

Introduction

1. The government is committed to delivering 1.5 million new homes over this parliament and continuing into the next parliament – and wants to ensure more homes are built over the longer term. To achieve this, the government is implementing major reforms to the planning system. These include measures in the Planning and Infrastructure Bill to reintroduce strategic planning, modernise planning committees, and enable a more strategic approach to meeting environment objectives, as well as a set of national policies for decision making, which we will consult on in the coming months.

2. As part of these reforms, we want to increase the rate at which planning permissions for residential development are built out. Too many developments secure planning permission but then are either stalled or not built out quickly to the frustration of LPAs and their communities. The government's overall strategy on build out is set out in the [speeding up build out working paper](#).

3. As a critical first step, we want to ensure there is greater transparency and accountability about the build out of new residential development. Using new powers introduced by the LURA along with existing planning powers in the TCPA 1990, we propose to introduce a new statutory build out reporting framework which would apply to new eligible residential development as defined in paragraph 18^{[\[footnote 1\]](#)}. This framework will mean that for these types of developments it will be a requirement to:

- submit a build out statement with a planning application to LPAs
- notify LPAs before development is commenced through a commencement notice
- report annually to LPAs on housing delivery through a development progress report

4. We also propose to implement the new power introduced by section 113 of the LURA for LPAs to decline to determine planning applications made by developers^{[\[footnote 2\]](#)} who fails to build out development authorised by an earlier planning permission at a reasonable rate. This will provide LPAs with an important new sanction to address developers who persistently fail to build out quickly. The full package of these measures is referred to in this document as 'build out measures'.

5. This technical consultation seeks to gather views on these proposals, in particular seeks specific views on:

- the type of development these build out measures will apply to
- introducing and implementing build out statements
- implementing commencement notices
- implementing development progress reports
- sites where multiple developers are involved in build out
- implementing the power to decline to determine applications
- potential impacts of the proposed measures

6. Subject to the outcome of the consultation, the intention is to bring forward the regulations to implement these measures at the earliest practical opportunity with the new build out reporting framework coming into force from 2026. An Impact Assessment will be prepared for the regulations.

7. Implementing this build out reporting framework is only the first step of a series of measures that the government intends to take forward to improve the speed of build out. As part of the consultation on national policies for decision making, we will consider ways to maximise the effectiveness of these new build out requirements by looking at options for stronger national policies on build out, including aligning with the proposals in this consultation on build out statements. Over the course of the year we will set out more information on national policies for decision making.

8. In addition the government is inviting views in the speeding up build out working paper on options to ensure the right incentives exist in the housing market, and LPAs have the tools they need, to encourage homes to be build out quickly. This includes incentivising and supporting models of development that build out faster as well as giving LPAs the ability to charge a new 'Delayed Homes Penalty' as a backstop when development falls materially behind pre-agreed build out schedules. This will link to the transparency and accountability measures set out in this consultation document.

The importance of faster build out

9. Speeding up the rate at which planning permissions for residential development are built out will be critical to achieving the government's target of delivering 1.5 million homes over this Parliament and continuing it into the next parliament.

10. There are several reasons for why build out of residential development has often been slow. Multiple independent market studies such as the Letwin Review and the CMA Review last year have concluded that for market sale homes, the primary determinant of build out rates is how many homes developers expect to sell without reducing prices – the 'absorption rate'. The CMA^{[footnote 31](#)} report found evidence suggesting that instead of housebuilders seeking to sell homes as quickly as possible, housebuilders tend to sell homes at a rate that is consistent with the local absorption rates – the rate at which houses can be sold without housebuilders needing to reduce their prices. They also found that housebuilders build homes at a slower pace to avoid having capital tied up in partly finished or finished, unsold homes.

11. The Letwin Review ^{[footnote 41](#)} also set out that increasing the diversity of dwellings on large sites in areas of high housing demand would help to achieve a greater rate of build out because the absorption rate of each category of housing will be complementary, resulting in a greater overall absorption of housing by the local market.

