

Planning Factsheet – Planning Conditions

The August 2026 National Planning Policy Framework materially strengthens the controls on the use of planning conditions. **DM6 is now an express national decision-making policy** and applies directly when planning permission is determined. This factsheet is provided to assist decision-makers when considering conditions on planning permissions for InstaVolt EV charging infrastructure. The starting point is that a condition should solve an identified planning problem. It should not be imposed because it is standard, precautionary, or routinely attached to another form of development. EV charging infrastructure is strongly supported by the new Framework. That does not remove the need to control genuine planning harm, but it does mean that controls should be focussed, proportionate and justified by the effects of the particular proposal.

DM6 – the national policy tests for planning conditions

Policy DM6(1) says that conditions should only be attached where they are:

1. Necessary to make the development acceptable in planning terms;
2. Relevant to the development and to planning considerations generally;
3. Sufficiently precise to make them capable of being complied with and enforced; and
4. Reasonable in all other respects.

These four grouped requirements contain the substance of the long-established six tests: necessity; relevance to planning; relevance to the development; enforceability; precision; and reasonableness. A condition which fails any of those requirements should not be imposed.

Necessity means an identified planning effect

A condition is not necessary simply because a consultee requests it or because the authority commonly uses it. The officer should be able to identify the planning harm that would arise without the condition and explain why the condition is needed to make the proposal acceptable. Where no material harm is identified, the test of necessity is not met.

Standard, model and pre-commencement conditions

DM6 goes further than the previous Framework. It says:

- National model conditions should be used where relevant unless there are strong reasons for using a different condition.
- Conditions requiring discharge before development commences should be avoided unless there is clear justification.



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- Applications to discharge conditions should be dealt with in a timely manner so that development is not unnecessarily delayed.

For small EV charging schemes this is important. A pre-commencement condition can delay the delivery of infrastructure even where the matter could safely be dealt with later, or is already shown on the approved plans. The reason for making a condition pre-commencement should therefore be apparent from the planning issue it addresses.

Permitted development is the baseline, not an afterthought

DM6(2)(c) now expressly says that conditions should not restrict national permitted development rights unless there is clear justification. This reinforces the need to consider the lawful fallback position before deciding what controls are genuinely necessary.

Part 2 Class E of the GPDO permits substantial elements of EV charging infrastructure in qualifying off-street car parks. As explained in InstaVolt's separate Permitted Development factsheet, the right includes charging upstands and, subject to its limits, associated equipment and equipment housing. Government has classified these rights within Part 2 – "**Minor Operations**".

The Class E fallback does not itself impose **operating-hour, noise or lighting** restrictions. That does not prevent a condition being imposed on a full planning permission where one is genuinely necessary, but it is a material baseline when considering necessity and reasonableness. An authority should not impose a materially more restrictive control without identifying the site-specific harm which justifies it, or the planning condition will legitimately be subject to later variation or removal undermining public faith in the planning system.

Local policy cannot displace the national tests

Annex A of the August 2026 NPPF says that development plan policies, or parts of them, which are materially inconsistent with national decision-making policies should be given very limited weight. A local policy or standard practice cannot therefore justify a condition which fails DM6 or seeks to duplicate controls contrary to DM7.

DM7 – do not duplicate other regulatory regimes

Policy DM7 is particularly relevant to operational controls. It requires proposals to be assessed as land uses and says that, unless there is clear evidence to the contrary, decision-makers should assume that



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separate regulatory regimes will operate effectively. Planning decisions should not seek to duplicate or extend those controls.

Policy P3(3) applies that principle specifically to pollution. When considering matters such as noise or other emissions, the authority should assume that separate pollution-control regimes will operate effectively unless there is clear evidence otherwise.

This means that a planning condition should not be used merely to create a second regulatory system. The question remains whether there is a land-use effect that requires a planning condition in order for the development to be acceptable.

Consultee requests still have to pass DM6

A recommendation from a consultee is an important input to the decision; it is not a substitute for the policy tests. If a consultee proposes a condition, the decision-maker still needs to be satisfied that it is necessary, relevant, precise and enforceable, and reasonable.

