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REFORMS TO THE STATUTORY CONSLTEE SYSTEM: RESPONSE FROM THE GARDENS TRUST (27TH NOVEMBER 2025)

The Gardens Trust is the only organisation focussed on the conservation and promotion of England's numerous historic parks, gardens, designed landscapes and green spaces. As a statutory consultee (of thirty years' standing), the Gardens Trust provides specialist advice on planning applications which affect registered parks and gardens (previously as the Garden History Society (GHS), founded in 1966, which merged with the Association of County Gardens Trusts in 2015 to form the Gardens Trust). The Gardens Trust also represents and supports the 35 local County Garden Trusts, the first of which was established in 1984, providing them with volunteer support and a capacity building programme.

We have responded below to those questions of most direct relevance to the Gardens Trust. We have also included some further information outside the consultation questions themselves, to provide important context, and to correct various errors in the consultation document. We would be happy to discuss this response further, and of course to offer any additional assistance.

SUMMARY

- *Historic parks and gardens are an important part of England's heritage and culture, and contribute significantly to a range of government priorities and public benefits, not least in their provision of readymade green infrastructure.*
- *They are however particularly vulnerable, lacking a number of the protections from which other types of heritage asset benefit, and the necessary expertise within local planning authorities.*
- *The current proposals significantly increase that vulnerability: removing the Gardens Trust as a statutory consultee will result in considerable harm to these irreplaceable heritage assets, and particularly to Grade II registered parks and gardens (two-thirds of the total).*
- *If notification is introduced instead, the harm will still be marked, particularly in relation to proposals in the setting of registered parks and gardens (around 42% of the consultations currently received).*
- *The Gardens Trust's strong performance as a statutory consultee (evidenced below) already meets the government's stated objectives: its advice is constructive, timely, and expert, and very highly regarded by stakeholders.*
- *The Gardens Trust is also pro-growth. Neither the Gardens Trust nor registered parks and gardens are barriers to the development the country needs.*
- *Removing the Gardens Trust will leave a damaging vacuum in heritage conservation, and addressing this would impose significant additional costs on the taxpayer: the Gardens Trust provides extraordinary value for money in the provision of its service.*
- *As a statutory consultee, the Gardens Trust has been providing invaluable expertise in support of successful delivery under the planning system, and wishes to continue to make this contribution. To achieve that, the Gardens Trust seeks:*
 - *Retention as a statutory consultee.*
 - *Retention of referrals on proposals in the setting of all grades of registered park and garden.*

- Commencement of section 102 of the *Levelling-up and Regeneration Act*.
- Inclusion in plan-making, training, and the review of guidance and advice.

CONTEXT

Registered Parks and Gardens Within the Planning System

SUMMARY: historic parks and gardens are an important and irreplaceable part of England’s heritage and culture, and contribute significantly to a range of government priorities. Planning protections for historic parks and gardens were first proposed in the 1940s, implemented in the 1980s, and reinforced as recently as 2023. Nevertheless, registered parks and gardens remain particularly vulnerable, lacking a number of the protections from which other types of heritage asset benefit.

1. The importance of England’s historic parks and gardens – and the need for their protection – has long been recognised. As noted in national planning policy in the 1990s (in *Planning Policy Guidance note 15*, 1994): ‘England is particularly rich in the designed landscapes of parks and gardens, and the built and natural features they contain: the greatest of these are as important to national, and indeed international, culture as are our greatest buildings’.
2. The specific protection of historic parks and gardens within the planning system was proposed as early as the 1940s, and finally brought into effect in the 1980s (the protection of views and setting was addressed much earlier, such as in the *Richmond, Petersham, and Ham Open Spaces Act, 1902*). The power to create the *Register of Parks and Gardens of Special Historic Interest in England* was introduced in legislation in 1983 (registration is a statutory designation), and the first Registers issued in 1984, adopting the same grading system – and definitions – as for listed buildings, namely:
 - Grade I (note that Roman numerals are used for all grades of registered park and garden: it is not ‘1’ as is suggested in the consultation material): exceptional interest
 - Grade II*: particularly important, of more than special interest
 - Grade II: special interest, warranting every effort to preserve them.
3. Between 1984 and 2024, the general direction of travel has been to enhance the protections for these important heritage assets, with key milestones including the following:
 - The introduction of the statutory consultation requirement in 1995, to ensure – as noted in the Circular accompanying the relevant Order – that Local Planning Authorities (LPAs) ‘receive the specialised advice necessary for informed decision-making’. This remains equally necessary today.
 - The parity introduced to national planning policy in 2010 for all forms of designated heritage asset (retained in current policy: all are recognised for the important part they play in the wider historic environment).
 - The inclusion in legislation of a statutory duty to have special regard to the desirability of preserving or enhancing registered parks or gardens or their setting ([section 102, Levelling-up and Regeneration Act 2023](#), not yet commenced).
4. Nevertheless, registered parks and gardens remain a particularly vulnerable form of heritage:
 - Unlike scheduled monuments and listed buildings, they are without a dedicated consent regime.
 - Unlike listed buildings and conservation areas – until such time as section 102 is commenced – they are also without a statutory duty, instead relying solely on planning policy for their protection.
 - They are not numerous (in November 2025 there were only 1,720 registered parks and gardens, compared to around 20,000 scheduled monuments, and around 380,000 listed buildings, and, in relation to the natural environment, over 4,100 Sites of Special Scientific Interest).

- As research has demonstrated, they are not particularly well understood by local planning authorities.
- They are particularly susceptible to the cumulative impacts of development, and also to a range of threats outside the planning system's control.

The vulnerability is real: 6% of registered parks and gardens are currently identified by Historic England as being at risk. When protections have failed, and the impact of various changes has been too severe, parks and gardens have been deregistered (e.g. Severalls Hospital, Essex in 2018, and the Commonwealth Institute, London in 2015).

5. Historic parks and gardens are however very important to communities and to wider Government agendas such as housing delivery, health, climate change, nature recovery, and of course the economy (all of which is articulated more fully in the Gardens Trust's recent report, [*Harnessing Parks and Gardens in the 21st Century: How Historic Landscapes Can Support and Enhance our Today and Tomorrow*](#)). The types of designed landscape within the Register include gardens, public parks, cemeteries, commercial sites, and more. They are a particularly accessible form of heritage: there are around 320 registered public parks (three-quarters of which are Grade II), and many other registered sites are free to the public and open every day of the year, including country parks, as well as those open as visitor attractions, such as National Trust gardens. All provide important greenspace and health benefits for local communities. In terms of economic benefits, 11.4 million overseas visitors included a visit to a garden or park destination as part of their itinerary in 2022 (30% of all overseas visitors), and £2 billion was spent by overseas visitors in 2023 on parks and gardens (around 20% of the total international visitor spend). These benefits are downplayed in the consultation document, which refers solely to 'access to culture' as 'an important driver of local growth', and 'access to open green spaces' being important with regard to increasing physical activity levels. The importance of the UK's heritage assets to tourism and the country's international reputation was however acknowledged in a recent [*ministerial speech*](#).
6. Registered parks and gardens are also important in place-shaping, their design and function being ready to accommodate contemporary use, and to inspire high-quality design (something which has a long history, Birkenhead Park being one of the first to inspire development around it – now registered at Grade I and on the World Heritage Sites UK Tentative List). The National Planning Policy Framework notes that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. In support of this, the National Design Guide outlines the priorities for well-designed places in the form of ten characteristics, and heritage features strongly in these, particularly in relation to context, identity, nature and public spaces.

