

GT STATUTORY CONSULTEE – GOVERNMENT CONSULTATION
12th January 2026

REFORMS TO STATUTORY CONSULTEE SYSTEM

Response by Chris Webb as Chair of YGT, with input from members and trustees

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

This response comes from Yorkshire Gardens Trust (YGT), of which I am Chair. We have been helping developers and planners to make better planning decisions for 30 years; we are part of the national network of county gardens trusts (CGTs); we respond to planning applications in relation to registered parks and gardens (RPGs) in the whole of historic Yorkshire on behalf of, and co-operating with, the Gardens Trust (GT); there are about 130 RPGs in our area. We also research (to which we give free access) historic gardens, and we work to get suitable gardens added to the national register. In 2025 we helped to add to the national register Waterton Park ('the first purpose-built nature reserve in the world') and Tudor Croft (a rare inter-war garden in Guisborough, North Yorkshire, an area where RPGs are otherwise scarce).

We support the Government's desire to reform the planning system as part of the drive to build more and better homes, to enable the effective modernisation of critical infrastructure, and to move to clean, carbon-negative energy from sustainable sources. Climate change is the biggest threat facing the planet; historic gardens and landscapes have a key role to play in reducing and capturing carbon emissions, and in engaging people in the cultural change required to move to a sustainable environment for all of earth's inhabitants.

We recognise the Government's broad range of policies aimed at achieving the above. We know from our experience that RPGs are important in urban and rural environments in supporting health and wellbeing, active, carbon-neutral travel, the ability to understand that our past impacts upon our present and informs our future, and that place-making and sustainable communities are the building blocks of a healthy, forward-looking nation.

Yorkshire has RPGs in the heart of our cities (e.g. Bradford, Sheffield, Leeds) and our rural RPGs are some of the most visited places in England (e.g. the Fountains Abbey and Studley Royal World Heritage landscape); they appeal across classes and ethnic groups; they provide active volunteering experiences (e.g. Wentworth Woodhouse) that unite people across these divides; they act as hotspots for biodiversity and can be key components in Local Nature Recovery strategies (e.g. Duncombe Park, a grade I RPG, a National Nature Reserve and a Site of Scientific Interest). They have been well-served by the planning system and GT's and CGTs' statutory role in it. They are inherently fragile, vulnerable to human-made and natural change, but conversely, they have the capacity, where protected, to capitalise on and improve their existing natural benefits in a way that listed buildings cannot – they are dynamic ecological systems as well as significant historic artifacts. Weakening their protections, as we are confident these proposals would do, would be an error of generational significance.

The Government's proposals are based on two fundamental misconceptions that together undermine the soundness of the proposed reforms to the planning system as applied to RPGs:

1. The government assumes that listed buildings and RPGs are direct equivalents. They are not. This is a category error. Because of this the proposals are inadequate and damaging.
2. The government makes the unevidenced statement that responses to planning applications made by GT and the CGTs ‘are not proactive or proportionate, and advice and information provided is not timely or commensurate with what is necessary to make development necessary in planning terms’ and so we block or delay these applications. This is not true. Because of this the proposals are inadequate and damaging.

We challenge these false assumptions as follows:

1. The non-equivalence of listed buildings and RPGs

GT in its response points to the disparity between the numbers of listed buildings and RPGs. The disparity reflects the ages of the two systems – listed buildings have been around longer than RPGs – but more importantly the greater complexity of recognising what makes an RPG, and the relative lack of expertise available to assess RPGs compared with buildings. Across the country, neither Historic England (HE) nor Local Planning Authorities (LPAs) have sufficient expertise to treat RPGs as their protective regime warrants, and it’s this expertise (‘the specialist advice necessary for informed decision making’) that GT and the CGTs have been supplying as statutory consultees for 30 years.

RPGs are much larger and more complex than individual listed buildings: for example, even large grade I buildings occupy only a small portion of the landscape they are placed in. Harewood House and Garden (both grade I) on the outskirts of Leeds provides a paradigmatical example of this difference in scale, and of how the significance of Harewood House as a building would be diminished by damage to the RPG in which it sits – and vice versa. Harewood House is a precious jewel in a perfectly crafted setting, each element adding value and significance to the other.

