Reforms to the statutory consultee system: Link response

13 Jan 2026

This response is on behalf of nature and animal welfare coalition Wildlife and Countryside Link (Link).

Wildlife and Countryside Link (Link) welcomes the opportunity to respond to the Government's consultation on reforms to the statutory consultee system. However, we are concerned about the implications and risks to achieving legal environmental targets of proposals to narrow referral criteria, reduce case-by-case scrutiny, or recast statutory consultees primarily as facilitators of development. At a time of mounting pressures on biodiversity, water resources and climate resilience, with key indicators continuing to show nature under threat, weakening independent environmental regulation risks oversight, undermining public confidence, and making long-term delivery of sustainable development less likely.

The evidence has repeatedly shown that performance problems largely reflect chronic under-resourcing, late engagement and poor-quality applications, not excessive scrutiny. Reforms should address these root causes rather than simply curtail expert input. Standing advice and generic screening cannot substitute for site-specific, specialist judgment in environmentally sensitive or already constrained places. Removing bespoke consultee involvement risks cumulative harm, and costly delays. Finally, any reform must be compatible with achieving the UK's statutory nature, water and climate obligations. Statutory consultees exist to ensure legal compliance and public interest protections, and should not be sidelined in the name of speed.

We urge the Government to prioritise measures that strengthen, resource and modernise the statutory consultee system: ensure early and mandatory pre-application engagement, broaden referral triggers to protect irreplaceable habitats and water quality, invest in digital systems and evidence, and safeguard the independence of bodies such as Natural England and the Environment Agency. Only by empowering consultees to act early and effectively can planning deliver development that is lawful, resilient and publicly trusted.

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

Link recognises the importance of improving the effectiveness and timeliness of the planning system, but we are concerned that the direction of travel set out in this consultation risks fundamentally

weakening the statutory consultee system at a time when stronger, not lighter, environmental oversight is required. The proposed emphasis on reducing statutory consultation, narrowing the referral criteria and removing consultees from parts of the process risks treating environmental protection as an obstacle to growth rather than a foundational, complementary requirement for sustainable development. This is troubling given the UK's legally binding obligations under domestic and international environmental law.

Statutory consultees exist precisely because environmental, water, heritage, safety and climate impacts cannot be left to discretionary or uneven local capacity, nor resolved solely through developer-provided information. They provide independent, expert scrutiny that is essential to ensuring compliance with legislation, such as the Environment Act 2021, the Habitats Regulations, water and flooding legislation, and the UK's climate commitments. Any dilution of their statutory role, or reorientation of their function away from independent oversight towards facilitation of development, risks regressive environmental outcomes and increased legal uncertainty. Far from speeding up delivery, this approach is likely to lead to poorer-quality decisions, greater exposure and long-term delays and opposition, as environmental limits are breached and subsequently challenged.

The proposals risk prioritising short-term development speed over environmental sustainability, implicitly assuming that environmental oversight can be "streamlined" without consequence. This ignores the reality that environmental constraints, such as water scarcity, declining biodiversity, flood risk and pollution, are not bureaucratic hurdles, but material limits. Weakening statutory consultee involvement does not remove these constraints, it merely defers or externalises the consequences. Experience consistently shows that developments brought forward without robust early environmental input are more likely to stall later, require costly redesign, or be found unlawful. In this sense, the proposals risk embedding inefficiency into the system rather than resolving it.

We believe the consultation underplays the extent to which current performance issues stem from chronic under-resourcing of statutory consultees, rather than from over-involvement or unnecessary scrutiny. Repeated evidence demonstrates that consultees are too often engaged late, provided with poor-quality or incomplete information, and expected to respond within tight statutory timescales without the staff, data or digital systems needed to do so effectively. Reducing consultation requirements in this context risks simply shortcutting relevant expertise rather than addressing the root causes of delay. The appropriate response should be to empower and resource statutory consultees to intervene early and strategically, shaping proposals in good time, rather than marginalising their role.

An increased reliance on standing advice and reduced case-by-case scrutiny could fail to capture cumulative and site-specific impacts, particularly in environmentally sensitive or already stressed areas. Standing advice cannot substitute for expert, context-specific judgment, where environmental thresholds are being approached or exceeded, nor can it address complex interactions between development, climate change and nature recovery. Removing or limiting statutory consultation in

these circumstances risks systematically undermining environmental outcomes and placing unrealistic expectations on local planning authorities, many of which lack in-house ecological, hydrological or environmental expertise.

