



National  
Landscapes  
Association

## REFORMS TO THE STATUTORY CONSULTEE SYSTEM:

### National Landscapes Association consultation response

Open consultation: Ministry of Housing, Communities & Local Government

Deadline: 13<sup>th</sup> January 2026

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#### Key points:

**The current system of statutory consultees does not adequately represent landscape matters.** Natural England responses about development in National Landscapes do not tend to mention any landscape issues – instead concentrating on sites, species and SSSIs. This is a key gap that needs to be addressed.

National Landscape teams either sit within departments of local authorities, sit semi-autonomously across several local authorities, or are independent legal entities, working closely with local authorities (in the case of Chilterns and Cotswolds Conservation Boards and Chichester Harbour Conservancy). The local authorities themselves can be statutory consultees. **The specialist advice of the National Landscapes hosted by one or sitting across several local authorities should be accorded the same weight of other specialist, internal advice received by the Local Planning Authority.** The advice of National Landscapes that are independent legal entities is not currently captured in the statutory consultee system, leading to inconsistent treatment of the designation across the country. In the case of **National Landscape teams that are independent legal entities (Cotswolds and Chilterns Conservation Boards and Chichester Harbour Conservancy), we recommend that these entities should be made statutory consultees under the Town and Country Planning Act 2000 regime.** (Conservation Boards are already statutory consultees under the nationally significant infrastructure (NSIP) regime).

It is important that statutory consultees are able to engage where their input is most impactful, which may include via local plans or spatial development strategies. We recommend that there is a **clear role for all National Landscape teams to be formally consulted, and their responses given weight, at 'upstream' stages of planning.** This would help to avoid plans being made in silo, gaps around landscape concerns emerging later, or delays or costs caused by objections or

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issues raised later in the process, when there is less opportunity to change direction or mitigate impacts.

Local plan consultation isn't under discussion directly but is referred to as part of the overall planning consultation package – it is regarded as something that can bolster development management consultation, and more formalised local plan consultation is being offered to some of the bodies directly referred to in the consultation. We propose consulting these crucial National Landscape teams earlier on in the process – **making all National Landscape teams specific consultees for local plans**, which we recommend to mean that they are consulted where there are expected to be impacts on the National Landscape, or on its setting, within a relevant local plan.

We also oppose the removal of The Gardens Trust from the register of statutory consultees, and do not support the changes to Historic England's proposed notification criteria, as these changes would be expected to reduce the consideration of landscape and of important historical and cultural assets in the planning system, both of which relate to conserving and enhancing natural beauty in National Landscapes.

Question	National Landscapes Association response
<b>Question 1</b> Are there other key areas we should be considering in relation to improving the performance of statutory consultees?	N/A
<b>Question 2</b> 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?	<b>Empowering local planning authorities as decision makers</b> We agree with the approach of empowering local planning authorities as decision makers (9.) approach – but the Local Planning Authorities (LPAs) need appropriate support, resources and training to do so. A key part of this support is in having a formal relationship with National Landscape teams whose boundaries overlap the local authority boundaries. Early conversations and mutual, early agreements (such as with the Arnside and Silverdale Development Plan Document <a href="https://www.lancaster.gov.uk/planning/planning-policy/arnside-and-silverdale-aonb-dpd">https://www.lancaster.gov.uk/planning/planning-policy/arnside-and-silverdale-aonb-dpd</a> ) help to enable the best development for the long term in areas where local authorities and National Landscapes overlap, in a way which accords with statutory purposes of National Landscapes, and

	also helps to deliver the aims of local authority planning teams. Moving the consultation and collaboration with National Landscape teams upstream in the planning process will be the most efficient way to deliver planning processes that take account of landscape and avoid later delays. We recommend that modest resources for training on National Landscape purposes and considerations within LPAs would also be a time- and money-saver later down the line.
<b>Question 3</b>  In light of the proposed mitigations, do you support the removal of Sport England as a statutory consultee?  • support • oppose • neutral	Neutral
<b>Question 4</b>  In relation to notification requirements, should substantial loss of an existing playing field be defined as:  • 20% • a figure below 20% • a figure above 20% • an alternative approach  Please explain your answer/reasoning if possible.	N/A
<b>Question 5</b>  Are there impacts of the removal of Sport England as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?	N/A
<b>Question 6</b>  In light of the proposed mitigations, do you support the	Oppose.