The Gardens Trust as a Statutory Consultee

SUMMARY: the Gardens Trust was made a statutory consultee in 1995, in relation to proposals 'likely to affect' registered parks and gardens of all grades (this includes consideration of proposals in the setting of these sites). It is the only body consulted on Grade II sites, and the only body whose expertise and focus are dedicated to historic parks and gardens. The Gardens Trust's performance reflects the objectives for statutory consultees set out in the consultation, and its constructive and timely expert input is highly regarded by stakeholders.

7. The Gardens Trust has been a statutory consultee since 1995. In the consultation document, the section on 'reviewing the scope of statutory consultation in the Town and Country Planning Act' suggests that 'new statutory consultees have often been added in response to shifting policy priorities, but without any subsequent review of whether their ongoing involvement remains necessary or proportionate', and that 'some bodies have remained statutory consultees without systematic reassessment, despite broader changes to policy and context'. There is however no reported evidence of any systematic reassessment of the performance of the Gardens Trust – or any other statutory consultees – within the consultation, nor anything to justify the Gardens Trust's inclusion in the list of

statutory consultees proposed for removal: an evidence-based review of all statutory consultees would be welcomed, to ensure that facts inform decisions, and the government's stated objectives are achieved.

8. The consultation also suggests that the three statutory consultees proposed for removal 'were introduced in the 1990s or earlier', prior to various pieces of planning legislation and policy. This is not in itself an argument for their removal:
 - Other statutory consultees have also been in place since at least the 1990s, such as the Coal Authority/Mining Remediation Authority, and Historic England, both of which are identified in [*The Town and Country Planning \(General Development Procedure\) Order 1995*](#).
 - The requirement for local planning authorities to develop local plans and the introduction of the NPPF do not uniquely affect the three consultees proposed for removal.
 - From the Gardens Trust's perspective, the most pertinent provision in the *Levelling Up and Regeneration Act 2023* is not yet in force, and the current consultation does not commit to its commencement; in any case, creating a degree of parity between registered parks and gardens and other designated heritage assets with regard to a statutory duty does not obviate the need for statutory consultee input.
 - The *Planning and Infrastructure Bill* and *English Devolution and Community Empowerment Bill* are of course not yet enacted, and, again, apply equally to all current statutory consultees.
9. As noted in the consultation document, the Gardens Trust is required to be consulted on planning applications for development likely to affect registered parks and gardens of all grades (I, II*, and II). Historic England is the only other body consulted, and solely in relation to Grade I and II* registered sites: the Gardens Trust is the only body consulted and providing advice in relation to proposals affecting Grade II registered sites.
10. The advice provided also differs in scope. In fulfilling its role as the government's statutory advisor on the historic environment, [Historic England](#) provides planning advice on a broad range of proposals, prioritising advice 'according to identified needs for the nation's heritage', and aligning its 'services locally with the growth priorities of local authorities and communities engaged in securing sustainable development'. The Gardens Trust complements such advice with specialist input specific to designed landscape conservation, drawing on its own expertise and the invaluable local knowledge of sites – informed by research – within the network of County Gardens Trusts. With only 1,720 designated sites in total, and something in the order of 2,000-2,500 related planning applications a year, the consultation requirements relating to registered parks and gardens are not a burden on the planning system. In its work as a statutory consultee, the Gardens Trust works hard to ensure that this remains the case, and here it is worth providing an overview of the Gardens Trust's performance (not least to correct the errors in the consultation document), and demonstrate its compliance with the statutory consultee duties:
 - As previously notified to MHCLG, the Gardens Trust received 1,842 statutory consultations in the 2024-25 financial year, (not 1,849, as suggested). These can be broken down as follows:
 - Grade I: 345 (19%)
 - Grade II*: 531 (29%)
 - Grade II: 966 (52%)
 - The Gardens Trust made 1,289 responses, of which 372 were detailed responses providing expert advice (and not objecting). It should be noted that the discrepancy between the number of consultations received and responded to reflects the large number of Listed Building Consent applications referred to the Gardens Trust in error. As previously notified to MHCLG, only 85 of the

responses were objections (6.6% of the total responses), and not 96 objections (7.4%) as suggested in the consultation document. Our objections relate to fundamental concerns about compliance with national planning policy and legislation, and are only submitted when absolutely necessary and in support of discussions which we hope will lead to a better outcome (16 of these objections were simply because the consultation did not include the information the planning system requires, i.e. an avoidable failure by the applicant, making the number of actual substantive objections 69).

- Objections from the Gardens Trust are not binding: they are merely weighed by the local planning authority alongside development plan policy and a range of material considerations when it comes to its own decision.
- The Gardens Trust responded to 90% of these consultations within the 21-day deadline; where there is a difficulty in meeting the deadline (as is experienced by all statutory consultees from time to time), a 7-day extension is requested from the local planning authority, and these short extensions have never been refused.

11. The consultation document proposes that the Gardens Trust will not be ‘formally notified of applications outside the boundary of the park or garden that impact the wider setting’. The importance of setting in the consideration of proposals affecting registered parks and garden is addressed further under Q7, below, but it should be noted that this will have a disproportionately harmful impact on registered parks and gardens, given that around 42% of Gardens Trust consultations relate to proposals outside registered parks and gardens but affecting their setting.
12. The Gardens Trust would welcome sight of the reports from local planning authorities and developers – referred to in the consultation – which suggest ‘that the statutory consultee system is not working effectively’: that is not our own experience, as evidenced in part by the testimonials referred to below.
13. The Gardens Trust’s performance reflects the expectations of statutory consultees outlined in the [10th March Written Statement](#), namely that ‘statutory consultees play an important role in the planning system’, by ‘supporting high-quality development through the swift provision of expert relevant advice to inform decision-making’. The Gardens Trust has been providing ‘practical [and] pragmatic advice’ since the introduction of its statutory consultee responsibilities. By way of illustration, the GHS planning handbook from 1997 (*Historic Parks and Gardens in the Planning System: A Handbook*) stated that ‘the Garden History Society recognises that an element of change is inevitable in historic parks and gardens’.
14. The Gardens Trust has a number of case studies regarding the application of this constructive approach, some of which are summarised below (further detail, and additional examples, are available on request):
 - Wimbledon Park, London (Grade II*): expansion of the All England Lawn Tennis Club was supported (permission granted).
 - Exton Park/Burley on the Hill Park, Rutland (both Grade II): the principle of renewable energy was supported in relation to this solar farm proposal, and advice provided on how to mitigate the impact (decision awaited).
 - Wrotham Park, Hertfordshire (Grade II): the Gardens Trust worked closely and constructively with the applicant on this proposal for up to 900 dwellings and community facilities, and advised on additional viewpoints to ensure that the historic landscape would not be negatively impacted (decision awaited).
15. The Gardens Trust has received a significant number of testimonials regarding its performance and the value of its input, which can also be made available on request. A selection from key stakeholders such as the Parks Management Association, Historic Houses, the National Trust, the Royal Horticultural Society, World Heritage UK and the Heritage Alliance is available [here](#) (and a snapshot provided in

Appendix I), whilst a small sample of the many LPA and developer perspectives received are summarised below, by way of illustration:

- Local planning authority perspectives:

- Conservation Manager: ‘Responses from The Gardens Trust, whether on large-scale development proposals, on wider local plan policy and allocation consultations, or on small individual sites, have always been received very promptly and have added much to our understanding of the impact of such proposals on these important landscapes and landscape features.... The Gardens Trust is the best mechanism for ensuring that knowledge and best practice in relation to historic landscapes forms part of the planning process, especially in a time where heritage advice at a local planning authority level is not always there or even a priority in some cases. Indeed, that is one of the main benefits of The Gardens Trust being a statutory consultee – often the advice provided by The Gardens Trust simply isn’t available at a local planning authority level’.
- Planning Manager: ‘I very much value the specialist input from The Garden’s Trust, which can shed a different professional light on applications affecting Historic Parks and Gardens. I think the loss of their advice would be detrimental to the historic environment and could lead to harm to historic landscapes from inappropriate development that may not be picked up by Local Planning Authorities, particularly as many do not have specialist Conservation staff’.
- Heritage Officer: the Gardens Trust’s ‘specialist expertise in historic parks and gardens is essential to the protection, understanding, and appropriate management of these significant cultural landscapes. While I am experienced in assessing a wide range of heritage assets, I do not have the specialist knowledge required to fully evaluate the impacts of development proposals on registered parks and gardens. The Gardens Trust provides critical, informed advice that ensures these sites are properly understood and considered within the heritage context.... With Historic England’s resources stretched, the Gardens Trust offers essential support that complements statutory heritage services and helps ensure that decisions affecting historic parks and gardens are made with the benefit of expert insight. From a heritage standpoint, the loss of The Gardens Trust’s statutory consultee status would represent a significant weakening of the safeguards currently in place for these irreplaceable assets’.
- Council motion: a Member Motion was discussed in detail and passed unanimously by [Uttlesford District Council](#), noting the Council’s dismay at the Government’s proposed removal of the Gardens Trust as a statutory consultee, and committing to ensuring that the Gardens Trust remains a consultee at the local level. In discussion, concern was expressed about losing the Gardens Trust’s expert input, and the value of the district’s accessible green spaces and historic sites to residents noted.

- Owner perspectives:

- Grade I site: ‘The Gardens Trust as a statutory consultee was hugely helpful in advising helpful mitigation [on a road-widening scheme]. If the proposal had gone ahead as originally intended it would have caused considerable harm not only to [the site] as a heritage asset but also as a business-focussed heritage attraction. We believe the proposal to remove the Gardens Trust as a statutory consultee would be a considerable loss to the planning system, and local planning authorities’ ability to make well-informed decisions that mean that development such as road widening can go ahead whilst minimising harm to the historic environment. This is the most recent example of the many ways that Gardens Trust has ensured the restoration and survival of [the site] over the last four decades’.

- Grade II site: removal of the Gardens Trust as a statutory consultee on planning applications ‘is a retrograde step as I believe the Gardens Trust offers a constructive commentary on planning matters’.

16. The Gardens Trust is the only voice for all registered parks and gardens, bringing decades of knowledge and experience to their conservation and the support of appropriate development, and – through its extensive network of volunteers – generating an ability to make a difference out of all proportion to the organisation’s size and funding. In so doing, we deliver just as the Minister suggests in the foreword to the consultation document, namely engaging effectively in the planning application process, ‘supporting good decision-making and high-quality development through the swift provision of expert advice and information on significant... heritage issues’, and ‘providing practical, pragmatic and timely advice and expertise in respect of what is necessary to make development acceptable’.

Streamlining

SUMMARY: under the current consultation arrangements, there is no meaningful duplication of statutory consultee roles between Historic England and the Gardens Trust, and nor – given the very different protections for listed buildings – are any comparisons with listed building consultation requirements appropriate. Removal of the Gardens Trust as a statutory consultee will result in very real harm to historic parks and gardens (and to the delivery of the wider benefits they bring), not least as local planning authorities do not have access to the requisite expertise to allow the effective application of such protections as are in place for registered parks and gardens.

17. The consultation document states that removing the Gardens Trust as a statutory consultee is needed to ‘streamline treatment of applications impacting registered parks and gardens’, on the following grounds:

- Historic England is also a statutory consultee in relation to Grade I and Grade II* parks and gardens, and that there is therefore a ‘duplication in roles’.
- The ‘level of statutory consultation for registered parks and gardens exceeds what is in place for listed buildings, as there are currently no statutory consultees for Grade II listed buildings, and there is only one statutory consultee (Historic England) for Grade I and Grade II* listed buildings’.

All of which overlooks the differences between Historic England and the Gardens Trust, and between listed buildings and registered parks and gardens.

18. With regard to Historic England:

- Historic parks and gardens are not their sole focus, and their access to specialist expertise is itself now quite limited, with only four full-time equivalent (FTE) regional chartered landscape architects (whose remit is not limited to planning casework) and two FTE national posts.
- It is important to emphasise that the Gardens Trust does not duplicate the work of Historic England with regard to Grade I and II* designed landscapes:
 - Historic England teams often rely on the Gardens Trust to provide more comprehensive designed landscape impact responses to Grade I and Grade II* sites as their advisory role is broader.
 - This certainly appears to have been the assumption in relation to the recent application at RAF Upper Heyford, which – as acknowledged by the applicant – affects (and indeed harms) the Grade I registered landscape at Rousham: Historic England’s response made no reference at all to the registered landscape.
 - Some of the LPA feedback received by the Gardens Trust further demonstrates this important point: ‘Many councils simply do not have a Conservation Officer in-house. Nor do they have anyone skilled to properly assess the impact of development on a designed landscape. Advice

from Historic England on smaller sites can sometimes be difficult to obtain as they are required to prioritise their efforts on the higher grade sites due to their own lack of resources. Therefore, across large parts of the country, it is only the Gardens Trust who provide advice on historic designed landscapes. Removing them as a statutory consultee will result in large numbers of historic designed landscapes, many nationally designated, being at serious risk of harm from inappropriate development proposals which would otherwise be carried out elsewhere or at the very least their most harmful impacts being mitigated against’.

19. With regard to listed buildings:

- It is important to note that there were 379,629 listed buildings in November 2025, of which 348,178 were listed at Grade II. This should be compared to just 1,720 registered parks and gardens, of which 1,113 were registered at Grade II. With such small numbers, any ‘duplication’ in relation to consultation or notification would necessarily be limited, but, in practice, engagement by both Historic England and the Gardens Trust on proposals affecting Grade I or II* registered parks and gardens is far from universal, and the Gardens Trust’s input is valued.
- As discussed elsewhere in this response, parks and gardens are significantly less well understood and protected, and more vulnerable in consequence.
- Registered parks and gardens also have only Historic England and the Gardens Trust involved in advising on applications. In contrast, Historic England advises on proposals affecting all grades of listed building (as a statutory consultee on all works affecting Grade I and II* listed buildings, and as a notifyee on demolition-related works to Grade II listed buildings – with further provisions in relation to listed buildings in London), along with the six National Amenity Societies for all demolition-related works to listed buildings.

20. If the Gardens Trust is removed as a statutory consultee, there is no other body able to offer similarly dedicated and expert advice to LPAs on planning applications that may affect historic designed landscapes. Crucially, no specialist input at all will be sought in relation to proposals affecting Grade II registered parks and gardens (Historic England has neither the remit nor the capacity to pick up these consultations), and this is a significant concern. Just under two-thirds of the 1,720 parks and gardens on the Register are Grade II (1,113, or 64.7%). As is the case for Grade I and II* registered sites, Grade II registered parks and gardens are of special historic interest; the specific definition of Grade II is ‘special interest, warranting every effort to preserve them’. Without access to the necessary expertise (something recognised as necessary within national planning policy for the historic environment), this ‘preservation’ (in practice, ‘conservation’, i.e., the ‘process of maintaining and managing change to a heritage asset’) will not be possible.