The Government's emphasis on aligning statutory consultees with economic growth objectives further risks eroding the independence and focus areas that are central to their role. Statutory consultees are not simply technical advisors; they are safeguards designed to ensure that decision-making complies with the law and protects the public interest. Framing their function primarily around facilitating growth risks creating perverse incentives, where environmental concerns are downplayed or reframed as optional considerations rather than legal requirements. This is incompatible with the Government's own environmental targets and commitments, including to halt biodiversity loss, improve water quality, and meet net zero goals.

Finally, Link is concerned that weakening statutory consultation shifts risk rather than removing it. Local planning authorities are being encouraged to proceed in the absence of advice, yet without corresponding investment in skills, capacity and evidence. This exposes LPAs to greater legal and reputational risk and undermines confidence in the planning system as a whole. A genuinely effective and pro-growth system must be legally robust, environmentally sustainable and publicly trusted. That requires strong, independent statutory consultees who are properly resourced, engaged early, and empowered to help shape development in line with environmental limits—not a system that sidelines environmental expertise in pursuit of unsustainable growth.

In summary, Link strongly cautions against reforms that reduce statutory consultee involvement as a means of improving performance. Such an approach risks regressive environmental outcomes, conflicts with the UK's legally binding environmental obligations, and ultimately undermines the long-term deliverability of development. The focus of reform should instead be on strengthening statutory consultees' capacity to function effectively and independently, ensuring early and strategic engagement, and embedding environmental limits at the heart of planning decision-making.

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?

WCL does not consider that further dilution of the role or requirements of smaller scale and local statutory consultees would be appropriate. Many local and specialist consultees provide place-specific expertise that cannot be replicated by national standing advice or absorbed by already stretched local planning authorities. Their input is often critical to understanding cumulative impacts, local environmental constraints, and the delivery of locally tailored mitigation, particularly in relation to biodiversity, water resources, flood risk, heritage and community resilience.

As with national statutory consultees, performance challenges at the local level are often largely a consequence of late engagement, poor-quality applications and chronic under-resourcing, rather than over-consultation. Reducing or removing local statutory consultees would risk further weakening environmental scrutiny, shifting risk onto local planning authorities, and increasing the likelihood of environmentally harmful or legally vulnerable decisions. This would be inconsistent with the Government's legally binding environmental targets and wider domestic and international environmental commitments.

Link therefore cautions against extending reforms that prioritise speed and reduction of consultation to smaller scale and local statutory consultees. The focus should instead be on empowering and resourcing these bodies to engage earlier and more strategically, supporting plan-making and shaping development in line with environmental limits. Further dilution would undermine the delivery of positive environmental outcomes, public confidence and the long-term effectiveness of the planning system.

Question 3

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

- **support**
- **oppose**
- **neutral**

N/A

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**

Please explain your answer/reasoning if possible.

N/A

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?

N/A

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**

N/A

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?

N/A

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

- **support**
- **oppose**
- **neutral**

N/A

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?

N/A

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

There is no credible evidence provided that removing statutory consultees leads to better outcomes or faster delivery without increasing risk elsewhere in the system. On the contrary, experience consistently shows that weaker environmental and social scrutiny results in poorer-quality decisions, greater uncertainty for developers and local authorities, and a higher likelihood of legal challenge, delay and costly remediation. Many of the issues addressed by statutory consultees, such as cumulative environmental impacts or locally specific constraints, cannot be adequately managed through generic planning policy or standing guidance alone.

Statutory consultees exist because their functions address matters of clear public interest, including environmental protection, public health, heritage, water, climate resilience and community wellbeing. Characterising these roles as delivering "narrow policy aims" risks underestimating their importance in ensuring that development is lawful, sustainable and acceptable in the long term.

We are particularly concerned that further removal of statutory consultees would exacerbate existing capacity gaps within local planning authorities, shifting responsibility without providing the expertise or resources required to discharge it effectively. This would increase the risk of environmentally harmful development, undermine public confidence in the planning system, and jeopardise the Government's ability to meet its legally binding environmental targets and wider domestic and international commitments. The focus of reform should therefore be on strengthening the effectiveness, resourcing and early engagement of statutory consultees, not on removing them from the system.