12. Independent research by Lichfields^{[footnote 51](#)} in a recent publication on build out, which assessed the build out rate on a sample of large scale developments, showed the typical build out rate was between:

- 16 to 22 units per year for sites with 50 to 99 dwellings
- 35 to 60 units per year for sites with 100 to 499 dwellings
- 44 to 188 units per year for sites with 500+ dwellings

13. One of the key issues across all of these studies, however, is that there is a lack of comprehensive and systematic data on build out on a consistent basis. In particular, there is a lack of data transparency about progress once permissions have been granted which undermines transparency. Industry surveys like Lichfield's, while very useful, take time and can only be partial. There is no systematic data that government, LPAs and communities can use to fully track the progress of the commencement and build out of residential development in local areas. To ensure greater

transparency and a clearer picture of progress towards building out residential developments, we need more comprehensive and consistent data collected from these developments.

The government's plan for greater build out transparency

14. As a first step towards the faster build out of residential development, the government wants to ensure that there is sufficient transparency of data about the expected and actual build rates of all new eligible residential development. We propose to introduce a build out reporting framework with several new mandatory requirements for information at different stages of the planning and development cycle utilising provisions from the TCPA 1990 (including as inserted by the LURA). In future, developers^{[\[footnote 6\]](#)} of all eligible new residential developments will be required:

- to include a build out statement with their planning application setting out the proposed build out plans for the development
- to notify the LPA that their development will commence through a commencement notice
- to submit a development progress report to the LPA each year setting out the progress they have made with housing delivery

15. Figure 1 shows what will need to be submitted at each stage of the planning and development cycle.

Figure 1: Diagram showing what new requirements will need to be submitted at each stage of the planning application and build out process.

alt text:

- Planning application stage
The build out statement is submitted (as part of the planning application) to LPA.
- Post-permission stage
A commencement notice is submitted to the LPA. Once this is submitted, building works will need to commence on the commencement date in the notice - if not a further commencement notice will need to be submitted.
- Build-out stage
A development progress report is submitted every year for the duration of the build out process to the LPA, until the development is completed.

16. The combination of these information requirements will give a comprehensive picture of progress for each eligible residential development. To ensure these new requirements work effectively, aligning with the government's wider digitisation of the planning system, we intend for build out statements, commencement notices and development progress reports to be submitted electronically on template forms underpinned by data standards. As part of this we will make provisions in regulations about the information relating to build out statements, commencement notices and development progress reports which will be included in the planning register and so will be publicly available.

17. These information requirements will in particular:

- enable LPAs to consider proposed build rates for development when determining planning applications
- provide a clear indication of when and what development (including which planning permission) has commenced for the first time
- enable the compiling of developer 'track records' of their build out performance
- help to unlock further and more accurate planning data on developments which have been commenced

2. What developments will be subject to the new build out measures

18. This section of the consultation sets out the types of residential development and size threshold of sites in scope of these new build out measures. This is what is referred to throughout this document as "eligible residential development".

What residential development will be in scope

19. It is proposed that the build out measures will apply to developments that involve the building of new dwellings that meet the threshold below. This will include houses and flats of all tenures and include mixed use development where dwellings are provided. This development has been selected to be in scope as it will play a key role in meeting the government's target of 1.5 million homes and as set out above, having sufficient transparency of data about the expected and actual build rates will be a key first step to ensuring faster build out of these developments.

20. We are seeking views on whether these build out measures should apply to types of development that involve the building of other residential accommodation. This could include specialist housing, such as student accommodation, for example. As part of our consideration of whether these other types of developments should be subject to the build out measures we will consider the significance of these types of developments in contributing towards delivering 1.5 million homes as well as any unintended consequences created by including certain types of development that involve the building of other residential accommodation.

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/no/don't know.

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/no/don't know. The provisions should apply to large commercial developments, as LPAs are assessed on the delivery of employment land as well as Housing. TMBC is assuming, although it is not spelt out anywhere, that these provisions would also apply to Gypsy and Traveller sites, given the importance placed on demonstrating delivery of that provision.