This difference in scale and complexity, aligned with their history (in Harewood’s case the dependence of the House and estate on Caribbean slave-worked sugar – well acknowledged and inherent in its presentation by Harewood House Trust) means that RPGs make significant contributions to landscape character, rural and urban (e.g. the great Victorian cemeteries and the former estate landscapes surrounded by new dwellings and converted into public parks). It follows that although the grading structures and names are similar, the grading regimes are not, neither are grades with the same names equivalents. Grade II RPGs always make a more important and significant contribution to landscape character than do Grade II buildings, and are more vulnerable to change. Apparently minor changes (e.g. the size, shape and species of a wooded margin, the introduction of a small garden building or a new path) can have significant deleterious long-term effects. Conversely, while deterioration is inherent in the life of a building, well-managed and protected landscapes make a continuous and improving contribution to arresting climate change and to boosting Nature Recovery (Bigger, Better, More, Joined up, as the seminal report Making Space for Nature enjoins); as Natural England affirms, ‘historic parklands are uniquely placed to deliver integrated multi-objective benefits for the historic and natural environments’.

It follows that the scale and complexity of RPGs make the decisions made through the planning system the more significant, complex and sensitive. The importance of RPGs is based on a subtle assessment of sites against the wider set of non-statutory criteria used to guide registration: see

<https://historicengland.org.uk/images-books/publications/drpgsg-rural-landscapes/heag092-rural-landscapes-rgsgs/>. But many LPAs do not have Conservation Officers and fewer have Landscape Architects with training and expertise in historic parklands; moreover, faced with calamitous decline in local government support in the last decade or so, LPAs have cut back on conservation staff; those in post are often in early career years and still learning (often unsupported); increasingly they are largely desk based. This skill-set issue is significant across the piece, but critical for RPGs requiring complex, multi-objective responses. General conservation skills and approaches can take an assessment of an application so far, but do not enable buildings-led departments to deploy the more specialist skills typically required, such as ecology, trees, hydrology and more. GT and CGTs have filled some of these gaps through our detailed, long-term, place-based knowledge and expertise; and more gaps still might be filled if the heritage elements of the Levelling Up (LURA) bill were fully adopted. Behind these skill and knowledge gaps is the national dearth of high-level education and training for conservation training in historic parks and gardens.

2. GT and the CGTs ‘are not proactive or proportionate, and advice and information provided is not timely or commensurate with what is necessary to make development necessary in planning terms’.

In its submission to the consultation GT, with the help of CGTs including Yorkshire, has compiled evidence which shows that, nationally in 2024-5:

- 1,289 responses were made to applications relating to RPGs.
- 90% of our responses were provided within the 21-day deadline; and that LPAs have never refused a 7-day extension request when asked.
- 29% of our responses were detailed responses offering expert advice in favour of the application.
- 5% of responses were substantive objections.
- 1% of responses were procedural objections resulting from the applicant’s failure to include the information the planning system requires.
- 30% of the applications we received were sent to us in error.

These figures show that:

- Planning applications (1,289) affecting RPGs are a small part of the overall planning process in any one year, and so are unlikely to constitute a material block in the planning system.
- There is no evidence of lack of timeliness in responding on the part of GT and the CGTs.
- GT and the CGTs offer positive advice, making a positive contribution to development.
- The 30% proportion of applications received in error implies problems elsewhere in the planning system, almost certainly related to the lack of skilled and experienced staff.
- 75% of RPGs nationally (n=1,720) were the subject of relevant planning applications, and half of these relate to Grade II RPGs on which HE does not comment.
- 22% of RPGs nationally received positive, expert advice from GT and the CGTs.
- 4% of RPGs were the subject of planning applications that drew substantive objections from GT and the CGTs.