Noise

Policy P3(2)(d) requires development to mitigate and reduce to a minimum potential adverse noise effects and not to result in noise exposure with a significant observed adverse effect. The policy does not require silence, nor does it require every item of electrical equipment to be controlled by a bespoke planning limit.

For an InstaVolt proposal, the correct approach is to consider the actual equipment, its location, the existing acoustic environment and the relationship to sensitive receptors. A condition should only be imposed where the evidence shows that an otherwise unacceptable land-use effect requires control. Where a noise assessment demonstrates acceptability, a further generic noise condition may duplicate the assessment or create an unnecessary additional control. Where no material noise issue is reasonably likely in the first place, requiring a noise condition simply as a precaution is difficult to reconcile with DM6.

Artificial lighting

Policy P3(2)(e) requires development to limit adverse impacts from artificial light on local amenity, intrinsically dark landscapes and nature. The policy is concerned with adverse impact, not the mere presence of lighting.



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Lighting is also a **functional and safety feature of public charging infrastructure**. Chargers may be used at night and by people travelling alone. The design and transport policies in the Framework recognise the importance of safe, accessible and convenient charging locations. That legitimate function must be weighed when deciding whether any lighting control is necessary.

Where a site is already lit, or where the proposed lighting does not create material spill or other harmful effects, a blanket curfew or arbitrary lighting restriction may not satisfy DM6. Where a genuine effect is identified, the condition should control that effect as precisely as possible rather than disabling lighting more widely than necessary.

Hours of operation

There is no general national policy requiring public EV charging infrastructure to close at night. An hours restriction must therefore be justified by the effects of the particular site, usually because unrestricted use would cause an unacceptable noise, lighting, traffic or amenity effect.

If those effects are acceptable, there is no separate planning purpose in restricting the availability of the chargers simply because 24-hour use is proposed. The Class E permitted-development baseline is also relevant: Government permits qualifying charging infrastructure **without imposing an operating-hours condition**.

Where an hours condition is considered necessary, it should be no wider than required to address the evidenced effect and should distinguish, where appropriate, between the availability of the chargers and any separate activity that is actually causing concern.

Precision matters

Conditions should identify exactly what must happen, when it must happen, and what approved document or measurable standard applies. Conditions which rely on vague phrases, duplicate matters already fixed by approved drawings, or leave an undefined future requirement to the authority risk failing DM6 because they are not sufficiently precise to be complied with and enforced.

Conditions and obligations should facilitate approval, not create unnecessary barriers

DM3 requires local planning authorities to work positively and proactively, take a proportionate approach which reflects the scale and potential impact of the proposal, and consider whether an otherwise unacceptable proposal can be made acceptable through conditions or obligations. It also says applications which should clearly be approved should not be refused.



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That does not mean conditions should be added “just in case”. It means a focussed condition can be used where it genuinely solves a planning problem, rather than refusing the development. The condition itself must still meet DM6.

Planning obligations

DM6(4) says planning obligations should only be used where it is not possible to address a potential unacceptable impact through a planning condition. Conditions must not be used to require payments of money or the formal transfer of land to another party. Where a planning obligation is genuinely needed, it should address the specific impact that cannot properly be dealt with by condition.

What this means for an InstaVolt permission

- Do not apply a standard condition without identifying the planning effect it is needed to control.
- Do not require a pre-commencement discharge unless there is a clear reason why the matter must be resolved before works begin.
- Do not restrict permitted development rights without clear justification, and take the Class E fallback into account when judging necessity and reasonableness.
- Do not duplicate pollution, electrical, consumer or other regulatory controls through planning unless there is a distinct land-use reason to do so.
- For noise, lighting and hours, identify an actual site-specific effect and tailor any condition to that effect.
- Use conditions to resolve a genuine planning issue where possible rather than refusing development that can be made acceptable.

Key principle

Planning controls should be **necessary, proportionate and evidenced**. The August 2026 NPPF gives those principles direct national decision-making status. For EV charging infrastructure, the correct question is not what control can be imposed, but what control is actually needed to make the particular development acceptable.



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