. An information demand that fails either limb of the Article 11(3)(c) test is not just disproportionate — it exceeds the LPA's statutory powers.
- 3.17 The practical significance of the proportionality question is most acute in relation to technical assessments — transport, flood risk, ecology, noise — where the institutional culture of the system generates pressure to demand from applicants that evidence be current, comprehensive, and continuously refreshed as a scheme evolves or time passes.
- 3.18 A transport assessment is a paradigm case: an applicant seeking outline permission for a major residential site will typically commission an assessment at considerable cost, which projects vehicle trip generation, models junction performance, and estimates cumulative network impacts against a future baseline. It is then scrutinised by the highway authority, may be revised, rechallenged, and potentially demanded afresh if the application timeline extends such that the background traffic data is deemed stale.
- 3.19 The problem with this cycle is that it conflates the appearance of certainty with its substance. A transport assessment does not tell the decision-maker what will happen — it tells the decision-maker what a model predicts may happen, based on assumptions about trip generation rates, modal share, and baseline growth whose margin of inherent uncertainty is, in most cases, greater than any difference between a survey conducted two years ago and one conducted last month. Demanding a fresh survey does not produce a more reliable answer; it produces a more recently-dated answer: a different thing. More fundamentally, the question before the LPA at outline stage is whether the principle of a development of a given quantum and use in a given location is likely to give rise to unacceptable transport impacts — a question that can almost always be answered to the required degree of planning judgment on existing data, comparator schemes, and professional assessment. It does not require the false precision of a recalibrated model.
- 3.20 Similarly, a detailed drainage scheme set out at an outline stage is also commonly requested, despite the detail of a scheme yet to be agreed upon and which should properly be considered later, at the reserved matters stage.
- 3.21 A requirement to provide or update technical evidence in those circumstances fails the Article 11(3)(c) test on both limbs: it is disproportionate to the nature of an outline determination, and it is not necessary to the planning judgment being made. It is also not consistent with NPPF paragraph 45.
- 3.22 Lord Banner's withdrawn amendment (166) to the Planning and Infrastructure Bill was aimed at addressing this issue. The amendment was to *"introduce a principle of proportionality in planning to give decision-makers, applicants, consultees and the Courts confidence that less can be more, so as to facilitate more focused decision-making and*

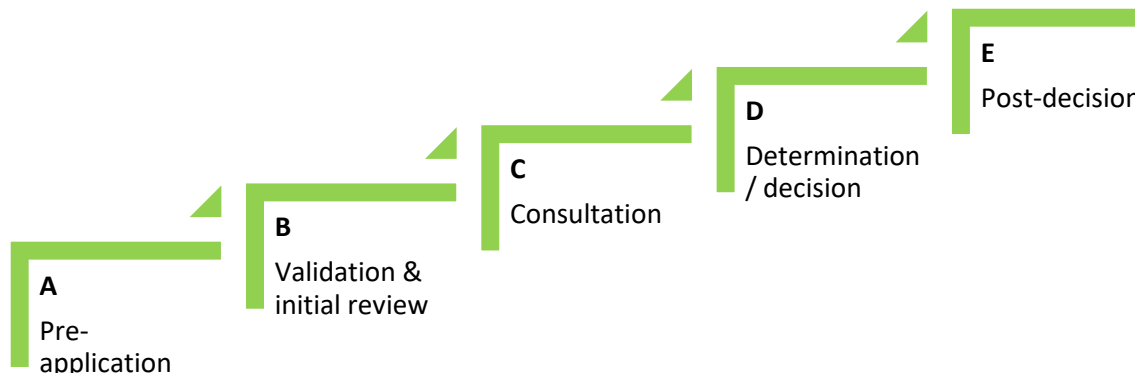
more effective public participation". The amendment defined the principle as requiring that the nature and extent of information and evidence required to determine an application be proportionate to the issues requiring determination, having regard to decisions already made and the extent to which those issues will or can be made subject to future regulation. That final clause was particularly significant: it spoke directly to the outline/reserved matters distinction and the use of conditions — the mechanisms whose systematic disregard drives the problem this report addresses. This showed potentially how proportionality might be put forward in planning law and was debated in detail across both Houses and in committee. The argument for a statutory approach, made by Lord Banner was that *"if proportionality was spelled out in neon lights in legislation, it would send a message to everybody—consultees, consultants, applicants, decision-makers, the courts and the public—that less can be more"*.

- 3.23 Amendment 166 was withdrawn rather than pressed to a vote, following a government response that expressed sympathy with the principle while declining to support the specific mechanism. However, the problem it sought to address has not gone away. A clear Ministerial Statement restating the operative legal tests, accompanied by revised Planning Practice Guidance that makes explicit their application to technical evidence at outline stage, would represent the minimum necessary policy response. The Government's position was that proportionality was already addressed within the draft framework, pointing instead to wider measures including the review of statutory consultees and the proposed medium development category. It was argued that this approach was less likely to be contested in case law while achieving the same ends.
- 3.24 Our findings suggest that this assessment may be optimistic. The statutory tests that exist fail when the cultural and institutional conditions necessary for their consistent application do not, in the face of a growing policy and regulatory load. Proportionality is treated in practice as a consideration to be balanced rather than a constraint to be observed, with the costs of over-requirement falling on applicants and the costs of under-requirement falling on officers. That asymmetry is unlikely to be corrected by policy alone, unless it is very rigorously formulated.
- 3.25 There is clear alignment between the recommendations in our report, the principle of proportionality, and the government's broader shift towards a more codified, rules-based system, as reflected in the draft NPPF.
- 3.26 One of the key elements of how the Government has responded was setting a standardised National Validation List through the draft NPPF (DM2 and Annex C) with far fewer opportunities for LPAs to require information beyond this list. Validation lists are currently legislated for through the Development Management Procedural Orders. The Government has consulted on whether DM2 and Annex C in the draft NPPF will be sufficient to ensure LPAs do not require applications to include information beyond the national list, except where clearly justified by local plan policies. This would be a significant step towards embedding proportionality into the decision-making elements of the planning system. More opportunities for guidance to go further are identified in this report.