<p>proposals to remove The Gardens Trust as a statutory consultee?</p> <ul style="list-style-type: none"> <li>• support</li> <li>• oppose</li> <li>• neutral</li> </ul>	
<p><b>Question 7</b></p> <p>Are there impacts of the removal of The Gardens Trust as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?</p>	<p>We oppose the proposal to remove The Gardens Trust as statutory consultee, as this would weaken the levels of protection afforded to parks and gardens of special historic interest, particularly those that are Grade II listed. The Gardens Trust focuses on historic parks, gardens and green spaces, which are often found within the boundaries of National Landscapes.</p> <p>We expect there would be significant negative impacts of the removal of the Gardens Trust as a statutory consultee – not least, making it more difficult for Local Planning Authorities to come to an informed and well-reasoned decision on likely impacts. For one, this would leave an even greater gap around landscape concerns and issues (in this case, designed landscapes) in the planning system.</p> <p>Landscape matters (see response to Q15) are not expected to be adequately addressed by Historic England as statutory consultee. We therefore expect this removal would increase harm to the registered parks and gardens that make up part of the natural beauty of National Landscapes. It would also increase harm to the vital green infrastructure needed to support the quality of life and wellbeing of England's residents, visitors and voters.</p> <p>The best evidence is clear that this quality of life, in an increasingly urbanising country, will absolutely depend on abundant and healthy green infrastructure – and new healthy green infrastructure cannot be easily created in a year, or even in 20 years; it takes a long time to develop healthy communities of flora and fauna. This is why it is so important to value what remaining green infrastructure we have.</p> <p>We do not see the Gardens Trust being a statutory consultee as the problem or as a 'blocker' to growth. A more efficient and well-funded and supported planning system that has capacity to take account of expert advice on many different land uses and values to produce the very best development for the long term of the country would be a far better roadmap than the proposed action.</p> <p>We think the government should take into account the different valuable land uses that produce a good quality of life</p>

	<p>in our country, and consider these early on in the planning process. This strategic inclusion of views 'upstream' in the planning process would help to avoid delays and costs later on in the process.</p>
<p><b>Question 8</b></p> <p>In light of the proposed mitigations, do you support the removal of Theatres Trust as a statutory consultee?</p> <ul style="list-style-type: none"> <li>• support</li> <li>• oppose</li> <li>• neutral</li> </ul>	Neutral.
<p><b>Question 9</b></p> <p>Are there impacts of the removal of Theatres Trust as a statutory consultee, or the proposed mitigations, that you think the government should take into account in making a final decision?</p>	N/A
<p><b>Question 10</b></p> <p>Are there other statutory consultees for which we should consider removal? What evidence would support this approach?</p>	N/A
<p><b>Question 11</b></p> <p>Do you support the proposed changes to National Highways' referral criteria?</p>	N/A
<p><b>Question 12</b></p> <p>Is there anything else we should consider in relation to National Highways as a statutory consultee?</p>	N/A

