

Reforms to the statutory consultee system – response from the Competition and Markets Authority

Background

1. The CMA is the UK's principal competition and consumer authority. Our purpose is to promote competition and protect consumers with a clear end goal – to drive economic growth and improve household prosperity.¹ The CMA has a role in providing information and advice to government and public authorities,² and we have a strategic objective to help government deploy tailored pro-competition interventions to support growth, innovation and investment-related policies.
2. This response draws upon the CMA's recent work in markets affected by the planning system, and in particular the recommendations and evidence from its housebuilding market study. This study found that the complexity and unpredictability of the planning system, together with the limitations of speculative private development, is responsible for the persistent under delivery of new homes in Great Britain. It identified a number of interventions to help ensure that enough good quality homes are delivered in the places that people need them. In terms of the planning system, this included streamlining processes so work can begin sooner, and more projects can be brought forward.
3. Our housebuilding market study identified several factors driving up the length of the planning process:
 - (a) the increasing amount of policy impacting the planning system;
 - (b) Local Planning Authority (LPA) resourcing constraints;
 - (c) delays in receiving responses from statutory consultees; and

¹ [CMA strategy 2026 to 2029](#).

² Under Section 7(1) of the Enterprise Act 2002, the CMA has a function of making proposals, or giving information and advice, “on matters relating to any of its functions to any Minister of the Crown or other public authority (including proposals, information or advice as to any aspect of the law or a proposed change in the law)”. The CMA’s advice and recommendations to government and public authorities are made with a view to ensuring that policy decisions take account of the impacts on competition and consumers.

(d) the negotiation of site-specific agreements to secure housebuilder contributions to funding of local infrastructure.

4. The CMA's housebuilding market study presented a number of options for reform. The options most relevant to this consultation are:

- (a) clearly defining and rationalising statutory consultees; and
- (b) effective monitoring and enforcement of deadlines for statutory consultees.

5. While these factors and options were presented in the context of the housing market, similar concerns have been echoed in initial evidence gathered in the CMA's civil engineering market study. Our interim report sets out that major infrastructure firms have told us that statutory consultees represent the greatest issue in the planning system, adding material complexity to, and often leading to delays in, obtaining planning consents. They also told us they often find it difficult to know which statutory consultees must be consulted for a particular project.

6. Statutory consultees play an important check-and-balance role within planning systems, safeguarding the environment, respecting heritage, and ensuring health and safety considerations are properly considered in the production of Local Plans and in determining planning applications. The CMA found, however, that the statutory consultation process can significantly delay the planning process in the housebuilding market,³ and has provisionally found that the lengthy and complex process of consulting statutory consultees slows down the delivery of infrastructure projects and creates difficulties for contractors in workforce planning.⁴

7. The CMA welcomes changes proposed in this consultation (and considerable other work by government)⁵ to improve the functioning of the statutory consultee system and facilitate timely decision making. The proposals to reform national statutory consultees and associated processes represent significant, positive action to define and rationalise statutory consultees. We would encourage government to pay close attention to answers to question 2 (*"In exploring reforms to the system, we have so far focussed more on key national statutory consultees. Is there more that government should do in relation to smaller scale and local statutory consultees?"*) and keep under

³ [Housebuilding market study final report - GOV.UK](#), paragraph 5.179.

⁴ [Civil engineering market study - GOV.UK](#), paragraph 2.117.

⁵ For example, through the Planning and Infrastructure Bill 2025 and changes to the Nationally Significant Infrastructure Projects process.

consideration whether more can be done to define and rationalise smaller and local statutory consultees.

Effective monitoring and enforcement of deadlines for statutory consultees

8. The CMA's housebuilding market study found that statutory consultees often provide their feedback after the 21-day deadline, causing delays and uncertainty in the planning process.
9. Delays in the planning process have a disproportionate impact on SME housebuilders as they are required to hold on to a larger quantum of land for a longer period of time than they would otherwise, and manage a longer period between paying the upfront cost associated with initiating a development and realising the returns from their investment. Reducing delays would therefore benefit SME housebuilders in particular.
10. With this in mind, we consider that there is opportunity for government to build on the proposals in its consultation by taking steps to improve statutory consultees' adherence to the 21-day deadline. This could include encouraging LPAs to better monitor and enforce adherence by, for example:
 - (a) giving clear, advance notice to statutory consultees of the change in approach;
 - (b) issuing regular reminders to statutory consultees during the 21-day period and a final notice close to the end of the 21-day period;
 - (c) issuing notices of deemed consent upon expiry of the deadline.
11. The CMA's civil engineering market study is also considering what steps government could take to streamline regulatory approvals. Any recommendations to government will be set out in a final report planned to be published by April 2026.
12. We are happy to discuss the contents of this response and more broadly stand ready to support government as it takes forward its next phase of pro-growth planning reforms.

Competition and Markets Authority

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