4.0 Removing the grit at each stage of the planning application process

4.1 Our analysis is structured around the five key stages of the development management process, as illustrated below.

Figure 4.1 Planning application process – the key stages



Source: Lichfields analysis

4.2 For each stage we identify:

- Context
- The challenge
- Recommendations
 - The key performance indicator(s)
 - Primary recommendation(s)
 - Supporting recommendations

A. Pre-Application

Context

4.3 In an effective plan-led system, with clear policies set both locally and nationally, a pre-application meeting (“pre-app”) should not be necessary for all but the largest or most complex of applications. In most cases, a well-prepared application should address the relevant development plan policies and be capable of straightforward validation and in turn determination.

4.4 However, in practice pre-apps are - at least in some areas - used for almost all major applications. Where they are necessary, a good pre-app service is one in which all relevant stakeholders are present, engaged, and proactive; that all parties are familiar with the site and the proposed development; and that requests are made consistently, informed by a clear understanding of the relevant policies. They can also be used to estimate the likely s.106 contributions and possible conditions that might affect residual land values and therefore viability decisions.

- 4.5 However, the current pre-app system often lacks proportionality, clarity and consistency, particularly for small and medium-sized sites. The pre-application stage – which typically carries a major cost – is often subject to significant, avoidable delays. These delays can be very costly, with the value for money of the ultimate outcome – in the form of clear proportionate advice – not consistently demonstrated.
- 4.6 LPAs are constrained in two ways by law in performing pre-app advice:
- 1 Charges should be aimed at cost recovery based on officer time. This will clearly vary considerably based on the level and type of services that are on offer and the scale of the proposal.
 - 2 Advice given is, at present, non-binding. Pre-app advice cannot pre-empt the formal, democratic decision-making process. While it is a material consideration when determining a later application, the advice given is often issued ‘without prejudice to the final decision’.
- 4.7 Additionally, planning officers are also often wary of future challenges such as a judicial review; therefore there is often an understandable level of caution when, in the absence of clarification from guidance, expert advice is sought from statutory bodies ‘just in case’.

The Challenge

- 4.8 Our survey found that most respondents considered delays at the pre-app stage to be both likely and significant, with substantial cost and risk implications at this early stage of an applicant’s journey.
- 4.9 Respondents identified the biggest challenge as a lack of clarity and consistency in the quality of formal pre-app advice, which was reported to occur frequently and to cause significant delays and additional costs. Smaller housebuilders also noted that the cost implications can be substantial.
- 4.10 Throughout our research we found challenges to those accessing pre-app services. Through the research roundtable and discussions with Lichfields colleagues, we found that, in some LPAs—including two in the East Midlands, one in the West Midlands, one in London, and one in Yorkshire—pre-app services have been suspended entirely. In one North West authority, applications have reportedly experienced delays of five to six months before an officer is allocated. Delays of more than nine and seventeen months have been reported for LPAs in the West Midlands and West Yorkshire, respectively, while in one London council it takes between three and six months to issue reports following pre-app meetings.
- 4.11 Our survey revealed widespread frustration, with inconsistencies at the pre-app stage, driven by a lack of standardisation in both approach and service quality, both between and within LPAs, which was attributed in part to resourcing constraints. This can leave applicants feeling that the pre-app process is something of a lottery, with limited transparency at the outset regarding its service level or expected outputs. There is considerable variation in access to expertise (for example, ensuring that the “*right people are in the room*”), in the quality of advice (whether it is informed, consistent, or – too often – of limited value in providing clear guidance), and in the scope of services, so that applicants understand “*what they are paying for*”.

- 4.12 Delays in receiving advice and diarising pre-app meetings are rife; at our roundtable we heard it was a common experience among attendees to wait more than four months for an initial response despite a significant charge associated.
- 4.13 Despite the variation in service received, applicants rarely have clarity on what a pre-app will entail, and there is little recourse to challenge costs when the output proves inadequate. Furthermore, responses are typically non-binding; although this is legally advisable, it makes recommendations less accountable and can contribute to inconsistency between what is advised at the pre-app meeting and the terms on which decisions are ultimately made. Feedback should be written and give an indication of a decision that is "minded to" be made. A more formalised approach to pre-app advice could have the added benefit of enabling LPA officers to compel third parties and consultees to respond in time.
- 4.14 Pre-app fees were the subject of a recent Government consultation.⁹ PAS research found that, in 2022, fees for developments of 250+ units ranged on average from £2,400 to £5,200, although the range extended to £35,000 at the most extreme.¹⁰ Since then, fees have increased markedly¹¹: our research on the same authorities found authorities advertising up to £71,760 for a site of 249 units, for written advice and meetings with further services at a further cost. One Council in the North East has trebled pre-app advice fees for schemes of 10-199 homes this year, with no change to the service advertised. Other planning fees are set to rise annually with inflation and, although not part of this statutory fee increase, many planning authorities plan to increase discretionary services such as pre-app fees in the same way. While it has been commented that a good pre-app process saves time and money in later stages of the timeline, these substantial costs should reflect a transparent and high-quality service.¹² Furthermore, for applicants who have not used a pre-app service, this should not be a reason for LPAs to refuse to negotiate the application once submitted.
- 4.15 Some examples of good practice highlighted during our roundtable included a traffic-light triage system used by South Cambridgeshire, which identified potential issues early in the planning process. That LPA was also commended for bringing together input from all relevant stakeholders in a single meeting and issuing one clear, consolidated response. Elsewhere, one LPA offers a 'Development Consultation Forum', which enables applicants to engage with councillors and residents at the pre-app stage, when changes can still be considered more readily. The forum is optional, applicant funded and provides an opportunity for applicants to present proposals and hear concerns in an open setting involving a range of stakeholders.