What threshold of development will the build out measures apply to

21. We need to define in the regulations the threshold for this development on a clear, objective basis. It is important that there are no grounds for dispute, and the definition does not encourage development just under the threshold to avoid the build out measures.

22. We also want to ensure that the build out measures are not a new burden for small to medium-sized enterprise (SME) builders. Accordingly, we propose to apply the measures only to residential developments with 50 or more dwellings. This means they will not apply to minor residential development or the types of smaller scale development predominantly build out by SME builders.

23. We think there is little merit in bringing this scale of residential development into scope of the build out measures as these will be intended to be built out quickly and it would be disproportionate to apply the build out measures to them. Applying the build out measures to residential development sites of more than 50 dwellings would mean that they would apply to approximately 10% of planning applications that deliver approximately 80% of housing supply.

24. It is envisaged that to secure greatest transparency across residential development, all the build out measures (build out statements, commencement notices, development progress reports and power to decline to determine applications) should apply to eligible residential development. This would create a clear threshold for where these measures would apply. However, bringing smaller scale developments into scope of the build out framework will increase the amount of information that will be prepared and submitted to LPAs, through the build out statements, commencement notices and development progress reports.

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

Yes/**No**/Don't know. Please give your reasons. **Although TMBC accepts that sites with fewer than 50 dwellings account for a smaller proportion of housing supply, they can be particularly important in boroughs with a more rural character and reporting on them could also significantly enhance a Council's ability to accurately monitor delivery.**

25. As an alternative to reduce the additional burden on developers and LPAs further, we could apply a higher threshold for submitting development progress reports and the power to decline to determine applications. This would reduce the amount of work that developers will need to undertake preparing development progress report and reduce the number of these reports being submitted to LPAs. However, it would limit the transparency of build out to larger developments. This would also reduce the amount applications that the power to decline to determine applications could be applied to as it would only apply to applications for eligible residential development above the threshold set.

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?

Yes/**No**/Don't know. Please give your reasons.

3. Build out statements

26. The first part of the build out reporting framework will be the preparation and submission of a build out statement which would accompany the planning application for the residential development.

27. This statement would set out the build out projection for the site, how diversification and tenure mix support this trajectory and issues that may influence this. This would ensure the LPA can consider the build out projections at the planning application stage and use them to measure progress against using the commencement notices and development progress reports.

28. The requirement for a build out statement would be set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 as a national information requirement using powers under section 62 of the TCPA 1990.

Information required for build out statements

29. We propose the build out statement will need to set out the following information:

- the name and contact details of the person(s) intending to carry out the development that are known at the time of the planning application
- the build out projection for the site, including a trajectory for when housing development is expected to be started and completed by year and who is responsible
- the rationale for this projection including any site-specific constraints (such as infrastructure delivery) that may affect it
- information on the proposed housing tenure mix – including the expected proportion of market sales, affordable housing and other tenures such as Build to Rent
- a breakdown of how diversification and tenure mix support the build out trajectory and maximise absorption rates where appropriate
- any risks or issues known at the time of the planning application, that may influence the build out of the development, such as uncertainty about delivery of infrastructure on a site

30. The extent of the information required would vary on the scale of residential development, the build out statement for an outline planning permission application for a large, multi-phase development would be expected to provide significantly more information than an application for full planning permission for a single apartment block.

31. Much of this information is often already submitted with a planning application. A key benefit of the build out statement is to bring together this information in a clear and concise manner. Information that is not currently formally submitted as part of a planning application is likely to include a breakdown of how diversification and tenure mix, supports build out trajectory and maximises absorption rates where appropriate, and the risks that may influence the build out of the development. It is proposed that this information is included in the build out statements as it will be important information for LPAs to compare against the development progress reports and can be used as part of any assessment of whether the power to decline to determine applications is appropriate to use.

When a build out statement will be submitted

32. The build out statement would be required to be submitted by the applicant as part of the application for planning permission. Without it, the planning application would not be valid. (For outline permissions, the statement would be submitted as part of the outline permission application, rather than as a reserved matter approval application). For section 73 planning applications, build out statements would apply if the development has not yet begun.

