

## REFORMS TO THE STATUTORY CONSULTEE SYSTEM

### PAPER FOR THE PLANNING & INFRASTRUCTURE WORKING GROUP MEETING ON 12 JANUARY 2026

#### KEY RECOMMENDATIONS

- Question 33 (and 32). The Board should be made a statutory consultee status provided that:
  - the Board's economic and social well-being duty is considered to meet the requirement for new statutory consultees to have a pro-growth objective;
  - the Board can still submit consultation responses as objections where we consider that the harm that a proposed development would cause to natural beauty would outweigh the potential benefits.
- Question 15. Natural England should not become a statutory consultee on proposals that are likely to affect National Landscapes.

#### OTHER RECOMMENDATIONS

- Questions 17-19. Historic England should retain their current statutory consultee status.
- Questions 6-7. The Gardens Trust should retain their current statutory consultee status.

#### CONTEXT

The Government is currently consulting on its proposed reforms to the statutory consultee system.<sup>1,2</sup> The consultation ends on 13 January 2026.

This consultation seeks views on the following proposals:

- removing statutory consultee status from certain bodies;
- reviewing the scope of what statutory consultees advise on; and
- improving performance management across existing statutory consultee bodies in the planning system more widely.

The current role of statutory consultees, in relation to planning applications, is set out in the Government's planning practice guidance on 'Consultation and Pre-decision Matters'.<sup>3</sup>

The Cotswolds National Landscape (CNL) Board is already a statutory consultee under the nationally significant infrastructure project (NSIP) regime (i.e. via the Planning Act 2008),<sup>4</sup> as is the Chilterns Conservation Board. However, the Boards are *not* statutory consultees under the Town and Country Planning Act 2000 regime, including on applications for planning permission. It is to the latter regime that the current consultation primarily relates. Any changes to the NSIP regime will be subject to a separate consultation.

<sup>1</sup> <https://www.gov.uk/government/consultations/reforms-to-the-statutory-consultee-system>

<sup>2</sup> <https://www.gov.uk/government/consultations/reforms-to-the-statutory-consultee-system/reforms-to-the-statutory-consultee-system>

<sup>3</sup> <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>

<sup>4</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ([link](#)). AONB Conservation Boards must be consulted on nationally significant infrastructure proposals for 'all proposed applications likely to affect an AONB that is managed by a Conservation Board'. Conservation Board must also be notified about 'all applications likely to affect an AONB that is managed by a Conservation Board'.

The Landscapes Review, in 2019, recommended that AONBs should become statutory consultees.<sup>5</sup> At that time, the Board was supportive of this proposal. We have subsequently clarified what statutory consultee status would involve and identified whether we had the capacity to function as a statutory consultee on planning issues. As part of this process, we clarified what our consultation thresholds should be and how these should be applied. We also set up a key performance indicator (KPI) which was intended to monitor how we would perform as a statutory consultee.<sup>6</sup> With the addition of a part-time Planning Officer in 2021 (which increased the planning 'team' resource from 1.0 full time equivalents (FTE) to 1.4 FTE), we identified that we would have capacity to function as a statutory consultee.

The consultation on the proposed reforms to the statutory consultee system potentially provides an opportunity for the Board to seek statutory consultee status.

## **CONSULTATION RESPONSE**

### **Ensuring the statutory consultation system supports economic growth**

**Question 1: Are there other key areas we should be considering in relation to improving the performance of statutory consultees?**

No comment.

**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?**

No comment.

### **Reviewing the scope of statutory consultation in the Town and Country Planning Act**

**Question 3: In light of the proposed mitigations, do you support the removal of Sport England as a statutory consultee?**

Support / oppose / **neutral**

**Question 4: 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

No comment.

**Question 5: Are there impacts on 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?**

---

<sup>5</sup> Defra (2019) *Landscapes Review* ([link](#)). Proposal 6: A strengthened place for national landscapes in the planning system with AONBs given a statutory consultee status, encouragement to develop local plans and changes to the National Planning Policy Framework.

