

Planning Development Management
Ministry of Housing, Communities and
Local Government
Planning Directorate
3rd Floor, North East
Fry Building
2 Marsham Street
London

Chris Henning
Chair, ADEPT Sustainable Growth Board &
Executive Director – Place, Derbyshire County Council

07 July 2025

Dear MHCLG Team,

Improving Build Out Transparency Consultation

About 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, along with sub-national transport boards and corporate partners drawn from key service sectors throughout England.

We are a membership based professional organisation with:

- 100+ county, unitary and combined authority members
- 5 sub-national transport bodies
- 24 Corporate Partner members across England.

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 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

RESPONSE TO THE CONSULTATION

General Comments

ADEPT welcomes the government giving consideration to the issue of build-out rates. All too often planning permissions are granted by local planning authorities (LPAs) and both members and the public do not understand why the much-needed homes are not built out. However we are concerned that this technical response to the issue does not address the root causes of failure by developers to buildout consented schemes. Issues such as absorption rates, viability, lack of supporting infrastructure, and limited grant funding all need to be considered. We are concerned that under these proposals there is no incentive for LPAs to refuse applications where housing delivery has been unreasonably slow, as refusing a housing scheme would further hinder housing delivery on the ground in that area.

We are also concerned that there will be added burdens on LPAs, including:

- Consideration of legal implications.
- Increased appeals.
- Impact on stretched resources to monitor.
- Enforcement and chasing progress reports.
- The impact of managing and monitoring financial penalties and further costs in defending appeals.

We also consider that further thought is needed as to how this will be resourced, noting some of this may come from discharge of planning conditions, which will require further resourcing.

We believe that there are opportunities to support 5 Year Land Supply reviews through the submission of delivery progress reports, and it is essential these processes are aligned. We do not believe bureaucratic mechanisms such as Build Out Statements, Commencement Statements and Annual Development Progress Reports will add much value. We are concerned about the administrative burden these will all place on LPAs and the duplication this will introduce with other regimes such as building control.

Technical consultation on implementing measures to improve Build Out transparency

Q.1. Do you agree that the build out reporting measures should apply to developments which involve the building of new dwellings (including mixed use development)?

Yes.

Q.2. Are there any other types of residential development that the build out measures should apply to? If yes, please give your reasons.

Yes. All types of residential should be identified, including student accommodation and care homes, as these all contribute towards meeting housing need.

Q.3. Do you agree with the proposed threshold of 50 dwellings for the build out measures to apply to?

Yes. 50 dwellings appears to be an appropriate threshold.

Q.4. Do you think a higher threshold should be set for development progress reports and the power to decline to determine applications? If so, what should this threshold be?

No. There should be one consistent threshold for all build out measures to simplify what could be an onerous administrative process.

Q.5. Do you agree that this information should be covered in the build out statements?

No. We are concerned whether developers know at application/validation stage the build out projection and therefore we question whether realistic statements will be submitted. In our view there is a risk developers are incentivised to submit very conservative commencement dates and delivery rates, in order to avoid sanctions. This then defeats the purpose of this, which is to increase delivery rates. If information is subsequently found to be outdated, then this could require multiple variations of planning condition to update the build out projections, resulting in more administrative burdens for both LPA's and developers. Projecting build rates for several years into the future are inevitably subject to market conditions, macroeconomic factors, future competition, and levels of demand. Can housebuilders really be held accountable for the state of the economy many years in advance?

Q.6. Do you have any further comments on the build out statement?

We consider that this is introducing an additional validation requirement that conflicts with the Government's intention of streamlining validation requirements. We are unclear if it is proposed to use the statutory condition for annual reports, and a compliance condition for projection. We do not think that it is appropriate to require build out statements for outline planning applications as proposed. At this stage, the exact tenure mix may not be known. It would be more appropriate to require this at Reserved Matters stage, and at this point developers will likely have more information about the constraints, risks and issues that may affect the site.