21. It is assumed that the objectives underpinning the current streamlining proposal are speed, reduced administration, and delivery, and these are addressed in turn below:

- With regard to speed, there will still be one other statutory consultee (Historic England) for proposals affecting Grade I or II* registered sites, plus a number of other bodies and individuals given 21 days to respond to consultation on planning applications (including local communities): the 21-day period allowed for Gardens Trust consultation will not be saved. Only a very small proportion of Gardens Trust responses exceed the 21-day period, and these by a short time: there is no evidence that this is holding up decision-making, and, indeed, the [Planning Practice Guidance](#) confirms that local planning authorities are well able to proceed without statutory consultee input should it be delayed.
- With regard to reduced administration, removing the Gardens Trust as a statutory consultee would reduce the number of organisations and individuals consulted, and potentially the number of responses received, but any administrative gain would be imperceptible given the remaining obligations to consult or notify. It would also be significantly outweighed by the extra work

required within the LPA to obtain the necessary expertise to understand the proposals and their impact, in support of swift but robust decision-making: LPA access to conservation expertise is limited, and access to historic landscape expertise even more so (discussed further below). It would make virtually no difference to the administrative 'burden' if the proposed mitigation is implemented, namely requiring that the Gardens Trust is notified rather than consulted on relevant applications.

- With regard to delivery, a tiny proportion of the Gardens Trust's responses are objections – and these are made for good reasons, namely non-compliance with Government policy. As outlined above, these objections are not binding, however, so may be legitimately set aside by the decision-maker if wider policy and material considerations justify the development proceeding. Heritage generally is not an obstacle to delivery: research published by [Historic England](#) in 2018 demonstrated that 26% of planning applications had a heritage dimension (i.e., a heritage asset – including registered parks and gardens – was directly under consideration), and that 91% of such applications were granted planning permission.
22. Excising any part of 'the specialised advice necessary for informed decision-making' (and without supporting evidence) runs counter to the principles underpinning the English planning system, and its effective, efficient and transparent implementation, and can only result in failure to comply with current planning policy and legislation, harm to historic parks and gardens, a failure to deliver the purpose of the planning system (i.e. to contribute to the achievement of sustainable development), poor development on the ground, and a loss of confidence in the planning system which will itself generate greater concern about other development proposals and create real – rather than illusory – obstacles to their delivery.
23. If streamlining is thought to be necessary, there are a number of areas where action could be taken to achieve meaningful change, largely through ensuring that the existing system is utilised consistently and fully:
- Retain the Gardens Trust as a statutory consultee and further promote the provision in paragraph 41 of the National Planning Policy Framework (NPPF) to 'encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications'.
 - Given that 'the right information is crucial to good decision-making' and that 'to avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible' (NPPF paragraph 44), Policy HE6.3 (*Planning Policy Statement 5*, 2010) should be reinstated: this required that 'local planning authorities should not validate applications where the extent of the impact of the proposal on the significance of any heritage assets affected cannot adequately be understood from the application and supporting documents'. This would incentivise applicants to submit the necessary material, and in a timely manner, thereby saving themselves, the LPA and the Gardens Trust and other statutory consultees valuable time and expediting development.
 - Applicants are currently required to 'describe the significance of any heritage assets affected, including any contribution made by their setting' (NPPF paragraph 207), whilst LPAs are required to assess both the significance of affected heritage assets and the impact of a proposal upon that significance. Requiring the applicant to assess both significance and impact would frontload the process and reduce some of the burden on LPAs (and, indeed, the Gardens Trust).
 - Clarifying the nature of the consultation requirement would result in less confusion and delay (as indeed is proposed in relation to Historic England: the Gardens Trust would welcome similar efforts to 'support improved referrals'): contrary to the suggestion in the Ministerial foreword to the consultation, the problem faced by the Gardens Trust is less that local planning authorities 'make blanket referrals', and more that the Gardens Trust does not receive consultations on all the

applications it should (research undertaken in 2012 demonstrated that 34% of LPAs were not consulting in accordance with the requirements, and it remains all too common an issue today). This is because ‘development likely to affect’ (which it should be noted is a phrase also used for other statutory consultation requirements) is not fully understood: this results in advice not being made available when it is needed, and often delay when a consultation has to be issued late by the LPA once the error has been discovered (the Gardens Trust does what it can to offset any such delay by providing an expedited response).

- To further support an understanding of parks and gardens’ status, and the provisions that relate to them, it is important that references to registered parks and gardens being a ‘non-statutory’ designation are corrected (e.g. on www.magic.gov.uk, where they are erroneously described as ‘historic non-statutory’): registered parks and gardens are statutory designations, made under section 8C in the [Historic Buildings and Ancient Monuments Act 1953](#) (as inserted by section 33(3) and paragraph 10 of Schedule 4 of the [National Heritage Act 1983](#)).

24. It is important to note that the Gardens Trust already takes steps to improve efficiency:

- It provides training to County Gardens Trust volunteers, to enable them to support the Gardens Trust’s consideration of planning applications: this increases both the quality of responses, due to the access to local knowledge, and the Gardens Trust’s overall capacity.
- The Gardens Trust works with the National Amenity Societies through membership of the Joint Committee of National Amenity Societies (JCNAS). JCNAS has already streamlined the process for LPAs to consult on heritage assets: since 2024, LPAs send details of relevant planning applications to JCNAS, which logs it on a central database shared with the Gardens Trust and the National Amenity Societies.

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

SUMMARY: the Gardens Trust’s work as a statutory consultee is already ‘pro-growth and pro-infrastructure’. The Gardens Trust believes that ‘an effective and efficient system of statutory consultation’ is best achieved by supporting the successful operation of the existing system rather than removing statutory consultees from it. The measures proposed to offset the loss of statutory consultees are not sufficient.

25. In the section ‘Ensuring the statutory consultation system supports economic growth’, there appears to be a fundamental misunderstanding of the purpose and operation of the planning system, and the work done by the Gardens Trust as a statutory consultee. The Gardens Trust’s work is already ‘pro-growth and pro-infrastructure’ – objections are only made necessary when a proposal is promoting poor development, itself not supporting the sustainable development at the heart of the Government’s own legislation and policy. Development that meets identified needs whilst respecting context delivers economic, social and environmental benefits, whilst development for development’s sake is actively harmful to these interests, and not ‘growth’.
26. The Gardens Trust supports ‘an effective and efficient system of statutory consultation’, but believes that is best achieved by supporting the successful operation of the existing system rather than removing statutory consultees from it, particularly where the issues considered by those statutory consultees are not adequately addressed under the alternative proposals being consulted upon.
27. The first of the principles the consultation document sets out is ‘reducing the amount of statutory consultation and follow up requests that are required’, and this makes reference to ‘increased clarity to support better applications from developers’: this would certainly improve the operation of the planning system and the delivery of development, but there are no proposals in support of it within the

consultation. If the Government is serious about promoting growth, addressing the performance of all the stakeholders in the planning system will be essential.