<sup>6</sup> Our planning-related Key Performance Indicator (KPI) is the percentage of development management consultations, above our primary consultation thresholds, that the Board is pro-actively consulted on, that we provide a substantive response to by the consultation deadline.

No comment.

**Question 6: In light of the proposed mitigations, do you support the proposals to remove The Gardens Trust as a statutory consultee?**

Support / **oppose** / neutral

The Cotswolds National Landscape (CNL) Board opposes the proposals to remove The Gardens Trust as a statutory consultee. This is because the proposed removal of The Gardens Trust as a statutory consultee would weaken the level of protection afforded to parks and / or gardens of special historic interest.<sup>7</sup>

We acknowledge that Historic England is also a statutory consultee for registered parks or gardens that are classified as Grade I or Grade II\*. However, the removal of The Gardens Trust as a statutory consultee would mean that there would be no statutory consultee in relation to Grade II registered parks and gardens.

At present, The Gardens Trust has to be consulted on '*development likely to affect any ... garden or park of special historic interest*'.<sup>8</sup> This includes development within the setting of the affected park or garden. However, in the proposed mitigation, The Gardens Trust would not be notified of applications within the setting of registered parks or gardens. The setting of registered parks and gardens can make a significant contribution to the significance of these assets. Seeking the input of The Gardens Trust on proposals within the setting of registered parks and gardens should be a vital component of the planning process. Not doing so would make it much more difficult for the local planning authority to come to an informed opinion on likely impacts. As such, the proposed mitigation measures are inadequate.

Registered parks and gardens, including those that are classified as Grade II (i.e. not just Grade I and Grade II\*), are an important component of the natural beauty of National Landscapes, including the CNL. For example, the 'special qualities' of the CNL include '*the significant ... historic associations ... including ... country estates and parks*'.<sup>9</sup> Registered parks and gardens are a key feature / characteristic for several of the 19 different landscape character types within the CNL. For example, for Landscape Character Type 11 (Dip-slope Lowland), one of the key features / characteristics is the '*distinctive pattern of large estates and associated planned parkland*'.<sup>10</sup>

Within the CNL there are approximately 70 registered parks and gardens. Where relevant, when responding to planning application consultations, the Board addresses potential impacts on registered parks and gardens. However, registered parks and gardens are not necessarily the Board's area of expertise. As such, we consider that it is vital to also have the input of The Gardens Trust to provide their expert advice on these potential impacts.

We consider this to be an essential component in helping relevant authorities, including local planning authorities and the Planning Inspectorate, to fulfil their statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes.

---

<sup>7</sup> <https://historicengland.org.uk/listing/what-is-designation/registered-parks-and-gardens/>

<sup>8</sup> Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ([link](#)).

<sup>9</sup> Cotswolds National Landscape Board (2025) *Cotswolds National Landscape Management Plan 2025-2030* ([link](#)). Chapter 4 – The special qualities of the Cotswolds National Landscape.

<sup>10</sup> Cotswolds National Landscape Board (2004) *Cotswolds National Landscape – Landscape Character Assessment* ([link](#)). Landscape Character Type 11 – Dip-slope Lowland ([link](#)).

Removing The Garden Trust as a statutory consultee would undermine the ability of relevant authorities to fulfil this 'seek to further' duty.

**Question 8: In light of the proposed mitigations, do you support the removal of Theatres Trust as a statutory consultee?**

Support / oppose / neutral

**Question 9: 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?**

No comment.

**Question 10: Are there other statutory consultees for which we should consider removal? What evidence would support this approach?**

No comment.

**Reforms to key statutory consultees**

**Question 11: Do you support the proposed changes to National Highways' referral criteria?**

No comment.

**Question 12: Is there anything else we should consider in relation to National Highways as a statutory consultee?**

No comment.

**Question 13: Do you support the proposed changes to Active Travel England's proposed referral criteria?**

No comment.

**Question 14: Is there anything else we should consider in relation to Active Travel England as a statutory consultee?**

No comment.

**Question 15: Are there other actions that the government and / or Natural England should be taking to support their role as a statutory consultee?**

One area that should be considered is whether Natural England should be made a statutory consultee on proposals that are likely to affect protected landscapes, including National Parks and National Landscapes.