33. The LPA would assess the statement as part of their consideration of the planning application, taking into account the anticipated build out rates for the development and information on how the development has maximised opportunities to diversify the type and tenure mix to ensure faster build out where appropriate. Our forthcoming consultation on national policies for decision making will set out clearer national policies for considering build out matters when determining applications.

34. If the planning permission is granted, we propose to encourage through guidance that a condition should be placed on the development requiring any changes to the projection set out in the build out statement to be submitted and approved with the LPA prior to the commencement of the development. This will help to ensure there is an up-to-date build out projection prior to commencement of the development. In addition, a statutory condition will also be placed on the eligible residential development to submit a development progress report annually (see the section on 'development progress reports' for more details). We will explore setting out model conditions on these working with the sector.

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

Yes/No/Don't Know. If not, please explain why you disagree and set out any other information you think it should cover

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

4. Commencement notices

35. The purpose of the commencement notice within the build out reporting framework is to provide a clear record that the residential development will commence, including details of the planning permission for the development. It is proposed that the notice will be submitted electronically in a standard format based on common data standards. This will help to ensure alignment with the government's broader drive to digitalise planning data. The notice will help to enrich the data available about planning permissions as it identifies those permissions which will commence.

What is in the LURA provisions

36. Section 111 of the LURA inserts new section 93G into the TCPA 1990. New section 93G makes provision for commencement notices. In summary:

- Commencement notices will be applicable where planning permission has been granted under section 70 or 73 of the TCPA 1990 for development of a description set out in regulations.
- The person^{[\[footnote 7\]](#)} proposing to carry out this development must submit a commencement notice to the LPA to set out the date on which it is expected the development will begin.
- If the intended date for commencement changes following this, or the development is not commenced on the date given in the notice, a further commencement notice will need to be used to substitute a new date for the date previously given for commencement.
- The commencement notice will need to include information prescribed in the regulations. We have set out proposals on what this information will be in the information requirements section below.
- If it appears to the LPA that a person has failed to comply with any of the requirements then they can serve a notice requiring the information that is missing to be submitted. They will have 21 days to respond to the LPA from the date the notice was served. If they do not do this within the 21 days the person will be liable to a fine.
- LPAs must notify applicants of the commencement notice requirements and the consequence of non-compliance when granting planning permission.

Information required for commencement notices

37. It is proposed that the information the commencement notice will seek to collect will be limited to information about the development, planning permission and the date of commencement so that these notices can be quick to produce and easily updated and resubmitted if the commencement date changes.

38. It is proposed the commencement notice will require information on the following:

- the details of the planning permission which authorises the development which is about to be commenced, including the planning application reference number
- the intended commencement date for the development
- the date on which the development is expected to be substantially completed
- the expected date for the first application for reserved matter approval (if the development is authorised by an outline planning permission)
- the name and contact details of the person sending the notice
- the name and contact details of the person(s) carrying out the development
- the name and contact details of the owner(s) of the land
- a signed declaration confirming the contents of the notice and liability for any work or non-work taking place on the site
- details on whether the permission is an alternative or variation to a previously granted permission through Section 73

39. This information will ensure that there is greater transparency about when the site is commenced. It will give LPAs clear data and information about when development has commenced. This will be important for having a clearer picture of build out progress, as it will need to be clear when the development first commenced.

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

Yes/No/Don't Know. If not, please explain why you disagree and set out any other information you think it should cover

5. Development progress reports

40. The purpose of the annual development progress report is to provide a clear statement from the developer of the residential development about progress building out the development. It will be the key document to track progress of the development.

What is in the LURA provisions

41. Section 114 of the LURA inserts new section 90B into the TCPA 1990. New section 90B makes provision for development progress reports. In summary:

- The new requirements on development progress reports will be applicable where relevant planning permission (as defined in section 90B(10)) is granted for relevant residential development in England. The requirements mean that relevant planning permission must be granted subject to a condition that a development progress report must be provided to the LPA for each reporting period.