<b>Question 13</b> Do you support the changes to Active Travel England's proposed referral criteria?	N/A
<b>Question 14</b> Is there anything else we should consider in relation to the role of Active Travel England as a statutory consultee?	N/A
<b>Question 15</b> Are there other actions that the government and/or Natural England should be taking, to support their role as a statutory consultee?	<p>We recommend that the gap around statutory consultation on landscape issues needs to be filled. Two ways to approach this are outlined below under <i>Possible solutions</i>.</p> <p>We would like to highlight the wording of the Countryside and Rights of Way Act s84, which provides that Natural England has a duty to give advice in connection with development matters in areas of outstanding natural beauty (National Landscapes). It is unclear from the wording of this section whether Natural England is meant to be giving advice on natural beauty, landscape or only nature impacts – however, Natural England's general purpose include '<i>conserving and enhancing the landscape</i>' (NERC Act 2006, s2.2.b.), and s4 states that '<i>Natural England must, at the request of a public authority, give advice to that authority on any matter relating to Natural England's general purpose</i>'.</p> <p>Conserving and enhancing the landscape involves the integration of spatial and human features and geological and ecological processes, giving rise to functionality and health that cannot be achieved via a piecemeal approach; landscape approaches lead to more resilient spaces, and aim to produce good stewardship of land to achieve environmental, social and aesthetic outcomes at the same time, in the same area. Landscape is not a narrow policy aim.</p> <p>In practice, in the experience of National Landscapes, Natural England advice tends to address nature and biodiversity impacts only (e.g. SSSIs, sites and species), and does not address impacts on conserving and enhancing the landscape, or on how development can respect the National Landscape's features of natural beauty. (The consultation document under review similarly does not address landscape.)</p> <p>Under the Levelling-up and Regeneration Act 2023 s245, relevant authorities need to seek to further the purposes of National Landscapes and National Parks. Relevant authorities</p>

	<p>include local authorities/LPAs. With Natural England's purpose including conserving and enhancing landscape, this may set an expectation that Natural England is or should be providing coherent advice on landscape matters.</p> <p>In areas with National Parks, the National Park Authorities act as crucial statutory consultees in the planning system, for applications impacting their areas, with their Local Plans and Management Plans offering vital evidence and strategic direction on matters of landscape, and on how development can respect the landscape's natural beauty, culture and wildlife, in line with their statutory purpose.</p> <p>In areas with National Landscapes, however, there is a major gap with regard to evidence and strategic direction on landscape in the planning system – since there are no National Landscape Planning Authorities, and Natural England as the relevant statutory consultee only tends to deal with sites- and species-based nature impacts, not landscape impacts. National Landscapes that are independent bodies (not embedded within a local authority) see even more various treatment (or neglect) of landscape matters between their various local authorities.</p> <p>It is our understanding that, at present, Natural England is not consistently acting as statutory consultee on conserving and enhancing landscape for the purposes of development management, which leaves a gap in the system on landscape matters. Local Planning Authorities sometimes, incorrectly, take a 'no objection' response from Natural England to mean that Natural England considers that there would be no significant adverse impacts on the National Landscape. There is therefore no consistent and adequate representation of National Landscapes statutory purposes in the planning system. This has significant impact for the delivery against the statutory purposes of National Landscapes covering 15% of England.</p> <p><b>Possible solutions</b></p> <p>If it was clarified that Natural England should act as a statutory consultee on landscape issues in its responses in areas within or in setting of National Landscapes, and they began to provide adequate advice on conserving and enhancing landscape, this could help to fill a gap on landscape matters. For efficiency, this advice could come in the form of publication of new standing advice, which directs the decision maker (or relevant authority) to consider the landscape's natural beauty and the relevant National Landscape Management Plan for evidence and strategic direction. In addition, it could involve adding a landscape layer to Natural</p>
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	<p>England's Impact Risk tool, which could hold advice relating to the protections and boundaries of the National Landscapes. However, even in current cases where Natural England advises that the relevant National Landscape team should be consulted, the LPA tends to give Natural England's 'no objection' advice more weight, meaning that this approach would not necessarily fill the gap on landscape matters.</p> <p>An alternative way to support clarity of Natural England's role on landscape and natural beauty issues, would be for <b>Natural England's proforma and bespoke responses to clearly state that their response refers only to the nature/biodiversity impacts of development, and not to the landscape impacts.</b> This would help avoid confusion of those who assume that Natural England has looked at and addressed the landscape impacts in their response (as indicated by their general purpose), when in fact they have not.</p> <p>This clarity would then need to be supported <b>by formalised processes that include consideration of the impacts on landscape in the planning system, by involving the National Landscape teams in internal systems of the local authority.</b> We advise that this inclusion is brought further 'upstream' in planning processes – for example, by making National Landscape teams specific consultees in local planning, and by co-development (between National Landscape teams and LPAs) of strategic advice, including pre-agreed mitigations. The relevant National Landscape teams are intimately acquainted with their National Landscape, including its distinctive features of natural beauty and landscape character types. We recommend that the comments submitted by the National Landscape teams should be given the highest weight with regard to landscape considerations. Where these comments are generated by a National Landscape team that sits within or across several local authorities, these comments should be seen as specialist advice of the authority itself, in the same way that the National Landscape Management Plan is an adopted policy of the local authorities.</p> <p>We also advise that the <b>National Landscapes that are independent organisations (Cotswolds and Chilterns Conservation Boards and Chichester Harbour Conservancy) are made new statutory consultees</b> (see Q33).</p>
<p><b>Question 16</b></p> <p>Are there other actions that the government and/or the Environment Agency should be taking in relation to the</p>	<p>N/A</p>