28. The sixth principle guiding the consultation proposals is ‘reviewing key policy and guidance’, with reference to ‘providing further guidance in relation to areas where we are proposing to remove statutory consultees’:

- Training and the production of published advice can certainly help to increase knowledge in LPA teams (and the Gardens Trust’s events and activities are already open to local planning authority officers, should they wish to attend), but not to the degree needed to offset the loss of Gardens Trust input – even assuming that the Gardens Trust had the capacity to deliver this training and advice once no longer a statutory consultee, or that other suitable providers existed. It should be noted that the background to statutory consultee status being awarded in the first place was recognition of the need for expert input. Access to any conservation expertise within LPAs is much reduced since the statutory consultee status came into force in 1995, and access to the requisite expertise in historic designed landscapes is vanishingly rare: training and guidance cannot replace Gardens Trust input.
- This issue is also pertinent in respect of the ninth principle, relating to ‘empowering local planning authorities as decision makers’. This recognises that to achieve ‘confident and effective local planning authority decision-making’, LPAs ‘will need the resources and training to build up in-house expertise’: it is not at all clear from the consultation proposals – or available evidence on conservation capacity – how this will be achieved. The Gardens Trust would welcome discussions regarding how it could support such capacity-building, but remains very concerned that the skills required countrywide will not be in place to offset the loss of the current statutory consultee input.

29. Issues raised by the other principles are addressed in detail elsewhere in this response.

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

- **Support**
- **Oppose**
- **Neutral**

30. The Gardens Trust strongly OPPOSES the proposal to remove it as a statutory consultee, for the reasons discussed under Q7.

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?

31. Yes: these are addressed in turn below.

Removal of the Gardens Trust as a Statutory Consultee

SUMMARY: removing the Gardens Trust as a statutory consultee would not place registered parks and gardens on the same footing as listed buildings, given the significant differences in protections and access to expertise that exist. It would have a very harmful effect on registered parks and gardens, particularly in relation to those registered at Grade II (around two-thirds of the total), for which there would be no consultation at all. It would also result in poor quality development and missed opportunities to make the most of the nation’s readymade green infrastructure, and – if LPAs were forced to seek alternative access to park and garden expertise – create unnecessarily high costs for the public sector (the Gardens Trust provides extraordinary value for money in the provision of its service).

32. It is not accurate to state, as the consultation document does, that ‘fully removing The Gardens Trust as a statutory consultee would place registered parks and gardens on the same footing as listed buildings, in relation to the planning consent regime’. As outlined above, the significance of registered parks and gardens, and how to conserve them, is not widely understood, and they are poorly protected compared to other designated heritage assets. The statutory consultation requirement is an important provision within the protections they do have, for which the case was made and accepted thirty years ago. Removing that now – and without a compelling justification – is directly damaging, by reducing specialist input to the consideration of planning proposals (discussed further below), and indirectly damaging, by signalling that parks and gardens – uniquely – are being ‘downgraded’ as heritage assets. There is a related risk that this action would also incorrectly and unhelpfully signal that heritage generally is an obstacle and not in fact a key contributor to high quality new development, growth, community cohesion, health, tackling the impacts of climate change, and supporting the economy (some of the evidence in support of which is available [here](#) and [here](#)).
33. As touched on above, whilst proposals relating to Grade I and II* registered parks and gardens will still be the subject of a statutory consultation, via Historic England, historic parks and gardens are not their sole focus, and their access to specialist expertise is itself now quite limited. The Gardens Trust does not duplicate the work of Historic England with regard to Grade I and II* designed landscapes.
34. If the Gardens Trust is removed as a statutory consultee, there is no other body able to offer similarly dedicated and expert advice to LPAs on planning applications that may affect historic designed landscapes. Crucially, without the implementation of the proposed notification-related mitigation, no specialist input at all will be sought in relation to proposals affecting Grade II registered parks and gardens, and this is a significant concern, not least as just under two-thirds of the 1,720 parks and gardens on the Register are Grade II (1,113, or 64.7%), and three-quarters of registered public parks are Grade II. All grades of registered park and garden are of special historic interest; the specific definition of Grade II is ‘special interest, warranting every effort to preserve them’. Without access to the necessary expertise (something recognised as necessary within national planning policy for the historic environment), this ‘preservation’ (in practice, ‘conservation’, i.e., the ‘process of maintaining and managing change to a heritage asset’) will not be possible:
- LPA historic environment capacity generally is limited:
 - Between 2006 and 2018, the number of conservation specialists providing advice to local authorities in England fell by 35% (to 533.4 FTEs), as reported [here](#); more recent figures are reported [here](#).
 - A [recent report](#) on recruitment and skills in public sector place-making identified that ‘recruitment is in decline despite ongoing skill shortages’, resulting in a mismatch between supply and demand in planning departments which ‘risks entrenching existing gaps and undermining the sector’s ability to respond and react to ongoing challenges’. Over half of existing teams (54%) ‘report lacking capacity to deliver beyond statutory duties’, with ‘nearly 12% of roles... vacant in England’, and ‘public sector planning jobs continue to be less appealing’: the profession is described as being ‘at risk of losing both experienced professionals and its appeal to newcomers, further conflating the resourcing and capacity gaps’. Shortages are even more pronounced in relation to landscape architecture than in heritage: LPAs do not have the expertise to handle historic park and garden casework without guaranteed specialist input.
 - A 2012 survey (available on request) demonstrated that the limited LPA conservation specialist capacity is generally directed to listed building casework; park and garden-related applications were generally considered by more generalist Planning Officers.
 - Even where LPA conservation specialists may have time to deal with park and garden casework, they tend not to have the relevant expertise: there are no dedicated historic park and garden

posts, and there has also been a reduction in landscape architect posts (many LPAs no longer having any such posts), meaning that LPA teams do not have the resource or in-house expertise to lead on historic designed landscape conservation.

- The Garden History Society (the Gardens Trust's predecessor) did manage to engage in some planning casework before the introduction of statutory consultee status in 1995, but this was ad hoc in terms of the cases it was made aware of, what it *could* respond to, and what it then *chose* to respond to in light of both capacity and organisational priorities. The result was that planners, owners and developers had no systematic or reliable way of obtaining bespoke expert advice on the impact of change on historic landscapes, a state of affairs which led to the recognition of the need for a specialist statutory consultee.
- The consultation document states that the government 'recognises the importance of enabling [the Gardens Trust and others] to comment on the planning applications which have the greatest impact on their policy priorities', but apparently only within an unresourced and ad hoc environment, as existed before 1995. Relying on the 'public consultation requirements in relation to planning applications', and the fact that 'even if statutory consultee status were removed, any individual or organisation would be able to respond as part of the public consultation' will not ensure the provision of the requisite expertise.
- The consultation document further suggests that LPAs 'will retain the discretion to consult the Gardens Trust where they consider that this would support them to meet their responsibilities under the NPPF': given that LPAs do not consult adequately under the current statutory consultation requirement, there can be very little expectation that voluntary consultation will take place as needed.
- As the consultation goes on to state, 'where the local planning authority does not consider this is necessary, The Gardens Trust will retain the ability to respond to public consultation', but this would of course 'be reliant on its awareness of the development proposal', for which no mechanism is proposed. There would be significant resource implications for the Gardens Trust if all LPA websites or weekly lists needed assessing to identify potentially relevant applications. This approach would also be dependent on the LPA understanding the Gardens Trust's former role and expertise to give any resulting advice the weight it deserved.
- If LPAs have to make planning decisions in a vacuum of information about the impact on parks and gardens, the result is likely to be poor quality development and missed opportunities to make the most of the nation's readymade green infrastructure, as well as avoidable harm to what the NPPF correctly describes as 'irreplaceable' resources, which 'should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'. The loss of parks and gardens has an obvious impact on the wider environment and on communities (in relation to whom the value of parks and gardens is noted in the consultation), but, even where they are retained (in whole or in part), the loss of their significance is itself to be avoided: heritage contributes to a sense of place, supports cohesive communities, and is directly and explicitly appreciated by communities (for instance, research commissioned by the Gardens Trust in 2021 found that 75% of respondents agreed with the statement 'I'd be devastated if local historic sites/green spaces in my local area were built on').
- The consultation document refers to LPAs being 'empowered to make effective decisions in the absence of certain formal statutory consultation, within a framework of national and local policy and guidance, and of relevant engagement through local plans'. This overlooks the challenges LPAs already face in interpreting and applying policy and legislation. As noted in relation to Q1, training and the production of published guidance or advice can help to increase knowledge in LPA teams, but not to the degree needed to offset the loss of Gardens Trust input – even assuming that the Gardens Trust had the capacity to deliver this training and advice once no longer a statutory