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

N/A

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

N/A

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

N/A

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

N/A

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

Link has significant concerns about the proposed approach to further reshaping Natural England's role as a statutory consultee. While we support measures that improve effectiveness and early strategic engagement, this must not come at the expense of Natural England's core statutory purpose: to safeguard nature and ensure compliance with environmental law. Any reduction in the level or quality of Natural England's scrutiny risks poorer environmental outcomes, increased legal risk, and long-term delays where environmental limits are exceeded or inadequately addressed.

In particular, we are concerned by the implicit shift in emphasis from Natural England as an independent environmental regulator to a "growth enabler" across this and other initiatives. Evidence submitted by Link to the Public Bill Committee on the Planning and Infrastructure Bill makes clear that Natural England is not a blocker to development, delays and difficulties overwhelmingly arise from systemic issues such as late engagement, inadequate applications, and unresolved strategic environmental constraints, not from over-zealous objections by the organisation. Reframing Natural England's role around enabling growth risks undermining its independence and weakening confidence that environmental protections are being upheld in line with domestic and international commitments.

The indicated reliance on Local Nature Recovery Strategies as a primary mechanism for strategic engagement also raises concerns. While LNRSs are a positive and potentially transformative tool, their quality, coverage and level of detail currently vary significantly across the country. Until LNRSs are fully mature, consistently robust and properly embedded in plan-making, they cannot be relied upon as a substitute for case-specific scrutiny or expert advice. Over-reliance on LNRSs at this stage risks creating gaps in protection and inconsistent decision-making.

Link also cautions against an over-dependence on standing advice and generic tools at the expense of bespoke, expert input. While tools such as Impact Risk Zones can help screen out genuinely low-risk cases, specific advice from Natural England is often essential in complex or sensitive contexts, particularly where cumulative impacts or multiple environmental pressures are present. Generic guidance cannot capture local ecological nuance or substitute for professional judgment in such cases.

Finally, we are concerned that Natural England may not have sufficient resources and upfront capital to deliver strategic schemes that go beyond compensation ahead of damaging activities occurring. There is limited evidence that strategic compensation approaches work beyond the long-established great crested newt licensing system, and risk undermining the exiting market. Link has set out these concerns in detail in its recent report around strategic schemes.[1] Pressures to enable growth risk pushing Natural England towards untested, payment-based compensation models rather than ensuring that impacts are genuinely avoided and mitigated on the ground.

[1] https://www.wcl.org.uk/evidence-black-hole-planning-bill.asp

We strongly urge the government to focus on properly resourcing Natural England and enabling it to function effectively and independently, rather than constraining its advice or redirecting its role. A careful balance must be struck that allows for strategic solutions where they are proven to work, while retaining the ability to provide detailed, site-specific advice where this is necessary to safeguard nature. Any implicit or explicit weighting towards "quick-fix" compensation or payment systems should be avoided, in favour of approaches that genuinely deliver nature recovery and uphold Natural England's core statutory purpose.

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?

Link does not consider that further actions to narrow, reframe or reduce the Environment Agency's role as a statutory consultee are necessary or desirable. This would risk materially weakening environmental protection at a time when pressures on water quality, flood risk, land contamination and climate resilience are increasing. Further reform in this direction would heighten the risk of environmentally harmful outcomes and undermine confidence that planning decisions are being made in accordance with national policy and legal obligations.

The Environment Agency's role as a statutory consultee is fundamental to safeguarding life, human health and the environment. While improved clarity on consultation triggers and better use of standing advice may reduce genuinely unnecessary referrals, the broader shift towards limiting bespoke advice, reframing objections and focusing primarily on growth enabling functions raises concerns. Environmental risks associated with flooding, water resources, pollution and climate change are inherently site-specific and cumulative. Over-reliance on standardised responses and generic tools risks missing critical local context and underestimating long-term impacts, particularly in already constrained catchments and high flood risk areas.

Link is concerned by the explicit framing of the Environment Agency's reforms around supporting growth and enabling development. As with Natural England, the Environment Agency is not a blocker to development. Delays typically arise from unresolved environmental constraints, late engagement and inadequate proposals, not from excessive or unreasonable intervention by the Agency. Recasting its role towards facilitating growth risks eroding its independence as an environmental regulator and weakening the robustness of decision-making, with potential consequences for legal compliance and public safety.