Environment Agency's role as a statutory consultee?	
<b>Question 17</b>  Do you support the changes to Historic England's proposed notification criteria?	<p>No.</p> <p>The responses where Historic England does provide substantive response may be crucial.</p> <p>Listed buildings are an important feature of the historic environment in, and continuing cultural significance of, National Landscapes. Natural beauty includes aspects of the built environment, including those aspects that hold and inspire the cultural memory of place and the people who lived in a place. These are aspects that make National Landscape settlements distinctive, and they also help make people today feel connected to the past, which is an aspect of wellbeing. Research evidences that engagement with historic environments can reduce stress and anxiety, increase happiness, and foster a stronger sense of personal and collective identity and belonging.</p> <p>We consider that it will be important for local planning authorities and the Planning Inspectorate to have the input of Historic England to provide expert advice on the impact on listed buildings, in order to consider the impact on National Landscapes, and also to fulfil their duty to seek to further the purposes of National Landscapes.</p>
<b>Question 18</b>  Do you support changes to align the listed building consent process in London with the process that applies elsewhere?	N/A
<b>Question 19</b>  Is there anything else we should consider in relation to the role of Historic England as a statutory consultee?	N/A

<b>Question 20</b> Do you support the changes to the Mining Remediation Authority's proposed referral criteria?	N/A
<b>Question 21</b> Do you support the proposed changes in relation to the Mining Remediation Authority commenting on the discharge of conditions?	N/A
<b>Question 22</b> Is there anything else we should consider in relation to the MRA as a statutory consultee?	N/A
<b>Question 23</b> Are there other statutory consultee referral criteria we should consider amending? What evidence supports this?	N/A
<b>Question 24</b> Is there anything further government should consider in relation to voluntary pre-application engagement and for any statutory consultees in particular? What evidence supports this?	N/A
<b>Question 25</b> Is there anything further government should consider in relation to statutory consultee engagement in post-approval processes, such as agreeing that planning conditions have been	N/A

fulfilled? What evidence supports this?	
<b>Question 26</b>  Do you have suggestions for how government can effectively incorporate appropriate developer and local authority feedback into consideration of statutory consultee performance?	N/A
<b>Question 27</b>  Do you agree with this approach?	<p>Yes.</p> <p>Increasing the consistency and quality of relationship between National Landscape teams and Local Planning Authorities is a way to enable LPAs to increase their competence and expertise to effectively deal with the expert advice they receive.</p> <p>Alongside increasing capacity for strained LPAs, increased provision of training of LPAs in landscape and National Landscape matters would increase competence and efficiency. Upfront support for LPAs to codevelop strategic advice and agreed mitigations with National Landscape teams would help to increase efficiency of decision making.</p>
<b>Question 28</b>  Is there anything else the government should be doing to support local planning authorities in their engagement with statutory consultees?	<p>It is welcome that the government has expressed its intention to work with Local Planning Authorities to support their engagement with statutory consultees.</p> <p>Where appropriate, government could enable training for Local Planning Authorities regarding the statutory framework and protections of National Landscapes, to enable closer strategic working.</p>
<b>Question 29</b>  Are there best practice examples from local authorities that help support statutory consultees and developers, for example, checklists/proformas for environmental issues?	<p>We would draw attention to the Arnside and Silverdale Development Plan Document – which was a collaborative project between the LPA and National Landscapes team to set early, strategic expectations about development in the area covered by the National Landscape. In a more modernised and efficient system, we would hope to see the engagement between LPAs and National Landscape teams moving 'upstream' to produce more collaborative documents like this, which we expect would set more mutual expectations and smooth the route of developments later</p>