- The first reporting period in relation to the development will be a 12-month period beginning at the time prescribed in regulations during which the development is begun. Each reporting period following the first reporting period (except for the last reporting period) will also be a period of 12 months and will begin immediately after the previous reporting period has ended. The last reporting period will be the period ending with the day on which the development is completed. Options for when this 12 month period will start and finish are set out in the next section.
- The development progress report will set out:
 - The progress that has been made, and that remains to be made, towards completing the dwellings that have been granted planning permission;
 - The progress which is predicted to be made towards completing the dwellings over each subsequent reporting period, up and including the last reporting period; and
 - Such other information as may be prescribed in regulations. This consultation document sets out proposals for what this information this will cover.
- Section 90B gives the Secretary of State power to make provision in regulations about how development progress reports will operate. Proposals for the provisions to be contained in these regulations are set out below.

42. As the development progress report is applied as a condition, where a developer does not comply with the condition, in this case submitting a development progress report within the time specified in regulations, they may be subject to enforcement action using powers under section 187A of the TCPA 1990.

What provisions are proposed for development progress reports as part of the regulations

43. Section 90B(3) provides for the start of the first reporting period to be specified in regulations, and, under section 90B(9), regulations may also make provision about when development progress reports are provided to LPAs (referred to in the consultation as submission). We propose to use the regulations to ensure there is a consistent approach to when reporting periods begin and when development progress reports are submitted enabling information from them to be aggregated. Similar information is often sought by LPAs from developers to inform their calculations on 5 year land supply (5YLS) and a consistent approach could help to ensure a consistent approach for the collection of this data.

44. Our lead option is to:

- prescribe an annual reporting period based on the financial year – that is to say, regulations would state the reporting period would start on 1 April and finish on 31 March; and
- require the submission for the development progress reports for this reporting period within 2 months of the end of this reporting period (31 May)

45. We have proposed this as the lead option to align with the financial year as this may have impacts on progress of development eg. any cost or funding issues.

46. An alternative approach would be to:

- prescribe an annual reporting period based on the calendar year – that is to say, regulations would state the reporting period would start on 1 January and finish on 31 December; and

- require the submission for the development progress reports for this reporting period within two months of the end of this reporting period (last day in the month of February)

47. Under both options, we recognise that developers will need to prepare and finalise the report and this could create additional work for them. We have therefore proposed a 2-month period which aims to strike a balance giving developers reasonable time to prepare the report and ensuring the information is timely and readily available. We would welcome views about whether it would be better to prepare the report in January/February or April/May.

48. Section 90B sets out that the last reporting period is the day ending with the day on which the development is completed. For the purposes of development progress reports, we propose to specify that the completion date will be the date when the dwellings on the site have been completed and an application for a completion certificate has been submitted in accordance with Building Regulations 2010.

49. As the reporting period runs annually, this means that a developer will need to submit a development progress report for the period covering time at which the development was completed. This means that if a development was completed in November 2027, under the first option of a reporting period to run annually from 1 April, the final progress report will need to be submitted by 31 May 2028.

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

Yes/No/Don't Know. If not, please explain why you disagree.

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

Financial years

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?

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

Yes/No/Don't Know. If not, please explain why you disagree.

50. For development progress reports for developments being built out by a single developer it is proposed that the person^{[\[footnote 8\]](#)} responsible for submitting the report will be the person carrying out the development during the relevant reporting period. This is because they will be best placed to have access to the relevant information to include the development progress report. In most cases (unless there has been a change of developer), this person will be the same as the person who provided the commencement notice. For sites where multiple developers are involved, there are options as to how they discharge responsibility for submitting the development progress report. More details are set out in the section below on 'sites where multiple developers are building out'.

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

Yes/No/Don't Know. If not, please explain why you disagree.

Information required as part of the development progress reports

51. We propose the information the development progress report will seek to collect will be more detailed information on progress of build out annually against the projections set out in the build out statement. In addition to the information Section 90B already makes provisions for as set out in the section above, we propose to prescribe in regulations other information that development progress reports must cover including information about how the development has progressed since commencement with comparison against the projections set out in the building out statement. Where this has been slower than predicted, we propose to require information to be given as to why there have been delays.