Q.7. Do you agree that this information should be covered in commencement notices?

Yes, but is this duplicating commencement notices for the purposes of CIL and Building Control, and the potential for developers to have to submit 3 different types of commencement notices? We do not consider the process involved for LPAs receiving commencement notices are sufficiently clear and if LPAs are expected to formally agree them through a planning condition. We are also concerned that chasing missing information and potential fines places an additional administrative burden on LPA enforcement teams.

Q.8. Do you agree with setting a 2-month period after the reporting period ends to submit the development progress reports?

No comment as developers are best place to answer this.

Q.9. Which option for the reporting period for development progress reports do you agree with?

ADEPT supports the April/May reporting period so that it coincides with the provisions of the deliverability test within the 5 Year Housing Land Supply assessment

Q.10. We recognise the information in development progress reports may be useful for LPAs to calculate 5-year land supply (5YLS), are there any impacts with the reporting periods proposed and the interaction with 5YLS?

ADEPT considers that it is important to ensure that a development progress report covers what LPAs require for the 5 Year Housing Land Supply. The evidence required in annual statements must reflect and cover the requirements of the deliverability test set out in PPG i.e. the 'clear evidence' that is required to support a site's inclusion in the 5 Year Housing Land Supply.

Q.11. Do you agree with the proposals for how the completion date is specified for the purposes of development progress reports?

No. Whilst tying in with the Building Control process makes sense, thereby avoiding duplication, the completion date should be the date of the approval of the completion certificate and not the date of submission. This is because Building Control could refuse to issue this where there is non-compliance with Regulations and there could be outstanding issues on site that need to be addressed

Q.12. Do you agree with the proposals about who submits the development progress report?

Yes. ADEPT considers government should clarify who is responsible when sites go into receivership or developers become insolvent.

Q.13. Do you agree with the information it is proposed development progress reports will cover?

Yes, providing this includes what LPAs require for the 5 Year Housing Land Supply.

Q.14. Is there any other information you think development progress reports should cover?

Noting this is proposed to be dealt with through a statutory condition, it would be helpful if guidance can make it clear that a discharge of condition application will be required for each annual report. This will avoid confusion and help to resource the additional burden on LPAs in their review of these reports.

Q.15. Do you have any views on how a joint approach to submitting a commencement notice could be facilitated on sites where multiple developers are involved?

Developers are in a better position to answer this, however LPAs would want to avoid multiple notices, so a joint approach would make sense.

Q.16. Do you agree with making provisions in the regulations that would enable a joint submission of the development progress report where multiple developers are involved?

Yes.

Q.17. Do you agree that this information should be covered in development progress reports where a joint approach is taken?

Yes.

Q.18. Do you have any views on what information other than in build out statements and development progress reports LPAs should have regard to when considering whether the carrying out of the earlier development has been unreasonably slow?

Please give your reasons

ADEPT is concerned that it is going to be difficult to justify what is “unreasonably” slow. Further guidance will be required on how to determine what is unreasonably slow, how to evidence this, at what point LPAs can seek to refuse consent and not be subject to cost claims at appeal, and how this relates back to paragraph 11d of the NPPF.

Q.19. Do you have any comments on the scope of the guidance?

No.

OFFICIAL



Association of Directors of
Environment, Economy, Planning & Transport

We trust the above observations are of assistance to your deliberations and we are more than happy to discuss any of our comments further with you should that be required.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Chris Henning".

Chris Henning

Chair, ADEPT Sustainable Growth Board

Executive Director – Place, Derbyshire County Council

The Association of Directors of Environment, Economy, Planning & Transport

Registered in England No: 14009141. VAT Registration No: 337 055 605.

Registered Office: First Floor, 10 Queen Street Place, London, United Kingdom, EC4R 1BE.
T: 01579 352600 E: secretariat@adeptnet.org.uk W: www.adeptnet.org.uk

CONTROLLED