⁹ MHCLG Open Consultation: Fees for planning applications <https://www.gov.uk/government/consultations/fees-for-planning-applications/fees-for-planning-applications>

¹⁰ See PAS Research at <https://www.local.gov.uk/pas/development-mgmt/pre-application-advice-and-planning-performance-agreements-ppas/setting-and#fee-calculator-and-ten-lessons-learnt>

¹¹ Pre Planning fees increased between 2023 and 2026 by, on average 35% for sites of less than ten units, 43% for 10-49 units; 38% for 50-249 units and 18% for sites of more than 250 units

¹² [Section 93 of the Local Government Act 2003](#) clarifies that where charges are made, they must not exceed the cost of providing the service.

Recommendations

Key Performance Indicator

- 1 Time taken to respond to the first request for pre-application advice. Further milestones such as first meeting and final written responses should also be recorded.

Key Recommendation

- 2 Planning policy guidance should be clear that for sites of less than 50 units, or areas with an up-to-date local plan, there is no requirement to seek pre-app advice except for complex proposals or in exceptional circumstances.

Supporting Recommendations

Implementable in the short term

- 3 A performance framework -including published timelines - which is publicly accessible and presented in a standardised digital format capable of analysis and comparison would encourage an improved system including formal feedback mechanisms for applicants.

Implementable in the medium term

- 4 Pre-app services need to be regulated and formalised, to add clarity for applicants on what the service and outputs will constitute. Service levels measured against key performance indicators, should be assessed for standards and consistency and linked to the LPA's audit procedure.
- 5 LPAs must ensure that pre-app services include "*the right people in the room*". The LPA should ensure the relevant experts are included where the site and policies deem it necessary for the proposal.
- 6 Where advice from a statutory body is sought for a pre-app, it must be limited to clear, actionable advice. Comments from statutory bodies should be issued in writing within 28 days and performance against this measure should be recorded as a key performance indicator for each body.
- 7 Training for elected members must emphasise that they can be involved with pre-app engagement within the regulations. Members should receive clear guidance on the appropriate forms of engagement and the circumstances in which probity rules prohibit involvement, including what does and does not constitute a risk of pre-determining an application.

Implementable in the longer term

- 8 Appropriate fees and if necessary, interventions, should - following these recommendations - be set in accordance with service and performance levels. If service level key performance targets are not met, a reduction in fees should be administered.
- 9 Written outputs from pre-app agreements should, when considering officer recommendations, be treated like a Statement of Common Ground used in the appeal process. Based on the information provided at pre-app stage and the policy position at

that time, this would set out what the council and the applicant agree on, what they disagree on, and what further work is needed based on a timestamped proposal.¹³

- 10 Unless details materially change in an application, pre-app advice should be consistent with officer recommendations at the determination stage. Where recommendations differ from this advice, written explanations should be provided. Where recommendations are consistent and agreed upon, the application determination phase should then consider outstanding issues rather than duplicate evidential requirements.

B. Validation & initial review

Context

- 1.2 Validation and the initial review of an application should, in principle, be a swift and technical process. A recently published MHCLG report¹⁴ (see box below) found that validation typically took less than two weeks; however, our interviewees did not recognise this experience and suggested there was significant variation, with validation typically taking much longer. In 2023, the Government published a working paper addressing the expansion of validation lists, and the draft NPPF proposes significant improvements with a set of information requirements for a national validation list, but our survey suggests the challenges are significant.

Mis-identifying the issue

The most recent MHCLG-commissioned study of the end-to-end applications process, *Delays and Barriers Experienced in the Planning Applications Process* (RSM UK, dated June 2022 but only published on 29th January 2026), identified "*problems with the submission of information, whether insufficient or incorrect*" as the single most common cause of delay — present in 31 of 80 case studies. Although not a statement of policy or necessarily the current Government's view, the reporting surrounding the publication shows the resonance of its findings in some quarters.¹⁵ It deserves scrutiny.

The research was conducted between September 2019 and January 2020, using case studies of applications determined between April 2016 and March 2018 — predating biodiversity net gain requirements, nutrient neutrality constraints, the expansion of water neutrality requirements, and the material changes to NPPF and EIA regulations that have significantly lengthened validation lists since. Lichfields previous research showed the significant deterioration in determination timelines since 2018, with the average determination time of an outline scheme doubling over this period.

The research excluded applications for 1,000 or more dwellings — the scale at which determination delays are most acute — and excluded outline permission and reserved matters combinations, which are the primary concern of this research. Applications that had gone to appeal were also excluded, removing the most contested and typically most-delayed cases from the sample.

¹³ As put forward by Paul Smith Managing Director of Strategic Land Group in his blog available here:

<https://longwall.substack.com/p/removing-grit-from-the-planning-system>

¹⁴ MHCLG, 2022, *Delays and Barriers experienced in the planning applications process*. Published in January 2026.

