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

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Dear MHCLG Team,

### **Speeding Up Build Out 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 are 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's intentions to address build out rates and is keen to support provisions to speed up delivery. However, ADEPT does not consider that all the measures outlined will effectively accelerate housebuilding, with the primary concern being that significant administrative burdens will be imposed on Local Planning Authorities (LPAs). While some of the suggested measures will be helpful such as those relating to CPO's, efforts should focus on boosting demand, reducing costs, and addressing the root causes of slow build out rates, namely absorption rates, viability, supporting infrastructure and grant funding to support affordable and social housing delivery.

### Speeding Up Building Out

*29. Before measures are taken forward for further consultation, we welcome views on the principles behind our approach to speeding up build out. We are seeking views on:*

*Question a) Do you agree with the evidence base and theory we have set out on build out rates?*

No. In our view, the measures do not really tackle the issue of under delivery of social housing/affordable housing over the last 40 years that has led to the affordability crisis. The working paper points out that delivery rates increase with greater levels of affordable housing, as fewer

dwellings are subject to economic and housing market factors, and housebuilders priority to maintain house prices at optimum levels for maximum return. Policies in the planning system such as viability, 5 Year Housing Land Supply and the Housing Delivery Test all result in the reduction of the provision of affordable housing on qualifying sites. ADEPT suggest that the government needs to focus on how to increase and maximise affordable housing within developments rather than allowing the system to prioritise open market housing above affordable housing which the evidence suggests results in lower delivery rates.

The measures in this consultation will likely result in greater administrative burdens for monitoring, enforcement, and legal services to enable judgements to be made on:

- Reasonable start dates, delivery rates and completion dates that would accelerate housebuilding and be justifiable as a reason for refusal (presumably there would be an appeals system?)
- The reputation and history of the developer or applicant (development should run with the land not the person) as a justifiable reason for refusal. (Presumably, there will be an appeals system?)
- The monitoring, operation, and enforcement of a delayed homes penalty system. Including judgements on potential exemptions that have slowed down or hampered delivery to justify imposing the penalty (presumably there will be an appeals system?)

It is doubtful whether these measures will have the desired outcome government is seeking. Housebuilders will likely continue to build at the rate that maximises return and ensures the demand for open market properties maintains high house prices. Housebuilders always reduce/slow down delivery when demand is reduced because of macroeconomic factors, therefore exemptions that consider macroeconomic factors and sales rates are pointless as these are the very factors that result in the stalling/slowing down or non-implementation of consents.

*Question b) How could we go further to support models of housebuilding which build faster, such as small sites, strategically master-planned and mixed tenure?*

Mixed tenure development requires supporting Registered Providers, for example through funding commitments to support their capacity to deliver. For small sites planning reforms put forward such as reducing the BNG requirements and access to finance are supported to make schemes more viable. ADEPT suggests that by working with the Federation of Master Builders a more radical approach to supporting SME developers could be achieved that would result in faster housing delivery.

*Question c) For mixed tenure, what would you consider to be an appropriate threshold level?*

In many cities a limited number of sites would meet the 1,500 threshold so ADEPT would support a lower figure of over 500 units.

*Question d) Do you have any views on how the proposed CPO measures would work best in practice?*

Yes. ADEPT strongly welcomes the CPO provisions by allowing conditional confirmation of CPOs. ADEPT also supports the proposal that landowners progress their alternative proposals within certain timescales, which would be made clear when an individual CPO is conditionally confirmed. This is especially useful in urban areas particularly brownfield and city centre sites. Aligning funding for Council's to carry out CPOs needs to be addressed, as does the issue of improved training for officers in the use of CPO powers.

*Question e) How should MHCLG guide local authorities and developers towards reasonable build out schedules (noting that ultimately this will be negotiated locally)?*

Whatever measures are taken by government; developers will likely continue to build out at a rate that maximises their return. If measures are too prescriptive, there is the risk that investors will move their money from housing development to more lucrative investments. Efforts to improve build out rates should be focused on increasing demand and reducing costs. WE are also concerned about the administrative burden on LPAs arising from these new processes, procedures, monitoring, and enforcement proposals, including on related services such as the Legal departments of local councils.

*Question f) What are the right set of exemptions for external factors that impact build out rates? Should this include economic downturns which reduce sales rates, or does that mean that payments would be too weak to induce the shift toward the partnerships business models we want to see?*

Exemptions could include:

- Contractor insolvency.
- Contractor capacity (labour).
- Unexpected ground conditions such as contamination .
- Viability issues arising from challenging site conditions.
- Funding availability constraints.
- Material shortages and long lead in delivery times.
- Adverse weather conditions.

We would point out that if these were all exemptions, then there would be no opportunity for any penalties to be applied.

*Question g) For the Delayed Homes Penalty, do you agree with the intention to use it to incentivise the shift towards higher build out models of housebuilding?*

No. In our view this proposal will increase risk and therefore reduce housing supply.

*Question h) How should the Penalty be calculated? What are the strengths and weaknesses of using a percentage of house price, or reference to local council tax rates? What information would local authorities require?*

ADEPT is of the view that the application of a penalty will be difficult if not impossible to calculate, monitor and enforce and therefore it is not something that we support.

*Question i) Are there wider options you think worth worthy of consideration that could help speed up build out of housing?*

Yes. There is strong evidence that suggests increased delivery rates are achieved with higher levels of affordable housing. Consequently if the planning system was more robust in ensuring that policy levels of affordable housing are secured and not reduced as a result of viability and the lack of a demonstrable 5 Year Housing Land Supply requirement, or failed Housing Delivery Test, there could be higher rates of housing. As the Lyons Housing Review of 2014 highlighted, only by the State directly intervening in the market will national government housing targets be met.

*Question j) Do you anticipate any environmental impacts from these proposals that the government must consider and the Environmental Principles Policy Statement?*

Yes. The risk of being issued a delayed homes penalty may encourage developers to breach their planning conditions, which may have negative environmental impacts.

*Question k) Do you anticipate these proposals giving rise to any impacts on people who share a relevant protected characteristic, as defined by the Equality Act 2010, that the government must consider under the Public Sector Equality Duty?*

No.

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,



**Chris Henning**

**Chair, ADEPT Sustainable Growth Board**

**Executive Director – Place, Derbyshire County Council**