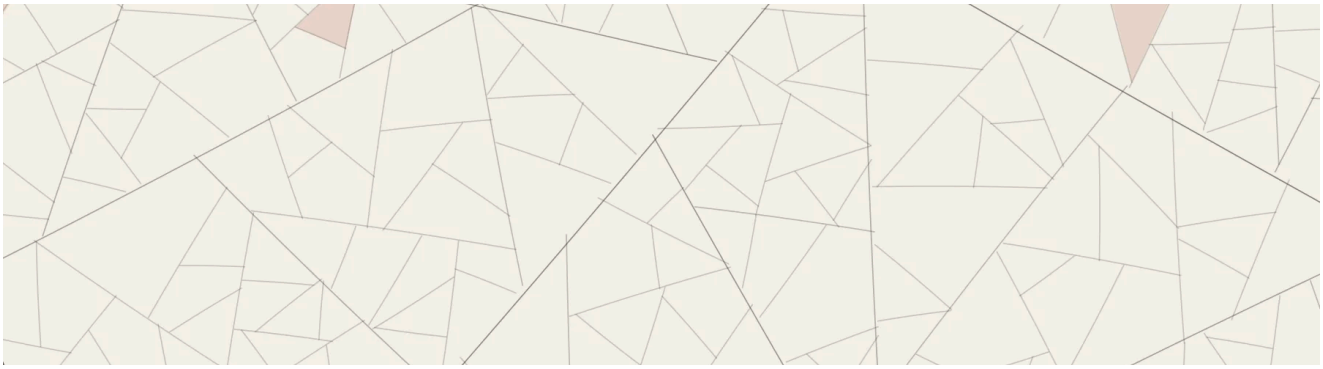
THE SYSTEM

Who is still consulted on a planning application, and the *clock on their advice.*

On 17 August the government confirmed it will narrow the list of bodies a council must consult, with regulations to follow, and the new framework told councils not to wait for advice past the deadline. The bodies that carry the most weight in an objection were left alone, which is the part worth knowing.

The Editor



Ground Level, generated

When a planning application is submitted, a list of bodies has to be asked what they think. Some of them are statutory consultees, which means the council is legally required to consult them and to take their response into account. Their letters are where most of the technical evidence in a contested case comes from, and they are the documents an objector should read first.

On 17 August, two things happened to that list on the same day.

The government published its response to the consultation on reforming the statutory consultee system. And the new National Planning Policy Framework told councils not to wait for consultee advice past the deadline.

What was narrowed.

The response confirms changes to seven bodies. None is in force yet. The response says regulations will follow in due course to bring the reforms into force, so each change below de-

scribes what is coming rather than what applies today.

Sport England stays a statutory consultee but on a much shorter leash. It will be consulted on applications involving the physical loss of playing fields for housing or commercial development, and on substantial school or sports development on playing fields. It will no longer be notified about defence sites, prison sites, pitches below 0.4 hectares, ancillary facilities or routine school development. The government expects referrals to Sport England to fall by half or more.

The Gardens Trust and **the Theatres Trust** are to lose statutory consultee status and move to notification only. They will still be told about relevant applications. The council will no longer be required to consult them or to take their response into account in the same way.

Historic England is the change most likely to affect a Cotswold reader.

> **2,000m²**
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> The confirmed new threshold at which Historic England is to be consulted on development in a conservation area, double the current 1,000m². Grade II listed building consents are also to stop being automatically referred, except where total demolition is proposed. Regulations to bring the changes into force are still to be made.
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> SOURCE · REFORMS TO THE STATUTORY CONSULTEE SYSTEM: GOVERNMENT RESPONSE, MHCLG, 17 AUGUST 2026

Grade II listed building consents will no longer be automatically referred to it, except where total demolition is proposed. The threshold for consultation on development in a conservation area is to double from 1,000m² to 2,000m². A very large number of applications in a district like this one involve a Grade II building or a conservation area, and once the regulations are made, on most of them the national heritage body will no longer be in the room.

National Highways will be consulted where a transport assessment is required, rather than on all non-minor development. **Active Travel England** is to have its residential threshold raised from 150 units to 250, and consultation on commercial development removed altogether. The **Mining Remediation Authority** is to get narrower referral criteria for lower-risk development.

What did not change, and why it matters more.

Natural England and the **Environment Agency** were both left substantively alone. The response deals with them through better resourcing and digital tools rather than by narrowing what they are asked about.

One change to Natural England had already arrived by another route. Since 17 June 2026, section 4 of the Natural Environment and Rural Communities Act 2006, as amended by section 57 of the Planning and Infrastructure Act 2025, no longer requires Natural England to answer every request for advice from a council on a planning application. The response says this lets Natural England prioritise its advice on high risk and high opportunity casework. It will still respond where the Development Management Procedure Order requires it, so its role as a statutory consultee is unchanged.

That is the most useful sentence in the document, and almost nobody has written it down.

> *The bodies being trimmed are the ones that generate volume. The bodies that can require a refusal were left alone. For anyone writing an objection, what survived matters more than what went.*
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> The Editor · Ground Level, August 2026

Think about which bodies feed which arguments under the framework published the same day. The policies that require a refusal, the ones an objection survives on, are largely environmental. Policy N6 on sites of special scientific interest. Policy N2(2) where significant harm to biodiversity cannot be avoided, mitigated or compensated. Policies F6(1)(a) and F7(2) on flood risk. Those are Natural England and Environment Agency territory, and neither body's statutory consultee role has been narrowed.

The bodies being trimmed are the ones that generate volume rather than the ones that generate refusals. Sport England on small pitches. Historic England on routine Grade II consents. Active Travel England on mid-sized schemes. The reform is aimed at a backlog, and on its own terms that is a defensible thing to aim at.

The exception is heritage. Losing automatic Historic England referral on Grade II consents is a real reduction in expert scrutiny, in a district where Grade II is the ordinary case rather than the exceptional one. Policy HE6(5) still requires refusal where substantial harm to a designated heritage asset is not justified. The refusal duty survives. The body that most often evidenced it will frequently not be asked.

The clock.

The second change is a single line in the framework, and it will do more work than the consultee reforms.

Policy DM3(1)(d) tells local planning authorities to consult statutory or internal consultees only where it is necessary to do so, and then says this:

> Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision, there are public safety risks from proceeding without advice, or more detailed advice may enable an approval rather than a refusal.

Read the exceptions. A council may wait if it does not have enough information, if there is a public safety risk, or if waiting might allow an approval rather than a refusal.

There is no exception for waiting because the advice might justify a refusal.

That is not a drafting accident. Policy DM3(1)(f) in the same list tells councils not to refuse applications which should clearly be approved. The chapter is built to move applications towards decisions, and the permitted reasons to pause all point one way.

What an objector should take from it.

Read the consultee responses on the file, and read them early. They are still the strongest evidence available and the environmental ones have not been weakened.

Check whether a consultee has responded at all. Under DM3(1)(d) a council can now proceed on a statutory silence more comfortably than it could in July. A consultee that has not replied is not the same as a consultee that has no objection, and an objection that points this out is making a procedural argument the council has to answer.

Watch for advice that is outstanding rather than resolved. Cotswold District has an application at Lechlade for 150 homes, undetermined since April, where Natural England wrote in March 2026 that it might need to object without further information, and that letter has not been withdrawn or superseded. Natural England remains a full statutory consultee. But under the new rule, the question of how long a council should wait for it has an answer it did not have before.

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