consultee, or that other suitable providers existed. The NPPF alone will not – as the consultation suggests – ensure ‘these interests are maintained in the planning system’, as the policy itself is not wholly understood by LPAs, and therefore not effectively applied (some of the research demonstrating this is available [here](#)); the expertise to apply that policy to historic parks and gardens is also missing in the vast majority of LPAs.

35. The importance of the Gardens Trust’s engagement in Grade II casework is underscored by Historic England’s approach to assessing Grade II sites for inclusion in the annual *Heritage at Risk Register* (which ‘identifies sites that are most at risk of being lost as a result of neglect, decay or inappropriate development’). The inherent vulnerability of historic parks and gardens means that all grades are eligible for inclusion in the *Heritage at Risk Register* – in contrast, only Grade I and II* listed buildings are eligible (plus Grade II listed buildings in London, and Grade II places of worship across England).
36. The consultation document suggests that ‘removing these statutory consultees would... reduce bureaucracy by removing around 3,000 statutory consultations per year from the planning system’. This is to overlook both the minute proportion of consultations relative to total planning applications per annum, and the role of consultation and the provision of expert advice as one of the entirely appropriate and proportionate checks and balances within the planning system, the removal of which raises wider issues for the effective and trusted operation of this system. Removal of these consultations is not the benefit it is suggested to be in the consultation, but is instead harmful to good planning.
37. As things currently stand, the Gardens Trust provides extraordinary value for money; if LPAs were required to properly consider park and garden-related applications without Gardens Trust input, the additional cost to the taxpayer would be significant. In 2024/25, the Gardens Trust received a grant of £43,963 from the Department for Culture, Media and Sport to deliver its statutory consultee role:
 - The total value of the volunteer contribution to this work has a value of £200,840.
 - The cost of a single local planning authority delivering the assessment the Gardens Trust currently provides (assuming that it had access to the necessary skills) is estimated at £10,958 per annum.
 - The cost of all local planning authorities having to deliver this service themselves – with the same assumption about access to the requisite expertise – is estimated at £3,692,846 per annum.
 - If consultants were needed to address an in-house shortage of expertise, the total annual cost increases to £7,885,800.
38. There are additional costs if the Gardens Trust’s input to other planning activity is also considered, including non-statutory casework (such as Nationally Significant Infrastructure Projects, pre-application engagement, and commentary on unregistered sites), planning policy input (including to local plans and national planning policy), and research and recording for the planning system (e.g. Historic Environment Records, the Register itself, and local heritage lists). All these figures are set out in the table below, and further information regarding the underlying assumptions and calculations is available on request.

ACTIVITY	EXISTING GT AND CGT VOLUNTEER TIME CONTRIBUTION, ANNUALLY, IN HOURS	TOTAL VALUE OF VOLUNTEER CONTRIBUTION ANNUALLY	PROJECTED LPA RESOURCE REQUIREMENT IF NEEDED TO FULFIL THE GT SERVICE ITSELF, PER LPA ANNUALLY	PROJECTED LPA RESOURCE REQUIREMENT IF NEEDED TO FULFIL THE GT SERVICE ITSELF, FOR ALL LPAS ANNUALLY
STATUTORY CONSLTEE CASEWORK	8,395	£200,840	£10,958	£3,692,846
NON-STATUTORY CASEWORK	2,918	£60,580	£10,958	£3,692,846
PLANNING POLICY	336	£6,720	£5,979	£2,014,923
RESEARCH AND RECORDING FOR THE PLANNING SYSTEM	10,400	£208,000	£15,937	£5,370,769
	22,043	£469,420	£43,832	£14,771,384
RUNNING THE VOLUNTEER ORGANISATIONS SO THEY CAN HELP THE PLANNING SYSTEM	7005.50	£140,110		

Notification Instead of Consultation

SUMMARY: there is insufficient information in the consultation document to properly assess the proposal for notification instead of consultation, but it should be noted that the Government's decision to make the then Garden History Society (now the Gardens Trust) a statutory consultee was made after careful consideration about the need for specialist advice, and it has been successfully and uncontroversially in place ever since. Statutory consultation requires a response, and this is an important part of highlighting the importance of registered parks and gardens. Notification might work in relation to listed buildings, but it is not suitable for the much less protected registered parks and gardens.

39. The consultation document proposes to 'introduce a notification requirement that parallels the amenity society role in relation to listed building consents':

- It is not apparent from the consultation whether or not the proposed transformation of the statutory consultation requirement to notification would be accompanied by the same level of funding in support of the Gardens Trust's work (as the National Amenity Societies currently receive): this is a crucial point in assessing the likely impacts of the proposal.
- It is also not clear whether or not the Gardens Trust would become a National Amenity Society for which provision is made in statute (preferred), or merely acquire some sort of parallel status (not supported, primarily because of the extra complexity this would present to LPAs, and the impact

that that would have on successful notifications). Elsewhere, the consultation document refers to the Gardens Trust (and other statutory consultees proposed for removal) serving ‘valuable functions outside of their statutory consultee role’. Whilst this recognition is welcome, the impact on the organisation of the removal of the statutory consultee status and funding (if not offset by notification-related funding, as received by the National Amenity Societies) will be significant. Currently our statutory consultee funding is matched by income from membership, trusts and foundations, sponsorship, and donations. All of these limited income streams would be severely impacted by no longer being able to present ourselves as being a valued and important organisation delivering an essential role as a statutory consultee: there would be a significant impact on the organisation’s ability to deliver these ‘valuable functions’, compounding the impact on historic parks and gardens.

40. The Government’s decision to make the then Garden History Society (now the Gardens Trust) a statutory consultee was made after careful consideration about the need for specialist advice. Shortly after the introduction of the Register in 1984, the Gardens Trust’s predecessor organisation made a case for statutory consultation to the then Environment Committee in 1986, and to the National Heritage Committee in 1994. The latter made a recommendation to that effect, and the provision was formally introduced in 1995. It has been successfully and uncontroversially in place ever since. Reclassifying the Gardens Trust as a body to be notified rather than consulted would send many of the same signals as outlined above in relation to total removal of the requirement for LPAs to engage with the Gardens Trust, notably that parks and gardens are being ‘downgraded’ as heritage assets.
41. Whilst it might be argued that being notified rather than consulted would relieve the Gardens Trust of the burden of having to respond, this is not something that the Gardens Trust seeks. The requirement for a response is an important part of highlighting the importance of these lesser-known and -appreciated assets.
42. It might also be argued that notification is already the approach adopted in relation to listed buildings, through the requirement to notify the National Amenity Societies. The circumstances are different, however, and it is not the case that this arrangement would be appropriate for historic parks and gardens. For one thing, there is a degree of overlap between the six National Amenity Societies with regard to the cases they are notified of and have an interest in: whilst one or several of the National Amenity Societies may have an interest in specific listed building proposals, the Gardens Trust is the only body to which proposals are referred regarding Grade II registered parks and gardens.
43. There are also marked differences between the provisions in respect of registered parks and gardens and those for listed buildings, and it is incorrect to state, as the consultation document does, that the proposed approach ‘would parallel the listed building regime’. Listed buildings are subject to:
 - Greater protection, including:
 - Statutory duties for local planning authorities to have special regard to the desirability of preserving the listed building or its setting in the consideration of applications for both listed building consent and planning permission
 - A dedicated consent regime: listed building consent is required for works which would affect the character of a listed building
 - Identification of failure to obtain listed building consent where needed as a criminal offence.
 - Greater understanding by LPA conservation staff
 - Greater resource allocation: as noted above, LPAs’ limited conservation specialist capacity is generally directed to listed building casework.