¹⁵ Planning Resource, 2 February 2026; Submission of 'insufficient or incorrect' information is top cause of planning application delays, finds MHCLG research [Available here: www.planningresource.co.uk/article/1946968]

Crucially, the research did not distinguish between information that was genuinely absent and information demanded beyond what was proportionate or necessary for that stage of the planning process.

The finding that applicants failed to submit sufficient information is not the same finding as applicants failing to submit information that was legitimately required. That distinction - between an information deficit and a disproportionate information demand - is the analytical gap that the Government's own more recent work on validation lists and this research seeks to address. The RSM UK report cannot tell us which was the dominant problem, because it did not ask.

A decade of validation list expansion since the RSM UK research's baseline means its findings cannot be taken as a current diagnosis of the barriers or delays experienced in 2026's planning application process.

The Challenge

- 1.3 Our survey and roundtable respondents were clear that validation and initial review stages are likely to be subject to delays which bring costs. At our roundtable, validation requirements were described “*as the whole ball game*” with the opportunity to reduce the number of documents required at this stage speeding up the whole planning application process.
- 1.4 Validation lists are a useful technical gateway point for LPAs, as inaccurate or incomplete applications which do not provide the evidence to address relevant local policies could add to the caseload for stretched local authorities. However, extended validation lists are often a symptom of the politicisation of the planning process, with officers requiring information to prove that these issues have been considered, even when they are extraneous.
- 1.5 In our roundtable and wider discussions, respondents commented that many LPAs are still routinely front-loading evidence requirements at the outline stage which are not practically required until the stage (such as Reserved Matters) when more detailed matters would be dealt with. This leads to applicants supplying a long list of evidential reports to meet the requirements of an initial review, even when details of the scheme would be better discussed at a subsequent stage.
- 1.6 LPDF and Lichfields research from 2023 *Small Builders Big Burdens* found that validation and initial reviews were subject to significant delays: “*submitted planning applications were validated almost instantly in the 1990s, whereas now, despite the move to electronic submission, it is not unusual for it to take several weeks before a fully valid submitted application reaches the desk of the assigned planning case officer.*” It found that validation lists now typically stretch to 30 separate assessments, and their complexity has ballooned, with it not uncommon for guidance notes to exceed 100 pages.
- 1.7 The information requirements or ‘National Validation list’ set out in the draft NPPF Annex C is helpful in clarifying requirements, as is the intention that requirements are related to the size of the development and that local lists should only include additional requirements where relevant local policies exist. However, the challenge for MHCLG will be to refine guidance to the extent that LPAs limit their information requirements to what is necessary for the relevant stage of a proposal.

Recommendations

Key Performance Indicator

- 1 Time taken from submission of an application to validation and time taken to register an application, including number of applications that take longer than three days to validate.

Key Recommendation

- 2 Upon adoption of the new NPPF, guidance should be issued to reinforce LPAs that unless demonstrably and evidentially necessary, the national information list requirements are sufficient for validation and consideration of an application. Alternatively, a regulatory approach, with amendments to the legal framework might be required this would have a more immediate effect in authorities which have an adopted validation list that is less than two years old.¹⁶

Supporting recommendations

Implementable in the short term

- 3 Information requirements for validation lists should be accompanied where possible by framework examples of key documents.

Implementable in the medium term

- 4 Information requirements for validation lists that go beyond the national list should be scrutinised, refined and provide certainty of what is required to be evidenced.¹⁷

Implementable in the longer term

- 5 Trialling smart validation lists could refine information requirements to site specific lists, reflecting only the applicable local constraints and policies that need to be considered. The Government's digitalisation programme and the open digital planning project - specifically through implementing data standards - could be an opportunity to integrate smart lists across all LPAs. This would be enabled by the next generation of machine-readable local plans and policies and would require a fully digital led (rather than document led) application system to be in place.
- 6 To help reduce loads on local authority staff and incentivise the uptake, applications that are submitted through a smart validation list, would only be sent to LPAs when key information requirements are met. This reduced workload would allow capacity to be allocated to more complex applications.

¹⁶ As queried in the draft NPPF consultation under question 21 MHCLG, 2025 *Proposed reforms to the National Planning Policy Framework and other changes to the planning system*

¹⁷ Examples of good practice in the simplification of validation lists include Bournemouth Christchurch and Poole Council who have introduced a new checklist which replaces 47 separate lists into a single guidance document. <https://www.bournemouthcho.co.uk/news/25829179.council-can-now-charge-invalid-planning-applications/>

C. Consultation

Context

- 1.8 Lichfields research has previously identified that engagement with statutory consultees as a key cause of delay in the determination of planning applications.¹⁸ Our literature review and survey findings as part of this research consistently indicate that statutory consultee responses are often slow and unpredictable. Delays, costs and a lack of proportionality are repeatedly highlighted as systemic challenges across the literature.¹⁹
- 1.9 The Government consultation on Reforms to the Statutory Consultee System closed in January 2026. The focus is rightly on reducing the scope, and improving performance management of statutory consultees, and the implementation of the recommendations will be vital.

The Challenge

- 1.10 Survey respondents found consultation to be very likely to delay applications; that the delays are likely to be very significant and cause very significant costs to the applicant. There was little variation in our responses across our research, with most agreeing that often (although not always) engaging with statutory consultees was associated with very significant delays and costs to determinations. Too often, applicants are subjected to holding objections, in the absence of requiring further information from the applicant, the routine use of these undermine statutory deadlines and are incompatible with the Government's productivity and performance agenda in planning.
- 1.11 The issue of statutory bodies requiring too much information was frequently referred to in our research. Our literature review identified the example of Sports England requesting a ball strike assessment at the outline application stage for a large residential scheme, this would necessitate including drawings for the layout of windows, when this level of detail is clearly not commensurate with establishing the principle of development, and - if needed at all - more appropriate for the Reserved Matters stage.
- 1.12 The advice or objections provided by statutory bodies should be proportionate and restricted to that which is "*relevant to planning*" but our survey and roundtable found that frequently this is not the case. Further, many LPA planning officers appear to lack either the experience or confidence to disregard unreasonable or irrelevant requests or advice.. Indeed planning officers appear to frequently refer applications 'just in case'. The politicisation of planning, and the consistent risk of judicial reviews, with little opportunity cost for the LPA officer are understandable incentives that drive this risk averse culture.