52. We also propose that details on any changes in housing tenure during the development's build out is reflected in the development progress reports, for example any changes in affordable housing.

53. Taking this into account, it is proposed that the development progress reports would require information to be submitted on the following:

- relevant information in relation to the planning application eg. application number the development relates to
- a description of development that has taken place on site during the reporting period
- the number of dwellings started and completed by the development in the previous year
- the reasons for any delays against previous trajectories set out in the build out statement and any previous development progress reports
- the number of dwellings due to start in the year ahead
- the proposed trajectory for the build out for the rest of the development
- the tenure breakdown including the number of affordable units delivered and to be delivered
- details on any changes in housing tenure during the build out in the last year
- identify any potential risks to the delivery targets, for example infrastructure delivery and strategies to overcome them

54. It will be important for this information to be set out in the development progress reports as LPAs will need to use this information to compare against the build out statement and any other development progress reports submitted in order to assess whether the power to decline to determine applications is appropriate to use. Having this information submitted annually will give LPAs clear information about the progress of the site and whether any delays are occurring when compared against the build out statement trajectory. This will help LPAs to track progress of sites, and if delays are happening, what the reasons are for these delays. It will also give LPAs a real time picture of housing delivery and any changes to housing tenure and mix on the site. Furthermore, having this information on a consistent basis will enable information on individual sites to be analysed on an aggregate basis both locally and nationally.

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

Yes/No/Don't Know. If not, please explain why you disagree.

Q.14. Is there any other information you think development progress reports should cover? No

6. Sites with multiple developers building out

55. We recognise that the build out reporting framework will be more complex for development where multiple developers are involved in its build out, especially larger developments. We want to engage further with the sector on how the framework can be tailored for these circumstances.

56. For build out statements, as outlined in the section above, the person responsible for the planning application will be responsible for submitting the statement. Where multiple developers are involved it will be important for the build out statement to provide information about whether it is expected that the site will be built out by more than one developer. The statement will need to provide information known at the time of application about the developers involved and who is responsible for building out different phases or sections of the site. We expect that it will be standard practice where multiple developers are involved for the applicant to agree with the developers involved what is submitted as part of the application.

57. Section 93G of the TCPA 1990 requires any person proposing to carry out development to give a commencement notice (if the development has not commenced). We would welcome views on how joint submission of a commencement notice could be facilitated where multiple persons are carrying out the development of a site.

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?

In order to ensure that LPAs are able to effectively monitor, there should be a requirement that single point of contact is agreed amongst multiple development parties to submit one set of documentation.

58. For development progress reports the Secretary of State may make provisions in regulations about who is responsible for submitting development progress reports to the LPA and how this should be done. Therefore we propose to include provisions in the regulations that would specify that each developer must submit a report; but this can be done individually or jointly, where it is efficient to do so. We would welcome views on how joint submission of a development progress report could be facilitated where multiple persons are carrying out the development of a site.

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/No/Don't Know. If not, please explain why you disagree.

59. For developments where multiple developers are involved and they agree to do a joint submission, additional information will be required in the development progress reports in order to identify progress by different developers. This will be important as it is proposed that development progress reports will be a key information source for assessing whether the power to decline to determine applications may be used by LPAs. It will therefore be important that individual developers progress can be identified so that in any scenario where the power to decline to determine applications is being used, developers are not unfairly penalised where they may have been involved in the build out of a multi-developer site where one developer was responsible for delays. It is proposed that different development progress report templates are provided for different circumstances, where either a joint or individual approach is taken.

60. The information that individual developers will need to submit if they are doing individual progress reports is set out above. In addition to this information, where a joint approach is taken it is proposed that the development progress report will also need to include the following information:

- details of which developers are carrying out different parts of the work
- details of progress each developer has made compared to what was proposed in the build out statement
- any reasons for delay to build out of the site and which developer or developers are involved

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

Yes/No/Don't Know. If not, please explain why you disagree and set out any other information you think it should cover

7. Power to decline to determine applications

61. The power to decline to determine applications for planning permission will be a new power LPAs can use where any person^{[\[footnote 9\]](#)}, who fails to build out development authorised by an earlier planning permission at a reasonable rate, makes a new application. The build out reporting framework will improve the transparency of build out and will help provide LPAs with the information they need to assess whether the power to decline to determine should be used.