The net result is that listed buildings are much less vulnerable.

44. The current statutory consultee requirement for registered parks and gardens is a key provision in terms of offsetting the inequality in the protections offered (given that the parity between these heritage assets is otherwise apparent in the fact that both are designated on the basis of ‘special interest’, and have the same protections under national planning policy). The disparity in the protection of these designated heritage assets – both of which are statutory designations, and of ‘special interest’ – could be addressed in part by the commencement of s. 102 of the *Levelling-up and Regeneration Act 2023*, which would introduce a statutory duty to have special regard to the desirability of preserving or enhancing registered parks or gardens or their setting. This is noted as a possibility in the consultation document (where it is described as being ‘under consideration’, with a decision to be made on whether to commence it to be made ‘in due course’), and is strongly sought by the Gardens Trust.
45. As already mentioned, LPAs already fail to consult the Gardens Trust on all relevant applications; the reduced degree of compulsion associated with notification is likely to worsen this situation, particularly in an environment where LPAs are increasingly pressed for resources, and historic park and garden casework is overseen by a Planning Officer rather than someone with the requisite heritage expertise.

Notification Without Consideration of Proposals Outside the Registered Area

SUMMARY: the removal of the requirement to refer proposals in the setting of registered parks or gardens to the Gardens Trust will have a disproportionately harmful impact, given that around 42% of Gardens Trust consultations relate to proposals wholly within the setting of a registered park and garden. The justification for this proposal is unclear, given that consultation on proposals in an asset’s setting is being retained elsewhere, including for the registered parks and gardens on which Historic England is consulted, and registered battlefields (which are designated under the same provisions as registered parks and gardens). Setting is a deeply embedded concept in relation to heritage generally, and landscape heritage specifically.

46. The consultation document proposes that the Gardens Trust will not be ‘formally notified of applications outside the boundary of the park or garden that impact the wider setting’, and this will have a disproportionately harmful impact on registered parks and gardens, given that around 42% of Gardens Trust consultations relate to proposals wholly within the setting of a registered park and garden.
47. The requirement for the Gardens Trust to be consulted on proposals that ‘affect’ a registered park or garden brings development within and potentially outside the defined boundary of the designated landscape into scope – effectively including a site’s setting. It should be noted that this same requirement is a common one in wider statutory consultee requirements, featuring in relation to National Parks, scheduled monuments, SSSIs and more. Under the current proposals, it will also be retained in relation to Grade I and II* registered parks and gardens, as well as battlefields (the latter being the subject of the same Historic England statutory consultee requirement).
48. Setting has long been understood to be closely associated with a designed landscape’s special interest. *Planning Policy Guidance note 15* (1994) noted that ‘the effect of proposed development on a registered park or garden or its setting is a material consideration in the determination of a planning application’, and *Historic England’s Register Guidance Manual 2001* confirmed that registration boundaries are carefully defined, and setting considered in the description of the special historic interest. Whilst ‘land that is not part of the historic garden, parkland, or designed ornamental landscape, is not included within the site boundary maps’:

‘When a site is registered, however, it is intended that important areas beyond the site boundary which form the setting to the site, should also be conserved and, as necessary, protected from unsuitable developments.

The importance of the site’s setting is acknowledged by:

- *reference to the land and the views out of the site in the site descriptions;*
- *a note on the standard cards used for carrying the site boundary maps stating that it is desirable for the influence of the surroundings of the site to be recognised’.*

49. For heritage assets such as registered parks and gardens, setting is defined in the NPPF as ‘the surroundings in which a heritage asset is experienced’. The NPPF further notes that ‘its extent is not fixed and may change as the asset and its surroundings evolve’, and that ‘elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’.
50. In a heritage context, setting is closely entwined with the principal assets and their understanding:
- As above, it is part of the significance of heritage assets – the protection of which underpins national planning policy for heritage assets. Specifically, ‘significance derives not only from a heritage asset’s physical presence, but also from its setting’.
 - It is also recognised in legislation, notably in relation to listed building consent, where [section 16](#) of the 1990 Act states that ‘in considering whether to grant listed building consent for any works the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’. [Section 102](#) of the *Levelling-up and Regeneration Act 2023* reinforced this link between heritage assets and their setting: ‘in considering whether to grant planning permission... for the development of land in England which affects a relevant asset or its setting, the local planning authority... must have special regard to the desirability of preserving or enhancing the asset or its setting’ (further stating that ‘preserving or enhancing a relevant asset or its setting includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset’).
 - The *Planning Practice Guidance* confirms that ‘all heritage assets have a setting’, and that, whilst ‘the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations’, setting is not solely defined by the visual: ‘the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places’.
51. There are further references to setting within planning policy – notably in relation to conservation areas and World Heritage Sites (where, amongst other things, LPAs are required to treat favourably proposals which preserve those elements of the setting that make a positive contribution to the asset or which better reveal its significance). Proposing to remove the requirement to consult on applications within the setting of a registered park and garden therefore suggests a fundamental misunderstanding of the importance of setting to all heritage assets, its consideration within the planning system, and the volume of setting-related casework. As noted above, around 42% of Gardens Trust consultations relate to proposals wholly within the setting of a registered park and garden, and these are often significant cases with regard to the impact on these sites (e.g. the Barnwell case, which centred on the harm caused by a wind farm proposal to the setting of heritage assets, including the Grade I park and garden at Lyveden New Bield, Northamptonshire).
52. Removing a requirement to consult or notify on these proposals would cause significant harm and fundamentally undermine the protections for registered parks and gardens – whilst also providing a further signal that these assets are now not valued in the same way as other designated heritage assets (including battlefields, which are designated under the same legislation as registered parks and gardens, and subject to the same Historic England statutory consultation requirement).
53. The impact of this change would be further compounded by the fact that setting is already a less well understood concept in planning practice, with some LPAs only focusing on the visual dimension, and a previously understood extent (when of course ‘extent is not fixed and may change’). As such, whilst registered parks and gardens ‘will remain subject to the strong heritage policies protecting these assets in the NPPF’, as asserted in the consultation document, NPPF policy alone will not offset the loss of

Gardens Trust expertise: understanding and application of this element of policy (and the related statutory consultation requirement) is particularly poor.