¹⁸ Lichfields, 2025, How long is a piece of string

¹⁹ Including with regard to the consultation on reforms to the role of statutory consultees: the Ministerial Foreword states "*In far too many instances, statutory consultee engagement with planning applications is not proactive or proportionate, and advice and information provided is not timely or commensurate*"; The LPDF responded: "*the current operation of the statutory consultee system is a significant contributor to protracted delays in the determination of planning applications*" the Local Government Agency responded "*planning applications are often delayed because statutory consultees fail to provide timely, high-quality advice*" and the HBF responded "*The role of statutory consultees is important, but engaging statutory consultees currently prolongs decision making and takes up additional resource in a system which is, for many, already at breaking point*"
<https://www.local.gov.uk/parliament/briefings-and-responses/lga-submission-mhclgs-consultation-reforms-statutory-consultees>);

- 1.13 Revealingly, the annex to the *reforms to the statutory consultee system* consultation observed that 30-40% of the caseload at Natural England or the Environment Agency are unnecessary referrals from LPAs.²⁰ Analysis for the consultation also found that at Highways England, there were significant (35%) workload savings to be made from relatively straightforward efficiencies (ibid).
- 1.14 Our roundtable discussions noted that artificial intelligence (AI) is increasingly disrupting public consultation, particularly through its use in generating systematic objections to planning applications. Participants considered this to be a fast-emerging issue that is likely to intensify. While evidence of its scale remains limited, a recent *Planning Resource* survey²¹, found that 71% of LPAs had seen an increase in representations on planning applications over the past two years, of which 80% attributed at least part of that increase to AI.
- 1.15 The way this will be considered provides a new challenge for LPA officers. There is a fundamental tension between the legal obligation for public consultation and the 'volume effects' of AI, whereby consultations can be flooded by automatically generated responses. While AI can be a powerful tool to allow respondents to understand complex and often inaccessible planning issues, the increased volume in correspondence is already severely hindering the ability of officers to respond to genuine concerns and meaningfully deal with legitimate correspondence made in good faith. The technology also comes with advantages for shortening workflows, including the ability to handle large volumes of consultation responses and help decision makers to consider the key issues from large volumes of correspondence. AI pilots²² and early adopters²³, appear to show that there are potential efficiencies to be exploited especially with the ability to summarise representations.
- 1.16 As these new practices emerge, policy and guidance will need to adapt with agility. Current PINS guidance on the use of AI in casework evidence is limited to referencing its use rather than considering its role in generating responses, or how these should be considered. However, it represents a useful first iteration.

Recommendations

Key Performance Indicator

- 1 Time taken from validation of an application to the planning officer notifying statutory bodies, including number of applications that take longer than seven days.

Key Recommendations

- 2 A Written Ministerial Statement should be issued reiterating to decision makers that objections carry no additional weight by volume. Guidance on how to manage AI

²⁰ See MHCLG Consultation: <https://www.gov.uk/government/consultations/reforms-to-the-statutory-consultee-system/reforms-to-the-statutory-consultee-system>

²¹ Planning Resource Magazine [27 February 2026] What the growth in AI objection letters means for you. The survey assesses responses from 19 authorities,

²² Such as West Oxfordshire, Local Digital, 2024, Exploring how Artificial Intelligence (AI) can reduce the time taken to summarise and report on consultation feedback

<https://www.localdigital.gov.uk/case-studies/exploring-how-artificial-intelligence-ai-can-reduce-the-time-taken-to-report-on-consultation-feedback/>

²³ Such as Milton Keynes, LGA, 2026, Milton Keynes City Council and Valon: streamlining planning with AI

responses in casework issued by the planning inspectorate should be extended to all consultation responses. The guidance should be kept under review so adaptations to future innovations can be made quickly.

- 3 Statutory consultees should only be those that are providing 'safety related or regulatory responses' rather than 'advisory responses'. Matters covered by other legislation or regulation should not require further consultation in planning.
- 4 Comments from consulted bodies should be issued in writing within 28 days unless there is evidence for a necessary extension. For statutory consultees, penalties should be issued for missed deadlines. For other consultees, an assumed 'no objection' should be issued if deadlines are missed.

Supporting recommendations

Implementable in the short term

- 5 Guidance should introduce a shortened list of statutory consultees with clearly defined remits, and the terms to be consulted at outline and detailed stages. Case officers should be advised to ask statutory bodies specific questions, focussed and limited to where their expertise is applicable. Statutory bodies should be advised to ensure their responses are limited and unequivocally 'relevant to planning'.
- 6 Use best practice from the local plan consultation pilot to process public consultation responses for applications more efficiently using digital and AI tools.²⁴ This should include exploring ways to better capture the opportunity cost of refusals and accessing potential future residents' views.

Implementable in the medium term

- 7 Statutory consultees should be minded to provide clear advice to case officers that is relevant to planning and restricted to their expertise. Case officers should also be supported with guidance, training and internal expertise to weigh consultee responses in the planning balance rather than be led by it. Even a strong "*recommend refusal*" should warrant further discussion.
- 8 In place of the routine use of holding objections, timely responses should be restricted to "*No Objection, Further Information requested or Objection*". "*Further Information Requests*" should include a clear and concise request with a statement as to why the information is required including how this request meets the statutory tests.