Objections to applications are only rarely a permanent block to development. Objections are predominantly used by GT and the CGTs as a technical tool to precipitate a rethink by developers on parts of a scheme. The consultation paper itself reinforces this point when it talks

about Sport England, saying ‘Two thirds of these objections [776 out of 1,164] were removed after amended submissions’. Our experience is similar: developers usually welcome and accept the advice we give and remodel the problematic part of the scheme (sometimes talking directly to us) so that it comes before the LPA a second time without difficulty, and better development is the outcome. We return to an exploration of this point in our answer to Question 24.

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 minor and local statutory consultees?

GT and the CGTs need more support to continue to be effective, especially as we see a welcome ramping up of development for homes and modern infrastructure. RPGs are unevenly distributed by number and quality across LPAs, so more support for regionally based experts (as GT and large CGTs like Yorkshire provide) would strengthen the system and drive timescale performance (already in the high 90% range), closer towards 100% compliance.

We need more, and more experienced historic landscape experts in LPAs (perhaps shared between smaller LPAs) to work with CGTs and developers so that potential planning problems are spotted before the applicant submits an application. We commend the practical approach of York Civic Trust (its Planning Club, run in partnership with the University of York), which regularly receives requests for advice from developers and liaises positively with the LPA in this most sensitive of historic cities.

The burden of work shouldered by smaller scale statutory consultees would be eased by not having to read and understand applications sent to us in error; and by developers making sure that their application meets technical requirements specified by regulation. The proposed meeting referenced by the Secretary of State in his foreword to improve developers’ understanding is welcome.

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

Oppose

Sport England perform an essential role in the planning system, as highlighted by the proportion of planning applications they respond to which are modified as a direct result of their comments.

Question 4 In relation to notification requirements for Sport England, 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.

An alternative approach

Sport England are best placed to advise. However, there are minimum requirements for sports pitches, so applying a generalised percentage to acceptable/unacceptable loss seems unworkable. Like RPGs, sports pitches require individual assessments.

Question 5 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?

Playing fields are at risk and have declined in distribution and size over the last years. SE plays a key role in advising on their retention, development and replacement. Further loss of playing fields in quality, distribution and number is likely to result if SE is removed as a statutory consultee.

Question 6 In light of the proposed mitigations, do you support the removal of The Gardens Trust as a statutory consultee?

Oppose

For evidence and argument supporting our opposition to the proposals, see our answer to question 7.

Question 7 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?

Removing the need to consult GT and the CGTs as experts will:

- Produce no planning gains in quality or timeliness of decision.
- Lower the level of consciousness about the importance of RPGs in LPAs, and there will be less incentive to engage planners with landscape experience.
- Damage permanently the expert network that GTs and CGTs represent.
- Lead to less informed and poorer planning decisions.
- Lead to further loss of trust in the planning system that is already under strain.

Informed public participation in planning leads to better decisions, a higher degree of trust in the system and more incentive to participate in democratic processes. Government support for experts as statutory consultees reinforces the benefits of the whole system. Statutory consultees are protections for RPGs, but just as importantly, for everyone: we protect developers from egregious mistakes, and planners (officers and members) from inconsistency and accusations of corruption.

The suggestion that setting should no longer be a material consideration, or that setting could be left to the determination of individual LPAs, is not sensible. Just as it is recognised that World Heritage sites and sites of importance for nature require buffer zones, so do RPGs of all grades and in all locations. Rural RPGs often retain designed views out of and into a site (sometimes to a human-made or natural eyecatcher) that are as much a part of a site's significance as the interior of the site itself. RPG boundaries in this context are notional, rather than actual. Similarly, urban parks are often placed in, or have become engulfed by, later dwellings and structures. These surroundings have become as much a part of the meaning and context of such parks as their interiors.

Every RPG is unique, as are their settings. Every setting requires individual expert assessment of how far, if at all, a setting may be successfully altered by development without harming the setting's effect and affect on its associated RPG; and conversely, to determine how an RPG may be enhanced by sensitive development within its setting. Neglecting the significance of

RPGs' surroundings would cause them to lose much of their present social and natural capital, and compromise the possibility of their enhancement.