Natural England's general purpose, as defined in the Natural Environment and Rural Communities (NERC) Act 2006, is '*to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development*'.<sup>11</sup> This general purpose includes '*conserving and enhancing the landscape*'.<sup>12</sup> Section 4 of the NERC Act specifies that '*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*'.

---

<sup>11</sup> Section 2 of the Natural Environment and Rural Communities Act 2006 ([link](#)).

<sup>12</sup> Section 2 of the Natural Environment and Rural Communities Act 2006 ([link](#)).

However, Natural England is not listed as a statutory consultee on proposals that are likely to affect protected landscapes (i.e. National Parks and National Landscapes) in Section 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.<sup>13</sup>

So, in other words, Natural England must give advice on landscape issues if asked to do so by a local planning authority (LPA) but LPAs are not obliged to consult Natural England on proposals that are likely to affect the landscape. On this basis, we consider that Natural England is not, currently, a statutory consultee on landscape issues in the context of the proposed reforms.

This begs the following question – should Natural England be made a statutory consultee on landscape issues? In particular, should Natural England be made a statutory consultee on proposals that are likely to affect protected landscapes (i.e. National Parks and / or National Landscapes)?

The Board’s opinion, in this regard, is that Natural England should *not* be made a statutory consultee on proposals that are likely to affect protected landscapes. Our reasons for this opinion are outlined below.

Firstly, in relation to National Parks, National Park Authorities are already statutory consultees on development proposals that are likely to affect land in a National Park.<sup>14</sup> Bearing in mind the Government’s aspiration to avoid duplication of functions amongst statutory consultees, it is probably not necessary for Natural England to also be a statutory consultee on such development proposals.

Secondly, in relation to National Landscapes, if Natural England was a statutory consultee in this regard, their comments would potentially be given more weight than the comments made by the relevant National Landscape team. This would not be appropriate, as outlined below.

Natural England’s consultation responses tend to focus on nature conservation / biodiversity impacts, particularly with regards to impacts on sites of special scientific interest (SSSIs), rather than landscape impacts. When they state that they have ‘no objection’ to a proposed development this is often only in relation to potential impacts on relevant SSSIs. In these ‘no objection’ responses, they often don’t address potential impacts on the relevant National Landscape in any detail. As such, they aren’t in a position to state whether an objection, or no objection, is merited in relation to landscape considerations.

However, local planning authorities (LPAs) sometimes, incorrectly, take the ‘no objection’ response to mean that Natural England considers that there would be no (significant) adverse impacts on the National Landscape. In some of these cases, the LPA incorrectly assumes that Natural England is a statutory consultee on landscape issues. The LPA then gives Natural England’s comments more weight. This is sometimes the case even when Natural England advises that the relevant National Landscape team should be consulted.

This issue would be exacerbated to an even greater degree if Natural England was actually made a statutory consultee on landscape issues.

Also, Natural England officers commenting on development proposals within a National Landscape or its setting do not necessarily have detailed knowledge of that particular National

---

<sup>13</sup> Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ([link](#)).

<sup>14</sup> Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ([link](#)).

Landscape as they are not necessarily based in that locality. The relevant National Landscape team, on the other hand, is intimately acquainted with their National Landscape, including its special qualities and its various landscape character types. So, if anything, more weight should be given to the comments submitted by the National Landscape team than to the comments submitted by Natural England, in relation to landscape considerations.

**Question 16: Are there other actions that the government and / or the Environment Agency should be taking in relation to the Environment Agency's role as a statutory consultee?**

No comment.

**Question 17: Do you support the changes to Historic England's proposed notification criteria?**

No, the Cotswolds National Landscape (CNL) Board does not agree with the changes to Historic England's proposed notification criteria.

The consultation document notes that Historic England is notified in relation to 2,100 listed building consent applications for Grade II works other than total demolition and that Historic England responds without comment to 87% of these applications. However, that even with that response rate, there are still nearly 300 notifications where Historic England does provide a substantive response. This input may be crucial.