Implementable in the longer term

- 9 The next iteration of AI guidance needs to set the limits on how to assess AI-generated public consultation submissions. The guidance needs to be clear, actionable and prioritised, giving officers the confidence and direction on handling AI generated responses. Legislation will need to consider the validity of AI-generated objections in relation to consultation regulations, guidance on how this is interpreted further would be addressed in a written ministerial statement.

²⁴ MHCLG, 2025. Guidance: Using community engagement platforms in planning consultations

- 10 The public consultation processes need to be modernised, including stricter public consultation time limits to respond to more structured questions focused on relevant planning issues, and removing the requirement to publicise applications in local newspapers and reduction of the requirement to notify residents by letter.

D. Determination / Decision

Context

- 1.17 The average time taken to determine a major outline application has risen to two years, an increase of one year and four months since 2014; over the same period, the flow of decisions has dropped to a third of previous levels²⁵. From these findings published in HLiaPOS we posited that increased complexity and 'policy load' was contributing to an increasingly inefficient determination process. Planning applications have become more complex and are required to cover many more issues than in the past.
- 1.18 CMA analysis found "*the direct costs associated with making planning applications can be substantial, ranging from around £100,000 per application to around £900,000 per application depending on the size of a site*". As we found in previous research: outline applications now require 30 separate supporting documents for medium-sized sites²⁶.
- 1.19 The CMA attributed some of the increase in determination periods to the increasing amount of policy impacting the planning system and LPA resourcing constraints²⁷. Responses to our survey show that this mounting complexity and politicisation of planning is increasing determination periods.
- 1.20 As complexity and evidence requirements are mounting for applicants, local authority planning departments are under significant capacity pressures; 80% of councils are operating at below full staffing capacity²⁸. A 2023 survey commissioned by MHCLG identified "sufficient resourcing for development management" as an "urgent need". Furthermore, a lack of capacity is especially acute with regard to specialist skills. The same study found just a third of planning departments indicated there was adequate experience, skills and knowledge within their planning departments to meet and deliver the services and work required.²⁹ Applications that are determined more quickly are also therefore more cost efficient in this environment to the local authority as well as the applicant.

The Challenge

- 1.21 Survey respondents were unanimous that determination of both outline and detailed applications were very likely to be subject to delays that had a meaningful impact on development timelines. Respondents were also unanimous that these delays in determination of both outline and detailed applications have very significant impacts on costs and affect the viability of developments.

²⁵ Lichfields, 2025, How long is a piece of string?

²⁶ Lichfields, 2023, Small builders big burdens.

²⁷ CMA, 2024, Housebuilding Market Study, para 4.30.

²⁸ HBF, 2025 Staffing struggles in local planning authorities

²⁹ MHCLG, 2025, Local Authority Planning Capacity and Skills Survey 2023

- 1.22 Respondents highlighted a wide range of factors that impacted the decision stage negatively, from a lack of officer capacity and access to senior or expert advice, to multiple cycles of amendments, delays accepting amendments and issues in securing committee time and reports.
- 1.23 'Detail creep' is a particular issue when the applicant is establishing the principle of development at the outline application stage. Our discussions found that some officers seek applications to address issues or request planning conditions that duplicate or address the requirements of other regulatory regimes and thus do not meet the tests of NPPF Para 57.
- 1.24 LPA officers do not always have the confidence to exercise their judgement to exclude advice or information requirements, often due to a lack of in-house support or expertise. The result is therefore applications being expected to address a widening array of issues. Our roundtable respondents referred to LPAs expecting 'planning' to settle a growing range of issues that might be better addressed through separate regulation, for example the technical approval of drainage designs or remediation strategies, nutrient and water neutrality. Although many of these requirements might lead to better schemes, there is little appreciation of the collective burden to which they contribute. The cumulative evidence requirements that are now required for many applications results in lengthy committee reports that typically include verbatim responses from technical consultees amongst a long list of other content.
- 1.25 Survey respondents highlighted that capacity issues within LPA planning departments are extending determination periods, with a lack of officer capacity to process and manage applications often a risk. Most respondents also highlighted the increasing frequency of 'not being assigned an officer throughout the determination process'. Beyond this, there were other issues affecting the ability of planning officers to determine applications: respondents found a lack of in-house specific expertise at LPAs; overzealous approaches to minor planning issues; or poorly worded development management policies leading to insufficient clarity over requirements and amendments. Additionally, delays in drafting delegated or committee reports were found to be holding up determination.
- 1.26 In our roundtable and contributions from Lichfields colleagues, reference was made to the collective impact of small individual inefficiencies suggesting that substantive gains that could be achieved through the combination of marginal gains to individual workflows. The Government's welcomed digitalisation agenda has set itself the task of improving efficiencies in development management through data standards and the greater use of templates; over time, this should also enable a more effective use of artificial intelligence. Embedding digitalisation will also allow for more marginal gains as technology and best practice emerge, that together could aggregate to significant time savings. Best practice across LPAs should be shared and celebrated, to ensure that, as experimentation leads to improvements, these lessons are learned.
- 1.27 Respondents to our survey provided examples of delays caused by the difficulty in getting applications before committee. In one land promoter's experience, applicants were expected to wait more than three months for their application to be determined at committee purely due to a lack of planning committee time. This shows the importance for the Governments proposals for the national scheme of delegation, to be brought forward through legislation in October 2026.