Every part of the country has RPGs with settings that are integral to their significance. In Yorkshire, famous examples include Studley Royal, with its important intervisibility with Ripon Minster as well as to eyecatchers outside the estate boundary, Wentworth Woodhouse, with its wide landscape depicting 18th century politics, the incomparable view from Rievaulx Terrace and Temples over the valley and the ruins of Rievaulx Abbey to the hills beyond, and in the 20th century on a smaller scale, the newly-registered Tudor Croft's borrowed views to the North York Moors – a garden illustrating the intimate connections between successful industry (brickmaking) and aesthetics. 40% of the planning applications we responded to in this last year were for developments affecting the setting of RPGs. This proportion holds good for all the years we've been involved, and in most cases, we offer advice or consider that the development will not impact on the setting of the RPG. It is, as always, a minority of cases where an RPG could be damaged, and with these we offer advice that is nearly always heeded, resulting in better developments.

Further, RPGs are part of our green infrastructure, in urban and rural areas forming key parts of wildlife corridors and representing oases of habitat from which local nature recovery can expand. Fencing them in by development would help to damage this vital and irreplaceable function. The link to Biodiversity Net Gain (BNG) through planning is important here; RPGs can be useful beneficiaries of BNG, but only if the statutory consultation system remains in place to recognise the possibilities.

The consultation document does not recognise the important place of RPGs in Local Nature Recovery Strategies and the new Environmental Improvement Plan recently published by government (<https://www.gov.uk/government/publications/environmental-improvement-plan-2025>). For example:

- GOAL 1: Restored Nature has much to say about the need for 'bigger, better and more resilient habitats'. There is mention (p23) of planning reform to streamline decision making (p30) and of the irreplaceable value of ancient and veteran trees. There are references to the values of landscape and habitat recovery. Historic parkland, whether urban or rural, retains important habitats (trees, grassland and more), the preservation of which requires intimate knowledge of individual sites and habitats – exactly what CGT offers as a statutory consultee.
- GOAL 10: Access to Nature: this section explicitly refers to the significance of cultural landscapes and the historic environment, and the role of Historic England in their preservation. Pages 107-9, for example, cover the need to 'protect landscape character', and specific targets for improving the condition of historic environment. Again, the expert, place-based knowledge of GT and the CGTs is critical in realising these commitments.

Similarly, Natural England's strategy for 2025-30 (Natural England's Strategy: Recovering Nature for Growth, Health and Security - GOV.UK) covers much of this ground and explicitly notes the criticality of the values of cultural landscapes, history and time depth.

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

Neutral

This is outside our area of expertise.

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?

This is outside our area of expertise.

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

This question is preceded by a statement that ‘...we have focused on those that ... deliver on relatively narrow policy aims’. We dispute this assertion. GT and the CGTs focus on RPGs that deliver large and widespread heritage, economic, social and health benefits for the country. This is also true for other statutory consultees referenced in the document. The government asks for evidence, but neither the ministerial foreword nor the consultation document deliver any evidence to show that this and other statements presented as facts are based on anything other than anecdote. It is a poor way to make policy and unlikely to deliver on the government’s across the board missions.

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

Unsure

This is outside our area of expertise.

Question 12 Is there anything else we should consider in relation to the role of National Highways as a statutory consultee?

This is outside our area of expertise.

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

Unsure

This is outside our area of expertise.

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

This is outside our area of expertise.

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

Although we work closely with Natural England, and their policies are important for the long-term health of RPGs, we consider the breadth of this question and the detail of the proposed changes, to be outside the area of our expertise.

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

This is outside the area of our expertise.

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

No

See our answer to question 19.

Question 18 Do you support changes to align Historic England's listed building consent process in London with the process that applies elsewhere?

Unsure

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

We are concerned here with HE's role in relation to RPGs. The key point is that HE does not respond to planning applications relating to grade II RPGs, which as we have shown are not equivalent to grade II listed buildings. If GT and the CGTs are removed as statutory consultees then the effective protection of existing and future grade II RPGs will vanish, and decades of constructive planning work will be undermined, for no gain.