	<p>down the line. This would require some modest upfront resourcing and focus, which we expect would free up time and resources later on.</p> <p>We would also draw attention to the Cotswolds National Landscape Board, who have developed and use good practice consultation thresholds and standing advice, which represent the thresholds they would use if they were made statutory consultees. The consultation thresholds can be found on the Cotswolds National Landscape website:</p> <p><a href="https://www.cotswolds-nl.org.uk/wp/wp-content/uploads/2025/02/CNLB-Consultation-Thresholds-tabulated-Oct-2024.pdf">https://www.cotswolds-nl.org.uk/wp/wp-content/uploads/2025/02/CNLB-Consultation-Thresholds-tabulated-Oct-2024.pdf</a></p>
<p><b>Question 30</b></p> <p>How might best practice be expanded to support statutory consultees, including through reducing the volume of material which developers have to produce?</p>	<p>Moving the creation of strategic planning and advice upstream – for example, including National Landscapes as specific consultees in local plans would help to clarify the required scope of material developers have to produce.</p>
<p><b>Question 31</b></p> <p>How best can government and statutory consultees support the increase in capacity and expertise of local and strategic authorities?</p>	<p>N/A</p>
<p><b>Question 32</b></p> <p>Do you agree that these criteria clearly set a framework for decisions on future statutory consultees?</p>	<p>No, the National Landscapes Association does not agree that these criteria clearly set a framework for decisions on future statutory consultees.</p> <p>In particular, we consider that the following criterion introduces additional confusion:</p> <ul style="list-style-type: none"> <li>• <i>There is a clear pro-development objective for the proposed body - statutory consultee status will support development rather than deter it.</i></li> </ul> <p>We are also concerned about the additional confusion and local decision-making delays that we expect would result from the intimation, in the consultation document, that statutory consultees should provide their comments on development proposals as advice rather than as objections. We are also</p>