Recommendations

Key Performance Indicator

- 1 Time taken from submission of a planning application to determination of the application, by application type, including where an extension of time has been agreed.
- 2 Clear reporting on the number of major outline applications determined and the time taken to do so. Where required, an action plan for dealing with backlogs should be mandated.

Key Recommendation

- 3 Working practices within LPAs need to ensure that officers can quickly access (formally and informally) the support, expertise and tacit knowledge of specialists and/or senior colleagues to help them exercise judgement in applying the planning balance to all the evidence in applications and the responses of statutory consultees.

Supporting Recommendations

Implementable in the short term

- 4 To avoid unnecessary delays while awaiting outstanding responses, planning officers should be encouraged to take reports to committee 'with views outstanding' or make recommendations to elected members that are 'subject to' certain provisions. Only if an issue is subsequently raised by a statutory consultee that could not be met by condition would there be a need to return to committee.
- 5 Administrative issues such as regular scheduling of committee decisions; foreword notice of applications due to go to committee (to enable timely site visits ahead of time) must be addressed so as not to cause unnecessary delays. Additionally, guidance should clarify that relevant LPA officers (including those representing legal, conservation and highways) should also attend committees.
- 6 Guidance should be issued that supports LPA case officers to exercise their professional judgment with regards to consultee responses. Of note should be the difference in detail, and evidential requirements between the outline and detailed stages of applications.

Implementable in the medium term

- 7 The impact of capacity constraints on determination needs to be addressed. Addressing gaps in specialists e.g. ecology experts should be prioritised, if this cannot be supported by LPAs then it should be covered at a strategic authority/ planning board level of governance.
- 8 The Government's digitalisation programme must look to reduce the time taken on straightforward elements of a planning officer's case work so that resources can be targeted towards making judicious decisions more efficiently. Best practice for example using AI for basic workflows, should be shared, along with common templates and data standards to ensure that lessons are transferrable.
- 9 Officer training should include acknowledgement of commercial realities so that officers are aware of the costs and risk implications associated with a lack of

proportionality or flexibility – being beholden to too much detail within the early stages of preparing a permission can – through delay - undermine viability at the development stage. This could become a key RTPI competency.

E. Post-Decision

- 1.28 After an officer or planning committee has concluded that it is minded to grant planning permission, delays and costs can continue to compound, often when negotiating S.106 agreements and agreeing conditions. This has been recognised, at least in part, by the Government in recent consultations: *“In recent years, the negotiation of S.106 agreements has become synonymous with inefficiency and delay”*³⁰ and *“The intention is to start to develop model conditions and obligations over the next year...to promote consistency”*³¹

The Challenge

- 1.29 Respondents were unanimous that delays associated with s.106 agreements were very likely to occur, with a very significant impact on application timescales and costs.
- 1.30 Respondents were also clear that agreeing and seeking the approval of discharge of planning conditions was very likely to have a significant impact on implementation timescales. Respondents were less clear on the costs of these delays, although most often they were described as very significant.
- 1.31 Agreeing s.106 payments was highlighted in our survey as one of the most significant causes of delays, with particular focus on LPAs insisting on drafting s.106 but then delaying doing so, also delays in LPAs agreeing wording on minor issues internally.
- 1.32 It now takes on average a year and five months to complete s.106 agreements, according to HBF analysis,³² an increase of 20% in just two years. On the same financing assumptions and for the same site size used earlier in this report, the cost of this negotiation period alone could amount to between £25,000 and £30,000 if fully funded through development finance – a critical amount for SMEs.
- 1.33 Our survey found a lack of standardisation between agreements (now being partially addressed) leads to significant delays and expensive re-submissions. This is in keeping with the HBF research (ibid) which cited wasted time adapting to inconsistent expectations, drafting and negotiations as well as delays from consultees advisors and for example utility providers.
- 1.34 Our roundtable research found that there is an acute lack of LPA resources in negotiating S.106 agreements, and lack of leadership in what they should address. It was further suggested that multiple rounds of negotiations were frequently unnecessary and reflected a lack of skilled capacity within LPA departments to deal with these issues. In many authorities, internal accounting means that planning departments are charged for local authority legal assistance in writing agreements. Our respondents posited that this may delay the drafting of terms to avoid incurring the additional cost.

³⁰ MHCLG, 2025, Consultation: Reforms to the statutory consultee system

³¹ MHCLG 2026, Consultation: National Planning Policy Framework: proposed reforms and other changes to the planning system

³² HBF, 2025 What is the timeframe for local authorities to agree community investment?