What is in the LURA provisions

62. Section 113 of the LURA makes provision for a new section 70D in the TCPA 1990 which sets out a new power for LPAs to decline to determine applications for planning permission where the carrying out of development authorised by an earlier planning permission anywhere in that LPA's area has not taken place at a satisfactory pace. In summary:

- LPAs will be able to use the new power to decline to determine an application for planning permission for a development of any land if:
 - The development is development that meets certain criteria set out in regulations which this consultation seeks views on.
 - The application is made by a person who has previously made an application for planning permission for development in the LPA's area at the time the current application is made – known as the 'earlier application', or a person who has a connection of a description set out in this consultation document with the development to which the earlier application related known as the 'earlier development'.
 - The earlier development was of a description that meets the same criteria as set out in point one above.
 - If the earlier development has not begun or if the earlier development has begun but has not been substantially completed and the LPA is of the opinion that the carrying out of the earlier development has been unreasonably slow.
- When considering whether the earlier development has been unreasonably slow, the LPA must have regard to all the circumstances including:
 - Where a commencement notice has been given, whether the development was begun by the date specified in the notice and was carried out in accordance with any timescales specified in it.

- Any other prescribed circumstances (which this consultation sets out proposals for).
- Where a person applies for planning permission a LPA may by notice require the person to provide information for the purposes of its function in determining whether the power to decline to determine the application should apply.
- If a person does not comply with this notice within 21 days the LPA may decline to determine the application. If a person gives a statement responding to the notice which they know to be false or misleading then they may be subject to a fine.

How the power to decline to determine applications will apply

63. The power to decline to determine applications for determination covers both the person who submits an application for an earlier development which was considered unreasonably slow and a connected person^{[\[footnote 10\]](#)} to that development. We intend to define a connected person to include a person who carried out the development (but who did not submit the planning application) - for instance if the land was sold onto the person after securing of planning permission. We also want to ensure that separate corporate entities within a development group are adequately covered so, if a corporate body under the control of a development group is submitting an application, this could be declined if another corporate body under the control of the development group carried out an earlier development which was considered unreasonably slow.

64. Section 70D sets out that when assessing whether the carrying out of the earlier development has been unreasonably slow the LPA must have regard to all circumstances. These include whether the development was begun by the date specified in the commencement notice and was carried out in accordance with any timescales specified in it. In addition to this it is proposed that the regulations will also specify that the LPA must have regard to any build out statements and development progress reports when considering whether the carrying out of the earlier development was unreasonably slow, enabling reasons for delays to be taken into account. The information included in the build out statements will be important information for LPAs to compare against the development progress reports and can be used as part of any assessment of whether the power to decline to determine applications is appropriate to use.

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?

Changes to land ownership or options during the reporting period

Please give your reasons.

65. Factors such as reasons for delays to build out, location of development, size of development and the progress of delivery of other infrastructure provisions on the site could all be relevant to considering whether the build out of a site is being undertaken at a reasonable rate. We do not think it would be helpful to provide prescriptive guidance on this matter as it would undermine LPAs' ability to make a local judgement based on the individual circumstances of the case. However, we would welcome views about whether guidance should have a role in promoting common approaches across LPAs, for example setting out case studies.

Q.19. Do you have any comments on the scope of the guidance? **The consultation does not consider fully how this process would be managed in Local Planning Authorities or what summary monitoring**

requirements will be placed on them as a result of this proposal. That is an important consideration to ensure that LPAs can administer this important process.

8. Next steps

66. Implementation of the build out measures will involve:

- preparation of the regulations for the these build out measures reflecting the outcome of this consultation and
- the development of forms for build out statements, commencement notices and development progress reports that meet data standards and can be submitted electronically to ensure the process is administratively straightforward and not burdensome for either developers or LPAs

Preparation of regulations

67. Subject to the outcome of the consultation, the intention is to bring forward the regulations to implement the build out measures as soon as practicably possible, with the new build out reporting framework applying from 2026.