The proposal to move environmental improvement advice away from individual applications and into more strategic interventions can be risky in practice. Strategic approaches are valuable, but they cannot substitute for detailed scrutiny where developments pose real risks to flood safety, water quality or environmental capacity. Many local planning authorities lack the expertise and resources to

interpret and apply standing advice without specialist input, and shifting responsibility in this way risks increasing error, inconsistency and exposure to challenge.

Given the scale of environmental challenges facing England, declining water quality, increased flood risk, climate impacts and cumulative pollution pressures, Link believes the priority should be to ensure the Environment Agency is properly resourced, supported and empowered to fulfil its existing statutory role effectively and independently. The focus should be on improving early engagement, data quality and inter-agency coordination, rather than further constraining the Agency's ability to provide case-specific, expert advice where it is needed.

We do not agree with further actions that would dilute the Environment Agency's statutory consultee role or reorient it primarily towards enabling growth. Instead, Government should concentrate on resourcing and supporting the Environment Agency to discharge its core function of protecting people and the environment, ensuring that development proceeds within environmental limits and in line with the UK's legally binding domestic and international commitments.

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

N/A

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

N/A

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

N/A

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

N/A

Question 21

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

N/A

Question 22

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

N/A

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

We do not support any reform to weaken the referral criteria or shortcut scrutiny. This would risk significant negative ramifications for achieving environmental goals.

We would, however, support the following amendments to strengthen the consultee referral criteria to better support nature recovery

1. Broaden triggers to better protect irreplaceable habitats and designated nature sites.

   Current impact criteria often overlook proximity effects or indirect impacts that still harm ecological networks. Amending referral thresholds to explicitly capture developments that could materially affect these sensitive assets, even where risk zones are not triggered, would reduce "unnecessary harm" and streamline assessment by focusing on true ecological risk.[2]

2. Include criteria reflecting climate and nature recovery obligations.

   The planning system should positively support the delivery of our statutory nature and climate targets, not just mitigate harm. The referral criteria should reflect this by requiring consultation on proposals likely to affect delivery of Local Nature Recovery Strategies (LNRSs), landscape-scale nature recovery projects, strategic environmental assessments and plans, and areas identified in national spatial or catchment plans. Strengthening the linkage between statutory consultees' remit and legally binding environmental outcomes would help avoid ad-hoc assessments that fail to recognise the strategic importance of certain landscapes.[3]

3. Reform thresholds for water quality and hydrological impacts.

[2] https://www.wcl.org.uk/docs/planning_ahead_on_land_and_sea.pdf
[3] https://www.wcl.org.uk/docs/planning_ahead_on_land_and_sea.pdf

Evidence demonstrates that biodiversity decline is driven in part by water pollution from development and infrastructure, yet referral criteria often fail to pick up schemes that contribute cumulatively to nutrient loading or water quality degradation. Reforming criteria to encompass developments with potential cross-catchment impacts on nutrient neutrality or Water Framework Directive outcomes would ensure statutory consultees like Natural England and the Environment Agency are engaged where environmental health is at risk.[4]

4. Strengthen integration with strategic environmental assessment and cumulative impacts.

   A persistent gap in the planning system is the weak application of strategic environmental assessment (SEA), which can avoid lengthy disputes at the project level. Referral criteria should mandate referral where proposals contribute to cumulative impacts on climate, biodiversity and water systems at a strategic scale, not just individual site impacts. This would align statutory consultee input with the need for early, evidence-based assessment of broader effects.[5]

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?

Meaningful early engagement with statutory consultees is essential to identify environmental risks, inform project design, and reduce avoidable delays later in the process. In our *Streamlining Infrastructure Planning* consultation response, Link argued that removing statutory pre-application consultation requirements, unless accompanied by clear minimum expectations and guidance, risks undermining environmental safeguards and public confidence. Detailed guidance should therefore set out when and how statutory bodies should be engaged early, rather than leaving engagement wholly voluntary and vague.