Listed building are an important component of the historic environment in National Landscapes. The historic environment is one of the factors that contribute to the natural beauty of National Landscape. As such, the listed buildings within a National Landscape are an important component of the area's natural beauty. For example, they are likely to:

- be a key component of what makes the National Landscape settlements distinctive;
- reflect the distinctive vernacular architecture of the National Landscape;
- reflect the historic associations of the National Landscape.

Where relevant, when responding to planning application consultations, the Board addresses potential impacts on listed buildings. However, listed buildings are not necessarily the Board's area of expertise. As such, we consider that it is vital to also have the input of Historic England to provide their expert advice on these potential impacts.

We consider this to be an essential component in helping relevant authorities, including local planning authorities and the Planning Inspectorate, to fulfil their statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes. Altering Historic England's notification thresholds would undermine the ability of relevant authorities to fulfil this 'seek to further' duty.

**Question 18: Do you support changes to align the listed building consent process in London with the process that applies elsewhere?**

No comment.

**Question 19: Is there anything else we should consider in relation to the role of Historic England as a statutory consultee?**

No comment.

**Question 20: Do you support the changes to the Mining Remediation Authority's proposed referral criteria?**

No comment.

**Question 21: Do you support the proposed changes in relation to the Mining Remediation Authority commenting on the discharge of conditions?**

No comment.

**Question 22: Is there anything else we should consider in relation to the MRA as a statutory consultee?**

No comment.

**Question 23: Are there other statutory consultee referral criteria we should consider amending? What evidence supports this?**

No comment.

**Question 24: 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?**

No comment.

**Question 25: 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 fulfilled? What evidence supports this?**

No comment.

#### **Statutory consultee performance**

**Question 26: Do you have suggestions for how government can effectively incorporate appropriate developer and local authority feedback into consideration of statutory consultee performance?**

No comment.

#### **The role of local planning authorities**

**Question 27: Do you agree with this approach?**

No comment.

**Question 28: Is there anything else the government should be doing to support local planning authorities in their engagement with statutory consultees?**

No comment.

**Question 29: Are there best practice examples from local authorities that help support statutory consultees and developers, for example, checklists/proformas for environmental issues?**

The Cotswolds National Landscape (CNL) Board is not a statutory consultee. However, we have developed what we consider to be good practice with regards to:

- consultation thresholds;
- standing advice.



Our consultation thresholds are available on the Cotswolds National Landscape website:

<https://www.cotswolds-nl.org.uk/wp/wp-content/uploads/2025/02/CNLB-Consultation-Thresholds-tabulated-Oct-2024.pdf>

The primary consultation thresholds are what we would use if we were a statutory consultee. In other words, these are the thresholds above which the Board would expect to be consulted. Where appropriate, we would endeavour to provide bespoke responses to these consultations. Applying the major development thresholds, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, means that the thresholds are quantifiable and easy to apply.

The secondary consultation thresholds relate to smaller scale development which could still have an adverse impact on the natural beauty of the CNL. For the secondary consultation thresholds, consultation would be more at the discretion of the local planning authority (LPA) and the Board's responses are more likely to be in the form of standard advice.

**Question 30: How might best practice be expanded to support statutory consultees, including through reducing the volume of material which developers have to produce?**

Effective pre-application consultation would help to clarify the required scope of the material which developers have to produce.

**Question 31: How best can government and statutory consultees support the increase in capacity and expertise of local and strategic authorities?**

No comment.

**Moratorium on new statutory consultees**

**Question 32: Do you agree that these criteria clearly set a framework for decisions on future statutory consultees?**

No, the Cotswolds National Landscape (CNL) Board does not agree that these criteria clearly set a framework for decisions on future statutory consultees.

In particular, we consider that the following criterion is not clear:

- *There is a clear pro-development objective for the proposed body - statutory consultee status will support development rather than deter it.*

We are also concerned about the inference, in the consultation document, that statutory consultees should provide their comments on development proposals as advice rather than as objections.

It is also not clear whether these criteria apply to existing statutory consultee or whether they would only apply to new statutory consultees.

We address these issues in more detail below.