	<p>unclear about whether the criteria applies to existing statutory consultees or only to new statutory consultees. We address these issues in more detail below.</p> <p><u>Pro-development objective</u></p> <p>The proposed 'pro-development objective' infers that any (new) statutory consultee would have to support any development proposal rather than deter it.</p> <p>However, there are development proposals that would result in significant harm to areas of particular importance, including National Landscapes. In many of these cases, the harm caused would provide a strong reason for restricting the overall scale, type or distribution of the proposed development, which may result in a recommendation to refuse permission (in line with paragraph 11d(i) of the National Planning Policy Framework 2024 – or S1.1.a(i) of the proposed changes to the NPPF). Also, proposals for major development in protected landscapes should only be supported where there are exceptional circumstances in the public interest (in line with paragraph 190 of NPPF 2024 – or N4.2 of the proposed changes). Where these important policies apply, the presumption in favour of granting planning permission should be disapplied.</p> <p>In such situations, development would not be sustainable – and as such, it would conflict with the purpose of the planning system, which is to contribute to the achievement of sustainable development, which involves considering the linked pillars of economic growth and prosperity, environmental health and protection and social progress together. Therefore, it would not be appropriate to support the proposed development in such cases.</p> <p>We recommend that the Government should clarify that this criterion would not apply in the circumstances outlined above, and that greater clarity is offered around how the pro-development objective of statutory consultees is meant to be applied alongside their pre-existing statutory purposes, obligations and duties (which may not be coherent with a pro-development approach) in the context of sustainable development.</p> <p><u>Providing comments as advice rather than objections</u></p> <p>We seek clarity as to whether the Government are expecting new statutory consultees to provide their consultation responses as advice rather than objections.</p> <p>Maintaining the ability for statutory consultees to object to proposals provides a much greater degree of clarity for the local planning authority than only 'advice'; indeed, we have</p>
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	<p>anecdotal evidence that LPAs request that National Landscape teams clearly state if they object or support a proposals, as this makes LPA decision-making easier and more efficient.</p> <p>We therefore recommend that the Government should allow for circumstances in which (new) statutory consultees can object to development proposals where appropriate.</p> <p><u>Different criteria for new and existing statutory consultees</u></p> <p>The consultation document states that '<i>in considering any potential new statutory consultee we propose that the following criteria should be applied</i>'. We are not clear whether these criteria apply only to new statutory consultees or also to existing consultees.</p> <p>We recommend that a level playing field is created for new and established statutory consultees, so as to increase coherence and reduce friction and confusion in the system.</p>
<p><b>Question 33</b></p> <p>Should the government maintain the moratorium, subject to periodic review, or adopt criteria for consideration of new statutory consultees?</p>	<p>No, we don't agree that the government should maintain the moratorium on new statutory consultees.</p> <p><b>We recommend that those National Landscapes that operate as independent legal entities, i.e. the Chilterns and Cotswolds Conservation Boards and the Chichester Harbour Conservancy, become statutory consultees.</b></p> <p>To help local planning authorities and other relevant authorities to fulfil their statutory duty to seek to further the purposes of National Landscapes, we consider that it is essential for them to consult the two Boards and Chichester Harbour Conservancy on proposals that are likely to affect the Cotswolds, Chilterns or Chichester Harbour National Landscapes, and to give their responses the weight accorded to statutory consultees. This is because it is the Boards/Conservancy who are best placed to advise on potential impacts on the natural beauty of these National Landscapes. The Boards/Conservancy are also the organisations who write and produce the Management Plan for the National Landscapes. These Management Plans should be a key reference point when considering potential impacts on the National Landscapes. As such, the teams are best placed to advise on the potential implications of proposed development in relation to the outcomes, objectives and / or policies in the Management Plans.</p> <p>The Government-commissioned Landscapes Review (2019) recommended that areas of outstanding natural beauty should become statutory consultees. We recognise that it might not be practicable for all National Landscape teams to become statutory consultees themselves, as most are hosted</p>

	<p>by local authorities, which are already statutory consultees themselves. <b>National Landscape teams who sit within or across and operate as a Committee/Partnership of a local authority should already be internally consulted for their specialist advice as part of the local planning authority's internal consultation processes.</b> We recommend that best practice guidelines for consulting National Landscape teams as specialist internal consultees should be developed, to promote consistency of practice across the country. (See further recommendations in response to Q15.)</p> <p>However, where National Landscapes are not part of local authority structures, and do not share the status of statutory consultee as part of the local authority, there is a gap in specialist advice and status pertaining to these National Landscape areas. Some LPAs have explicitly stated that they will not consult the National Landscapes that are independent legal entities as they are not statutory consultees. This has the effect of producing inconsistency of treatment for National Landscapes across the country and across different local authority areas.</p> <p>We acknowledge that it is appropriate to set a high bar for the introduction of any new statutory consultee. We consider that the Conservation Boards and Conservancy will pass this high bar. Planning decisions require a good understanding of the purposes and impacts on the purposes, as well as the key features/characteristics of the area and options for moderating or mitigating impacts. They also require a good understanding of relevant case law and good practice across the protected landscapes family. The planning teams within the Boards and Chichester Harbour Conservancy can provide specialist advice on all these factors. Advice from the Boards/Conservancy is necessary to inform understanding in order to support well-reasoned planning decisions.</p>
<b>Question 34</b> Is there anything else the government should consider in relation to the criteria?	N/A
<b>Question 35</b> Are there any equality impacts in relation to the proposals in this consultation that the government should consider?	N/A

<p><b>Question 36</b></p> <p>The government considers that these measures would have a deregulatory impact. Do you have evidence from engagement with statutory consultees under the current system of the impact this may have?</p>	N/A
<p><b>Question 37</b></p> <p>Based on the proposed changes to referral criteria, would statutory consultees expect to see performance improvements? Please explain your reasoning.</p> <ul style="list-style-type: none"> <li>• strongly agree</li> <li>• agree</li> <li>• neutral</li> <li>• disagree</li> <li>• strongly disagree</li> </ul>	N/A