Firstly, pre-application engagement should be expected rather than merely encouraged. Clear guidance should identify which statutory bodies should be consulted based on potential environmental, heritage and safety impacts, and emphasise that early engagement is an ongoing, iterative process that evolves as project understanding develops. Link highlighted that without this clarity, applicants may delay or narrowly focus consultation, increasing environmental risk and the likelihood of redesigns or challenges later. Guidance should require applicants to engage proactively with statutory nature and environmental bodies (e.g. Natural England, Environment Agency, Marine

[4] https://wcl.org.uk/docs/Link_evidence_for_EAC_inquiry_on_planning_and_environment_Dec_2024.pdf
[5] https://www.wcl.org.uk/docs/planning_ahead_on_land_and_sea.pdf

Management Organisation) at the earliest design stages, including through tools such as Evidence Plans to agree data, methodologies and timelines.[6]

Secondly, statutory consultees must be adequately resourced and enabled to participate effectively in pre-application stages. Capacity constraints among statutory bodies and local authorities clearly limit their ability to provide robust input early, which then contributes to later delays or incomplete environmental assessment. Strengthening guidance without commensurate support for consultees risks placing additional burden on already stretched services.[7]

Thirdly, guidance should address quality and transparency of engagement, including expectations for engagement summaries or evidence logs to accompany applications, and promote consistent practice across sectors.[8]

In summary, Government should ensure that voluntary pre-application engagement is supported by clear, prescriptive guidance, expectations for early consultee involvement, and adequate resourcing for statutory bodies to participate meaningfully. This will help produce higher-quality applications, reduce later procedural risks, and contribute to better environmental and planning outcomes.

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?

The Government should consider how statutory consultee engagement is resourced, timed and governed in post-approval processes, particularly for the discharge of planning conditions.

The evidence highlights that delays in post-approval stages are often driven not by the principle of statutory consultee involvement, but by insufficient capacity, unclear expectations and fragmented processes for agreeing that conditions have been met. Environmental conditions frequently require detailed technical assessment and, in some cases, ongoing monitoring to ensure compliance and avoid harm to protected sites and species. Reducing or constraining consultee input risks weakening environmental outcomes and increasing the likelihood of legal challenge, which can ultimately cause greater delay and uncertainty for developers and communities.

The Government should focus on measures that improve the effectiveness and predictability of post-approval engagement, rather than limiting it. This includes clearer national guidance on the scope of conditions and discharge requirements, realistic and enforceable timescales that reflect the complexity of environmental evidence, and digital systems to track submissions, responses and

[6] https://wcl.org.uk/docs/2025/Link_response_Consultation_on%20streamlining_infrastructure_planning.pdf
[7] https://wcl.org.uk/docs/2025/Link_response_Consultation_on%20streamlining_infrastructure_planning.pdf
[8] https://wcl.org.uk/docs/2025/Link_response_Consultation_on%20streamlining_infrastructure_planning.pdf

decisions transparently. The evidence also points to the need for sustained funding for statutory consultees, including local authorities and environmental bodies, so that they can respond promptly and consistently once permissions are granted.

Finally, government should ensure that any reforms preserve the ability of statutory consultees to engage meaningfully where environmental risks remain high, particularly for major infrastructure and nationally significant projects. Robust post-approval scrutiny is essential to ensuring that planning consents translate into delivery that is both timely and environmentally responsible.

Question 26

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

We have significant concerns about the way developer and local authority feedback is proposed to be incorporated into assessments of statutory consultee performance, and the potential implications this could have for the independence, remit and effectiveness of statutory agencies. Statutory consultees exist to provide objective, expert advice in the public interest, often to ensure compliance with environmental law, safeguard protected sites and species, and uphold long-term environmental outcomes. Fulfilling these functions can legitimately be a source of tension with external private development timetables and commercial objectives, as driven by other considerations. Feedback from developers and other vested private interests therefore risks conflating dissatisfaction with policy outcomes or regulatory requirements with alleged “poor performance”. Even where the consultation recognises the need to distinguish between objections to policy and performance issues, in practice this distinction is difficult to make and may place inappropriate pressure on statutory consultees to moderate advice in order to avoid negative assessments.

If feedback from developers and local authorities is to be used at all, it must be carefully designed, clearly bounded and balanced by other evidence sources. Any such feedback should be gathered in a structured, transparent way and explicitly framed around procedural matters, such as clarity of communication and consistency of advice, rather than the substance of statutory advice or its implications for project viability. It should not be used to challenge or second-guess the expert judgement of statutory consultees, nor to penalise them for fulfilling their legal duties robustly. As Link has consistently argued in previous consultations that delays in the planning system are more often linked to under-resourcing, late engagement, poor-quality applications and policy complexity, rather than failings by statutory consultees themselves.