**Pro-development objective**

The proposed pro-development objective (and related wording) infers that any (new) statutory consultee would have to support any development proposal. However, there are many development proposals that would result in significant harm to assets / areas of particular importance, including National Landscapes. In many of these cases, the harm caused would



provide a strong reason for refusing the proposed development (in line with paragraph 11d(ii) of the National Planning Policy Framework). Where that is the case, the presumption in favour of granting planning permission should be disapplied.

In such situations, it is appropriate to not support the proposed development and for permission to be refused. This is because such development would not constitute sustainable development. As such, it would conflict with the purpose of the planning system, which is to contribute to the achievement of sustainable development.

To address this issue, we recommend that further clarification should be provided on exactly what is meant by this criterion. For example, we recommend that the Government should clarify that this criterion does not apply in the circumstances outlined above.

#### Providing comments as advice rather than objections

The criteria for new statutory consultees don't include a requirement for (new) statutory consultees to frame their consultation responses as advice rather than objections. However, the consultation document does refer to examples of existing statutory consultees who are reframing their consultation responses as advice rather than objections (for example, the Environment Agency).

This reframing of consultation responses reflects what was said by the Minister of State for Housing and Planning, Matthew Pennycook, in March 2025, in his written ministerial statement (WMS) on reform of the statutory consultee system.<sup>15</sup> In the WMS, Mr Pennycook stated that statutory consultee comments '*should be provided in the form of advice to the decision-maker and should not be framed as an objection to the development*'.

It would be helpful if the Government could clarify if new statutory consultees will be expected to provide their consultation responses as advice rather than objections.

The Board acknowledges that the vast majority of planning applications do not merit an objection. However, as outlined above, we consider that there are also many development proposals where the harm caused by the proposed development would outweigh the potential benefits. In such circumstances, we consider that it is appropriate to object to the proposed development. This provides a much greater degree of clarity for the local planning authority than 'advice' would do.

On this basis, we recommend that the Government should allow for circumstances in which (new) statutory consultees can object to development proposals.

#### Who the criteria apply to

The consultation document states that '*in considering any potential new statutory consultee we propose that the following criteria should be applied*'. This infers that the criteria would only apply to new statutory consultees and not to existing consultees. However, it is not clear whether this would be the case.

The Board considers that it would not be appropriate to have a separate set of criteria for different types of statutory consultees as this would create an 'unlevel playing field'. As such, we recommend that, if these criteria are going to be applied to new statutory consultees, they should also be applied to existing statutory consultees.

---

<sup>15</sup> <https://questions-statements.parliament.uk/written-statements/detail/2025-03-10/hcws510>

**Question 33: Should the government maintain the moratorium, subject to periodic review, or adopt criteria for consideration of new statutory consultees?**

The Cotswolds National Landscape (CNL) Board recommends that the Government should not maintain the moratorium on new statutory consultees.

In particular, we recommend that the Government should make the Cotswolds Conservation Board and the Chilterns Conservation Board statutory consultees, as outlined below.<sup>16</sup>

Firstly, the consultation document states that *'the government recognises that as circumstances change it may be necessary to introduce new statutory consultees'*. We consider the statutory duty on relevant authorities to seek to further the purpose of National Landscape designation (the 'seek to further' duty), which came into force in December 2023, is an important factor in this regard.<sup>17</sup> In other words, we consider that the 'seek to further' duty is a change in circumstances which merits the introduction of new statutory consultees.

To help local planning authorities and other relevant authorities to fulfil this statutory duty, we consider that it is essential for them to consult the Boards on proposals that are likely to affect the Cotswolds or Chilterns National Landscapes. This is because it is the Boards who are best placed to advise on potential impacts on the natural beauty of these National Landscapes. The Boards are also the organisations who wrote and produced the Management Plans for these two National Landscapes. These Management Plans should be a key reference point when considering potential impacts on the National Landscapes. As such, the Boards 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.