68. These regulations will be laid in Parliament and will be subject to Parliamentary scrutiny. As part of preparing the regulations, we will undertake an Impact Assessment.

69. We will also undertake further engagement with stakeholders during the consultation period to inform the development of these proposals.

Process for submitting the new build out information requirements

70. MHCLG's Digital Planning Programme has been working to improve the availability and accessibility of planning data to aid decision making and create more efficient planning processes. To ensure these new requirements work effectively, aligning with the government's wider digitisation of the planning system, it is intended that the forms for build out statements, commencement notices and development progress reports are underpinned by data standards. This will make the process as simple as possible for completing the requirements, as well as ensuring the data submitted meets data standards.

71. By submitting the build out statements, commencement notices and development progress reports electronically according to set data standards will result in a process which results in less uncertainty in relation to what information needs to be provided and less manual work for the entry of data into LPAs systems. Information about these documents will be included in the planning register and will be publicly available. This will mean that LPAs will be able to easily track submission of commencement notices for applications that have been approved to give a clear picture of which developments have commenced and which have not. It will also mean LPAs will be able to track progress of developments from the annual submission of development progress reports against the build out trajectory agreed at the planning application stage in the build out statement.

When the new requirements will come into effect

72. The government will set a date for when each of the build out measures will come into force. This date will be included in regulations. The build out reporting framework will not apply to existing development which is already commenced.

Other work on build out

73. We will need to publish guidance alongside the regulations for these new build out measures. This guidance will cover detail on how these new requirements will work as part of the planning process, and specific guidance on how they should be applied for different types of development, for example where multiple developers are involved.

74. We are also considering other measures that would work alongside these new build out requirements. As part of the consultation on the national policies for decision making we will consider ways to maximise the effectiveness of these new build out requirements by looking at options for stronger national policies on build out, including aligning with the proposals in this consultation on build out statements. Over the course of the year we will set out more information on the national policies for decision making.

75. In addition the government is inviting views in the [speeding up build out working paper](#) on options to ensure the right incentives exist in the housing market, and local planning authorities have the tools they need, to encourage homes to be build out quickly. This includes incentivising and supporting models of development that build out faster as well as giving local authorities the ability as a backstop to charge a new 'Delayed Homes Penalty' when development falls materially behind pre-agreed build out schedules, which will link to the transparency and accountability measures set out in this consultation document.

9. Public Sector Equality Duty, Environmental Principles and Impact Assessment

76. We would like to hear about any potential impacts of any of the proposals in the consultation on businesses, LPAs communities, and the environment or of any differential impacts on persons with a relevant protected characteristic as defined by the Equalities Act 2010 compared to persons without that protected characteristic, together with any appropriate mitigation measures, which may assist in deciding the final policy approach in due course.

Q.20. Do you have any views on the implications of the proposals in this consultation for you, the environment or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how, or any anticipated environmental impacts. Is there anything that could be done to mitigate any impact identified? No

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1. Subject to the outcomes of the proposals in this consultation on the different thresholds the build out measures apply to. [↩](#)
 2. The use of the term developer in this consultation is shorthand. As explained in each section, who is responsible for the discharge of each requirement will vary depending on the planning and development cycle stage. [↩](#)
 3. [Housebuilding market study final report - GOV.UK](#) [↩](#)
 4. [Independent review of build out: final report - GOV.UK](#) [↩](#)
 5. [Start to Finish 3: How quickly do large-scale housing sites deliver?](#) [↩](#)
 6. The use of the term developer in this consultation is shorthand. As explained in each section, who is responsible for the discharge of each requirement will vary depending on the planning and development cycle stage. [↩](#)

7. This is included in the shorthand term 'developer' that is used throughout this document. [↵](#)
8. This is included in the shorthand term 'developer' that is used throughout this document. [↵](#)
9. This is included in the shorthand term 'developer' that is used throughout this document. [↵](#)
10. This is included in the shorthand term 'developer' in the context of the power to decline to determine applications. [↵](#)