We strongly recommend that performance assessment places greater weight on objective indicators. Feedback from independent bodies, civil society organisations and professional institutions could provide a more balanced perspective and help ensure that assessments reflect the public interest, not just commercial priorities. Case studies, where used, should be independently reviewed and

contextualised, including consideration of application quality and the adequacy of information provided to consultees.

Finally, any performance management framework must explicitly safeguard the independence of statutory consultees and reaffirm that their primary role is to uphold environmental law and policy, not to facilitate development at any cost. Without such safeguards, there is a real risk that performance management mechanisms could undermine trust in the planning system, weaken environmental protections, and create perverse incentives that are inconsistent with the Government's stated commitments to nature recovery, climate resilience and sustainable development.

Question 27
Do you agree with this approach?

Link believes that effective statutory consultation depends on a well-resourced partnership between local planning authorities (LPAs) and statutory consultees, and that current capacity and skills gaps within LPAs are a significant contributor to inefficiency in the system. The evidence consistently shows that under-resourcing, lack of ecological and environmental expertise, and inconsistent use of standing advice and screening tools drive unnecessary referrals and delays, rather than failings by statutory consultees themselves.

We support measures to enable LPAs to recover the true costs of development management and to invest in training, clearer referral processes and improved early engagement, including through plan-making reform. Clearer criteria-based referrals and better use of existing tools could reduce avoidable burdens on statutory consultees and allow their expertise to be focused where it adds most value.

However, empowering LPAs to make decisions must not dilute the weight given to statutory advice where it reflects legal requirements or national environmental policy. Any reforms should strengthen plan-led, early engagement and build in-house expertise, while maintaining the independence and essential environmental safeguard role of statutory consultees.

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

Yes. Link considers that further action is needed to ensure local planning authorities (LPAs) are genuinely equipped to engage effectively with statutory consultees and to deliver environmentally sound decisions.

We support the principle of using a planning fee surcharge to help fund statutory consultees, provided this funding is genuinely additional, ring-fenced, and designed to support delivery of their statutory

duties rather than to incentivise reduced scrutiny. Any performance improvements must be grounded in better capacity, robust early engagement and improved application quality, not pressure to weaken advice. Investment in case management, guidance and proportionate digital tools could be beneficial if developed collaboratively and with appropriate safeguards.

In addition to improved funding, Government should prioritise rebuilding in-house environmental expertise within LPAs, particularly in ecology, hydrology and climate adaptation, which has been significantly eroded over time. Dedicated funding streams or minimum competency requirements for environmental skills would help ensure standing advice and screening tools are used appropriately and confidently.

Greater emphasis should also be placed on early, plan-led engagement, with statutory consultees adequately resourced to input meaningfully at local plan and strategic spatial levels, reducing the need for repeated case-by-case consultation. Clear, standardised referral templates linked explicitly to statutory criteria would reduce unnecessary burden on consultees and improve the quality of engagement.

Finally, support and training should reinforce the legal status of much statutory advice, ensuring LPAs understand where advice reflects binding environmental requirements rather than discretionary considerations. This would help avoid inappropriate risk transfer to decision-makers and strengthen confidence in environmentally compliant outcomes.

Question 29

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

N/A

Question 30

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

Link considers that best practice can be expanded by focusing on earlier, clearer and more strategic engagement. A stronger, prescriptive emphasis on more robust pre-application scoping, agreed information requirements and clearer use of standing advice can help ensure that statutory consultees receive targeted, relevant information and are not required to sift through excessive or poorly structured documentation.

However, any reduction in the quantity of material must not result in a reduction in its quality, robustness, or evidential sufficiency. Inadequate assessments risk undermining environmental decision-making, increasing legal challenge and compromising the delivery of statutory environmental

duties, including biodiversity, water quality and climate resilience targets. Clear national standards for environmental information, supported by statutory consultees' input, would help maintain consistency and ensure that streamlined processes continue to support lawful and environmentally sound outcomes.

Question 31

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

Evidence submitted by Link across recent consultations and Parliamentary inquiries has consistently highlighted the scale of the resourcing challenge: local authority development management services face an estimated annual funding shortfall of £362 million, and many councils have seen specialist ecological and environmental capacity significantly reduced over the past decade. This has directly contributed to inefficiencies, unnecessary referrals and weaker early engagement with statutory consultees.[9]

We support enabling local planning authorities to set cost-recovery planning fees, but this must be accompanied by clear expectations that additional income is reinvested in environmental and technical expertise, including ecologists, hydrologists and climate adaptation specialists, and must not be to subsidize central budget cuts. Direct central government funding must be expanded to help address this bottleneck in the system, without impacting quality. Government should also consider additional, targeted funding programmes to rebuild this expertise, particularly for smaller authorities and at strategic planning levels.