Secondly, the two Conservation Boards are already statutory consultees in the nationally significant infrastructure project (NSIP) regime, via the Planning Act 2008.<sup>18</sup> The Cotswolds Conservation Board has acted in this capacity in relation to the A417 Missing Link road scheme. The Board played an important role in ensuring that Highways England applied a landscape-led approach to the scheme. We also directly influenced the design of the scheme, including the road layout. In our submissions for that scheme, we concluded that the scheme would have a significant adverse effect on the natural beauty of the CNL but that exceptional circumstances applied to justify the scheme. The Inspectors who led the Development Consent Order (DCO) hearings came to almost identical conclusions. As such, we have clearly demonstrated that we have the competencies required of statutory consultees.

Thirdly, the Government-commissioned Landscapes Review, in 2019, recommended that Areas of Outstanding Natural Beauty (or National Landscapes, as they are now referred to) should become statutory consultees.<sup>19</sup> The Board advocated for statutory consultee status in the consultation that led to the Landscapes Review Final Report and supports this

---

<sup>16</sup> We acknowledge that it may not be practicable for other National Landscapes teams, who are hosted by local authorities, to become statutory consultees.

<sup>17</sup> Section 85 of the Countryside and Rights of Way Act 2000 ([link](#)). This 'seek to further' duty was introduced through Section 245 of the Levelling Up and Regeneration Act 2023 ([link](#)).

<sup>18</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ([link](#)). AONB Conservation Boards must be consulted on nationally significant infrastructure proposals for *'all proposed applications likely to affect an AONB that is managed by a Conservation Board'*. Conservation Board must also be notified about *'all applications likely to affect an AONB that is managed by a Conservation Board'*.

<sup>19</sup> Defra (2019) *Landscapes Review* ([link](#)). Proposal 6: A strengthened place for national landscapes in the planning system with AONBs given a statutory consultee status, encouragement to develop local plans and changes to the National Planning Policy Framework.

recommendation. We acknowledge that it might not be practicable for all National Landscapes teams to become statutory consultees, as most are hosted by local authorities. However, it is very practicable for Conservation Boards, as independent organisations, to become statutory consultees. We consider that it would be more beneficial for the Boards to become statutory consultees than for no National Landscapes teams to become statutory consultees.

Fourthly, there are some local planning authorities (LPAs) who have explicitly stated that they do not pro-actively consult the Board on planning applications because we are not a statutory consultee (and will not do so, despite repeated requests from the Board). For example, this is the case with Cotswold District Council. 77% of Cotswold District is located within the CNL and 44% of the CNL is located in Cotswold District. These percentages are far higher than for any of other districts / boroughs / unitary authorities that overlap with the Cotswolds. In Cotswold District the 'standard method' housing need figure has more than doubled since the standard method methodology was amended in December 2024. In effect, the pressure for new housing within this substantial section of the CNL has more than doubled. As such, the fact that Cotswold District Council does not consult the Board because we are not a statutory consultee is particularly significant.

Fifthly, we acknowledge that it is appropriate to set a high bar for the introduction of any new statutory consultee. We consider that the two Conservation Boards pass this high bar, as outlined below in relation to the proposed criteria.

### Policy

The Board's already advocate for clear and robust Local Plan policies on National Landscapes. We acknowledge that such policies should help to ensure that development in the National Landscapes and their settings is delivered in a way that is compatible with the purpose of National Landscape designation.

However, the potential impacts of a proposed development will depend on a variety of factors which are specific to the individual proposal, including:

- the scale and extent of the proposed development;
- the type, or nature, of the proposed development;
- the extent to which the special qualities of the National Landscapes and the key features / characteristics of the individual landscape character types would be affected;
- the extent to which the proposed development would conflict with the objectives / outcomes / policies of the relevant National Landscape Management Plan;
- potential impacts on visual receptors within the National Landscape;
- impacts on the full range of factors that contribute to natural beauty, including not only landscape and visual impacts, but also impacts on natural heritage (including biodiversity), cultural heritage (including the historic environment), tranquillity and dark skies;
- the scope for moderating / mitigating adverse impacts;
- options for providing compensation for residual harm.

Planning decisions also require a good understanding of relevant case law and good practice across the protected landscapes family.

The Boards' planning teams can provide advice on all of these factors. As such, highly technical advice from the Conservation Boards is necessary to inform policy understanding in order to support a planning decision.