- 1.35 Co-ordinating stakeholders, each with their own timelines and capacity issues often leads to bureaucratic delays which could be reduced if more standardisation was introduced. In our survey it was also commented that statutory consultees response times often cause delays at this stage. Enforceable timeframes for signing a s.106 agreement would seemingly help to address some of these issues.
- 1.36 The proposed standardised S.106 template for sites of below fifty units – currently being drafted by Town Legal LLP – will greatly reduce the delays for many applications. However, the issues will still apply to larger sites. The Government's roadmap³³ is focused on addressing the inability of Registered Providers to take on S.106 units rather than the issue of delays in securing S.106 agreements. While helpful, negotiations are currently causing significant delays in determination periods and will continue to do so for larger sites in the absence of a clearer guidance and prioritisation of resources for LPAs.
- 1.37 Delays in writing, signing off, poorly worded and unnecessary conditions were all highlighted in the findings from our survey as frequently occurring and causing significant delays. Although conditions applied by an LPA are meant to be kept to a minimum and were legislated thusly in 2018 for pre commencement conditions, our roundtable respondents found officers often expect onerous conditions to be agreed, which are too often imprecisely worded. The result is that "*conditions become a form of insurance*".³⁴ Although flexibility in conditions can be a practical way of ensuring that decisions are not held up, a lack of precision can also cause delays if the 'trigger point' is not prescribed, as it can result in conditions which are interpreted differently and therefore not discharged.
- 1.38 Alternatively, conditions can be imposed that perform no function other than to create cost and delay. In one example, on a site allocated in a local plan, the LPAs planning committee requested a condition requiring the applicant to carry out a feasibility study on the possibility of acquiring and demolishing a residential property adjoining the application site to provide a footpath. No such footpath was required by the local plan policy and without it, the development was agreed to be compliant with the statutory development plan. The condition prepared by officers correctly did not require the footpath to be provided even were the feasibility study to conclude it was feasible. It was completely otiose. The cost and delay was accepted by the applicant as the 'price' of a permission in an already protracted application process – appealing it would take longer and cost more than simply discharging it.
- 1.39 Across our research, it was noted that the use of conditions has increased significantly over the last five to ten years. Since the revocation of circular 11/95 in 2014 (including paragraph 15 "*as a matter of policy, a condition ought not to be imposed unless there is a definite need for it*") our respondents noted that the planning system has become increasingly reliant on using conditions without applying the test of necessity. The Circular, which is no longer in force, assessed the necessity of a condition by asking whether planning permission would need to be refused in its absence. Our roundtable respondents were clear that both the use of conditions and the precision of their wording need to be tightened.

³³ MCHLG, 2026, *Policy statement: a roadmap for S.106 delivery in England*

<https://www.gov.uk/government/publications/policy-statement-a-roadmap-for-section-106-delivery-in-england>

³⁴ See <https://stevehesmondhalgh.com/2026/01/14/planning-conditions-the-problem-isnt-the-test-its-the-wording/>

Recommendations

Key Performance Indicator

- 1 Time taken to approve pre-commencement conditions, to agree s.106 terms and to sign off pre-commencement conditions should be monitored and evaluated. Performance against this measure should be reported as a key performance indicator for planning departments including number of applications that take longer than six months to agree post decision terms.

Key Recommendations

- 2 A written ministerial statement clarifying that conditions should only be considered when "*planning permission would have to be refused if that condition were not to be imposed*". If this does not apply, there should be a presumption against its imposition and the condition should require precise justification.
- 3 Template s.106 agreement wording (as are currently being drafted for smaller sites) should also be drafted for major site applications.

Supporting Recommendations

Implementable in the short term

- 4 MHCLG guidance should require conditions to be consistent and clear in terminology, with measurable and proportionate requirements if they are to apply. This reduces the burden on the applicant and the LPA, with re-submissions and the extent of determination for discharge kept to a minimum.

Implementable in the medium term

- 5 Forthcoming model conditions and obligations will need to balance clarity with flexibility, ensuring conditions are measurable and not unnecessarily constrictive or vague. If conditions are not discharged in a timely manner, a portion of the planning fee should be returned to the applicant.
- 6 LPAs will need to engage positively with the forthcoming guidance and training opportunities for S.106 agreements, this training must include making LPAs aware of the commercial impact of delays as well as inaccurate drafting. Commercial awareness could become a key RTPI competency.
- 7 All LPAs should employ a planning solicitor who should also attend planning committees. This would help reduce the barriers to engaging legal advice more quickly, including, importantly, drafting Section 106.

Implementable in the longer term

- 9 Strong programme management is required to improve the service at the post decision stage. If there is an impasse in negotiations (after two rounds of negotiations) in person mediation should be offered. Post-decision s.106 negotiations should have a monthly case meeting to check progress. LPAs should include a three month KPI for concluding S106 agreements and conditions, publishing the number of applications that take longer than this.

- 10 Applicants should also be given the opportunity to appeal against non-determination during the post decision stage.

5.0 Conclusion

- 5.1 Taken individually, many of the recommendations in this report may appear modest. Yet the ‘planning application journey’ – which the government is rightly trying to improve - is shaped by the cumulative effect of many small frictions. It follows that removing the grit that causes these frictions, can deliver benefits that are far greater in aggregate than any single proposal might suggest. Incremental improvements at each stage of the process can compound into a more efficient and predictable system overall: the planning application equivalent of marginal gains theory.
- 5.2 The marked deterioration in performance of the planning system over recent decades is the effect of this theory in reverse; small, incremental changes and policy and regulatory additions over recent decades – each created for a reason that may have seemed sensible at the time – have introduced more grit; and the effect has now compounded to create something that, in too many cases, is fundamentally incompatible with what any modern economy or society should expect from the regulation of land use.
- 5.3 The report sets out the principles for these improvements to take place: embedding a more positive decision-making culture, measuring what matters and incentivising good performance and ensuring the principle of proportionality throughout the planning process. Alongside the recommendations at each stage of the process, these will result in a smoother planning journey. Applicants will benefit from lower costs, less uncertainty and a quicker route from submission to determination and ultimately to delivery. Meanwhile, government will benefit because a more efficient development management system would make better use of scarce public sector capacity and help ensure that the major planks of national planning reforms lead to economic growth and more homes being built.
- 5.4 If delay and unnecessary complexity can be reduced, more schemes will move through the system more quickly and with greater confidence. As the Minister of State for Housing and Planning has stated, the focus of MHCLG is now “*turned firmly towards ensuring the new system delivers*”, with the ‘prize’ of a system better able to support growth and unlock new homes.
- 5.5 This report provides a programme of practical, incremental changes that can add up to a significant improvement for applicants and for the delivery of more homes, infrastructure, and business investment.