Statutory consultees have an important role in supporting capacity-building through shared training, clearer guidance, and structured early engagement at plan-making and spatial strategy stages. This should be properly resourced and recognised as core work, not an optional extra. Finally, government should promote ambitious national environmental standards and ensure that reforms strengthen, rather than dilute, the ability of authorities to meet legal environmental duties and national targets for nature recovery, water quality and climate resilience.

Question 32

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

WC Link does not agree that the criteria, as currently framed, provides a sufficiently balanced framework for decisions on future statutory consultees. While clarity and proportionality are important, it risks placing a disproportionate emphasis on reducing burdens to developers and process efficiency, without sufficient focus on the need to deliver legally binding environmental and nature

[9] https://www.planningresource.co.uk/article/1911066/greater-council-control-planning-fees-will-affect-local-authorities-applicants

recovery objectives. A clearer test is needed on whether and how statutory consultees are required to secure better environmental outcomes, reduce long-term risks, and support sustainable development, rather than assessing proposals purely through the lens of short-term regulatory burden.

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

Link considers that the Government should aim to adopt a criterion for considering new statutory consultees and not seek to maintain the moratorium. However, this must be conditional on substantive additions to better support achieving our legal environmental targets. The criteria must be strengthened to give explicit and equal weight to environmental protection and nature recovery, alongside development considerations. Without clearer and more robust environmental consideration, including the need to meet legally binding targets and manage long-term environmental risk, the criteria risk prioritising short-term reductions in regulatory burden over truly sustainable development outcomes.

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

The Government should explicitly include further environmental and nature-related considerations within the framework, related directly to supporting the achievement of our legal environmental targets, for assessing any future statutory consultees.

The criteria should more thoroughly recognise that the planning system has a critical role in delivering legally binding environmental targets, including for biodiversity, water quality and climate resilience. Nature and environmental outcomes are too often addressed late in the development management process, leading to conflict, delay and poorer outcomes for both development and the environment. An additional criterion should therefore test whether a proposed statutory consultee would materially support the delivery of environmental objectives already set in law and policy, and whether their involvement would improve early, strategic and plan-led integration of nature into development. Any assessment should explicitly examine whether new consultees would add clarity and certainty on nature-related issues, such as biodiversity recovery, water environment constraints and climate adaptation, rather than duplicating or fragmenting existing advice.

Finally, Link recommends that the criteria include an ‘overall improvement’ test on cumulative environmental outcomes. This should consider whether adding or withholding statutory consultee status would, in practice, lead to better protection and enhancement of nature at scale, reduce the risk of environmental harm being deferred to later regulatory regimes, and support more efficient and predictable decision-making for developers and communities alike. Embedding nature-focused

considerations in the criteria would help ensure that decisions on statutory consultees contribute to sustainable development, rather than narrowly focusing on process and administrative burden alone.

Question 35

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

N/A

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?

Our evidence shows that statutory consultees already operate within tight resource constraints, and that reduced scrutiny, particularly through standardised advice and fewer case-by-case assessments, can lead to important site-specific environmental risks being missed or deferred to later regulatory regimes. As highlighted in previous WC Link reports and parliamentary evidence, early, well-resourced environmental input is critical to avoiding downstream delays, legal challenge and environmental harm.[10] Without safeguards to ensure environmental issues are still properly identified and addressed, reducing statutory consultee scrutiny risks weakening protections for nature, water and climate resilience, rather than delivering genuinely sustainable efficiencies.

Question 37

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

- strongly agree
- agree
- neutral
- disagree
- strongly disagree

N/A

[10] https://www.wcl.org.uk/docs/planning_ahead_on_land_and_sea.pdf
https://www.wcl.org.uk/docs/2025/202505_PlanningandInfrastructureBill_PublicBillCommitteeEvidence.pdf
https://www.wcl.org.uk/docs/Link_evidence_for_EAC_inquiry_on_planning_and_environment_Dec_2024.pdf

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 90 organisations to use their joint voice for the protection of the natural world and animals.

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