In many cases, local planning authorities (LPAs) cannot access that advice internally or through existing statutory consultees. LPAs often don't have the in-house expertise. Even if they do, the expert advice is normally provided in a compartmentalised way (for example, through separate comments from landscape officers, biodiversity officers, heritage officers, transport officers, etc.) rather than addressing impacts on natural beauty in a holistic sense. LPAs sometimes seek advice on National Landscape considerations from Natural England. However, Natural England responses tend to focus on potential impacts relating to nature conservation designations rather than potential impacts on National Landscapes. In many instances, Natural England responses explicitly state that the Board's should be consulted.

#### A case-by-case approach to consultation

Please see our comments above, relating to a 'policy first' approach.

#### No duplication of function

At present, there is no statutory consultee in relation to development proposals that are likely to affect National Landscapes. Natural England is often assumed to have this statutory consultee status. However, as outlined in our response to Question 15, this is not the case. As such, there would be no duplication of function in making Conservation Boards statutory consultees.

#### A clear case that the benefit of the new statutory consultee will exceed the costs imposed on development and the public

The Board already has a robust system in place for dealing with - and responding to - planning application consultations. As outlined below, in relation to the capability of the Board to meet statutory consultee requirements, we consider that the additional resource, or cost, required for the Board to operate as a statutory consultee would be minimal.

#### A clear pro-development objective

The two Conservation Boards have a statutory duty to seek to foster the economic and social well-being of local communities within the respective National Landscapes.<sup>20</sup> We consider that this fulfils this criterion.

It is important to note that this duty applies whilst fulfilling the two purposes of the Conservation Boards, which are to:

- conserve and enhance the natural beauty of the National Landscape;
- increase the understanding and enjoyment, by the public, of the special qualities of the National Landscape.

In other words, the economic and social well-being duty should be applied in a way that is compatible with the two purposes of the Conservation Boards.

#### Clear evidence that the proposed body must be capable of meeting statutory requirements for consultation responses

Over the last few years (since the Landscapes Review recommended that National Landscapes should become statutory consultees) the Cotswolds Conservation Board has put mechanisms in place to operate effectively and efficiently as a statutory consultee.

---

<sup>20</sup> Section 87 of the Countryside and Rights of Way Act 2000 ([link](#)).

For example, we have:

- established clear consultation thresholds;<sup>21</sup>
- produced a standard response template;
- established a key performance indicator (KPI) which monitors how we would perform as a statutory consultee;
- established a comprehensive monitoring database.

The KPI is:

- The percentage of development management proposals, above our primary consultation thresholds, that we are pro-actively consulted on by local planning authorities that we provide a substantive response to by the original consultation deadline.

In 2024/25, the KPI figure was 89%, with 80 out of 90 pro-active consultations above our primary consultation threshold being responded to by the original consultation deadline. We are exceeding this figure in 2025/26, to-date. In the minority of cases where the original deadline was missed, a revised deadline was always arranged with the case officer prior to the original deadline.

There is a certain degree of flexibility built into this system. For example, we endeavour to provide bespoke responses for proposals that are above our primary consultation thresholds whereas we tend to provide standard responses to proposals that are above our secondary consultation thresholds. However, when there is a heavy workload, we sometimes use standard responses for primary consultation threshold proposals. This still constitutes a substantive response.

We achieve this high level of success with a planning team that consists of a full-time Planning Lead and a part time (0.4 FTE) Planning Officer. Most of the development management workload is dealt with by our 0.4 FTE Planning Officer. Therefore, bringing the KPI figure closer to 100% would potentially only require a small increase in staff resource (less than 1 FTE).

**Question 34: Is there anything else the government should consider in relation to the criteria?**

No comment.

---

<sup>21</sup> <https://www.cotswolds-nl.org.uk/wp/wp-content/uploads/2025/02/CNLB-Consultation-Thresholds-tabulated-Oct-2024.pdf>. This document sets out primary consultation thresholds and secondary consultation thresholds. The primary consultation thresholds are what we would expect to be consulted on as a statutory consultee.