Even without the obligation to respond to grade II RPG applications, HE is understaffed with experts in landscapes and historic gardens. The staff in post are excellent, but there are not enough of them, nor do they have sufficient time, to inspect applications as they affect the landscape on the ground. This is where the locally based expert network provided by GT and the CGTs fills a critical gap.

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

Unsure

This is outside the area of our expertise.

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

Unsure

This is outside the area of our expertise.

Question 22 Is there anything else we should consider in relation to the role of the Mining Remediation Authority as a statutory consultee?

This is outside the area of our expertise.

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

None that impinges on RPGs.

Question 24 Is there anything further that government should consider in relation to voluntary pre-application engagement and for any statutory consultees in particular? What evidence supports this?

A key factor that obstructs the planning system is the poor quality of some applications. We see many of these. Some are poor because of inattention to significant detail (RPGs are regularly ignored, or dismissed as insignificant or tangential); some because the applicant has not engaged with the NPPF (more than one applicant in our area has failed to recognise the relevance of the NPPF section that deals with RPGs to their application for a development wholly within an RPG); and some approach planning not as an exercise in obtaining the best development within resources and constraints, but as a battle to beat the system, the applicant or their agent loading the application with as much information as possible, padding it out with unnecessary detail, when key points would do the job more effectively and save everyone's time.

On the other hand, pre-applications where the applicant engages with statutory consultees (including GT and CGTs) take longer in preparation, but can go through the system unaltered, reducing the planning time overall, producing a development outcome that satisfies all parties, and adding learning and experiential value to the system that smooths the way in future applications.

The role that Local Plans play in planning should be reinforced. Much time and thought are put into producing and reviewing them and they need to be underpinned by a strong evidence base, which GT and CGT research can contribute. As strategic and early discussion tools they could be crucial in influencing local and national decision making. But as the system is at present there is not enough resource (in LPAs, and in statutory consultees of all kinds) to make the best use of Local Plans. For them to be effective and recognised as useful tools by all parties and the wider public, they need to be truly local. There needs to be sufficient resource, and a strong enough evidence base, to enable planners and developers to interpret the intricate links and dependencies between the sections of Local Plans and apply their meanings to individual planning applications.

One of the nation's most important characteristics is our regional and sub-regional diversity in building and landscape style across the country, not just in registered landscapes, listed buildings or conservation areas. Retaining our regional and sub-regional diversity is critical to social cohesion and community formation; places need to be distinct if they are to continue to be loved and valued.

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?

Unsure.

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

LPAs have so little resource, and developers vary so much in scale and focus, that it is difficult for us to see how any feedback scheme incorporating quality of performance could be implemented on a regular basis.

Question 27 Do you agree with this approach?

No

It carries unacceptable risks in the case of RPGs, which are unique, not generic.

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

For RPGs and heritage generally there needs to be more trained and experienced officers in LPAs, with better national provision for their training.

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

LPAs in our region are so stretched that they have been unable to put any thought into the development of new practices.

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

No comment.

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

The present inadequacy of capacity in local and strategic authorities, and in statutory consultees, to support the present system, and how that support could be strengthened in the future, has been an explicit theme in every answer we have made to the questions in this consultation. In summary, if the planning system is to support economic growth it itself needs to support the preservation of the factors that underpin and drive growth. Respect for the past and the present drives respect for the future and an economy that delivers for everyone, everywhere.

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

No

Again, this has been a theme underlying our answers.

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

Unsure.

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

Unsure.

Question 35 Are there any equality impacts in relation to the proposals in this consultation that the government should consider?

None that we are aware of.

Question 36 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?

The adverse impact of this deregulation has been made clear in our answers.

Question 37 Based on the proposed changes to referral criteria, would statutory consultees expect to see performance improvements? Please explain your reasoning.

Strongly disagree

If GT and CGTs are removed as statutory consultees it will become much more time consuming to identify relevant applications; delay in identification reduces the time for consideration of the application, inevitably lowering the quality of our responses, and probable adverse impacts on development outcomes.