54. As research has demonstrated, the wider understanding of significance-based policy by LPAs is also limited, particularly in relation to historic parks and gardens, and the policy has also been misrepresented in the consultation document: paragraph 214 of the NPPF does require LPAs to refuse proposed developments which would lead to substantial harm, but this is caveated by the statement 'unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following [tests] apply'. In addition, substantial harm is described in the Planning Practice Guidance as 'a high test [which] may not arise in many cases'; much more common is a finding of harm at the upper end of less than substantial harm, where the policy test is merely that the harm 'should be weighed against the public benefits of the proposal'.
55. Parks and gardens are often – erroneously – regarded as merely the setting to other heritage assets. In addition to having their own significance and special interest they can and do also function as setting to other assets, but this would not ensure their protection in the absence of a Gardens Trust consultation/notification requirement. JCNAS colleagues advise that they are not generally notified on setting-related issues in relation to listed buildings, and that their focus is on the listed building itself and not its setting: the National Amenity Societies do not provide an alternative to the Gardens Trust's consideration of park and garden-related proposals. Removing the consideration of park and garden setting from the Gardens Trust's responsibilities would however increase the risk that impacts on the setting of other heritage assets would be overlooked.

Engagement in Plan-Making

SUMMARY: the Gardens Trust seeks inclusion – as is proposed for other statutory consultees facing removal – in provisions to enable involvement in development plan preparation.

56. The consultation document makes repeated reference to the importance of the development plan, notably in relation to 'supporting statutory consultees to engage where their input is most impactful', and empowering LPAs 'to make effective decisions in the absence of certain formal statutory consultation, within a framework of... relevant engagement through local plans'. In principle, 'more effective engagement with statutory consultees at an earlier stage' is of course to be welcomed.
57. It is suggested that some statutory consultees – including Sport England – could be formally classified as 'prescribed bodies in relation to notification about local plans', and be retained as a 'specific plan-making consultation body for the new plan-making system provided by the LURA'. Appropriate development plan policies increase certainty for developers and communities, and reduce the time needed subsequently to obtain planning permission. Extending this approach to the Gardens Trust – as part of the proposed review – would serve to promote efficiency and delivery and would be strongly supported (alongside the retention of statutory consultee status, and with adequate funding). Such a provision would further reduce the number of applications proposing inappropriate development.

Guidance

SUMMARY: the Gardens Trust seeks a commitment from government to review the relevant guidance and advice (as is proposed for the policy areas of other statutory consultees facing removal), and offers its assistance in its preparation.

58. Given the emphasis throughout the consultation document on empowering LPAs 'to make effective decisions in the absence of certain formal statutory consultation, within a framework of national and local policy and guidance' – and notwithstanding the concerns highlighted above – the Gardens Trust would welcome confirmation of the need for new and extended guidance on historic park and garden matters, to support LPAs' consideration of planning applications.

59. It is a matter of some concern that there is no reference to government working with Historic England to review and revise guidance and advice to support the successful delivery of the proposed referral changes – as is proposed in relation to other policy areas with less dramatic changes.
60. As is proposed in relation to Sport England and the Theatres Trust, we believe the Gardens Trust has a role in developing such material, alongside the retention of statutory consultee status, and with adequate funding. Such a provision would further reduce the number of applications proposing inappropriate development.

Alternative Model

SUMMARY: the similarities between the Gardens Trust (proposed for removal as a statutory consultee) and Active Travel England (not proposed for removal) are pronounced. The Gardens Trust seeks an explanation for this, as well as a discussion to explore the adoption of a similar approach to that proposed for Active Travel England, with particular reference to the possible redefinition of the criteria for statutory consultation, and measures to enable the Gardens Trust to engage in plan-making.

61. As a statutory consultee, the Gardens Trust appears to have much in common with Active Travel England (ATE), which:
- Received 1,602 referrals in 2024/2025
 - Is consulted on largely housing-related proposals
 - Provides advice that ‘supports the development of safe and effective active travel’: health-related benefits are also at the heart of historic parks and gardens’ offer. The government ‘recognises the importance of this’ – as it does parks and gardens, having listed ‘safeguarding heritage’ as a government priority – and ‘supports the effective engagement of ATE with development.
62. Accordingly, the Gardens Trust would like to suggest an alternative approach to that outlined in the consultation document, namely a discussion to explore the redefinition of the criteria for statutory consultation, and – as above – enabling the Gardens Trust to engage earlier in the planning process, in plan-making. Given the similarities between the two organisations, the Gardens Trust would also welcome an explanation as to why they were not treated in the same way, particularly as there is still no evidence to support the inclusion of the Gardens Trust in the list of statutory consultees proposed for removal.

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

SUMMARY: an inconsistent approach has been adopted to the review of statutory consultees, which fails to meet the government’s own objectives.

63. The text to which Q10 relates underscores the inconsistency of approach taken in selecting the statutory consultees for removal. It states that ‘we have focused on those that do not have a critical safety impact, and which deliver on relatively narrow policy aims that can be supported through planning policy and guidance’. Certainly proposals for development in or otherwise affecting registered parks and gardens do not tend to raise critical safety issues, but they are not alone in relating to ‘relatively narrow policy aims that can be supported through planning policy and guidance’ – Historic England’s statutory consultee responsibilities also reflect this, but in relation to designated heritage assets which – other than registered battlefields – also have the benefit of statutory consent regimes.
64. The text immediately following Q10 is also relevant, stating that ‘the government has worked with 7 key national statutory consultees in terms of government priorities like... safeguarding heritage’: the proposed loss of Gardens Trust statutory consultee input, with an absolute loss of any expert input on proposals in the setting of Grade II registered parks and gardens, runs wholly counter to this priority,

and indeed the subsequent claim that ‘we are aware of the need to balance the opportunities for reform and reduction in regulatory burden, with the need to ensure that local planning authorities are supported to make informed decisions about critical issues’.

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

SUMMARY: performance review is welcomed, but the lack of evidence presented in support of the current proposals raises concerns about a similar lack of rigour in the approach to be developed. LPA and developer perspectives are needed, and assessment of statutory consultee, LPA and developer performance within the planning process.

65. Evidence of performance would be welcomed. The lack of evidence presented in support of the current proposals (and to demonstrate that all statutory consultees have been considered in the current assessment) raises concerns, however, that there could be a similar lack of rigour in the approach developed. Whilst the consultation document makes reference to incorporating developer and local authority perspectives when assessing performance, a subsequent reference to instead ‘seeking systematic feedback from industry bodies on common issues, and use of case studies to highlight particular concerns’ suggests a rather less robust and meaningful approach may be adopted.
66. Any evaluation of consultee performance should include:
- Both LPA and developer perspectives
 - Quantitative and qualitative data
 - Case studies as representative illustrations
 - A right to reply
 - Assessment of the degree to which the developer’s submission complied with requirements in relation to the information needed, timing, and so on.

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

SUMMARY: increased funding for LPAs, and an increase in-house expertise, are supported; the Gardens Trust offers its assistance in the latter.

67. The recognition of the need for appropriate funding for LPAs is welcomed, with particular reference to having the necessary expertise to refer the correct applications for consultation (and by extension notification), understand the advice received, and be able to make appropriate decisions.
68. The acknowledgement that, for some LPAs, ‘it may be necessary to develop more in-house expertise’ is also welcomed: this is already the case in relation to the historic environment, and will be more acutely needed (by more LPAs) if the proposed removal of the Gardens Trust as a statutory consultee goes ahead.
69. Whether a statutory consultee or not, the Gardens Trust would welcome discussions as to how it might help to develop the training and support for LPAs referred to in the consultation document.

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

SUMMARY: the proposed criteria for the identification of new statutory consultees should be applied to the proposals for the removal of existing statutory consultees. The Gardens Trust would welcome further, evidence-based discussions regarding its compliance with the proposed criteria.

70. The proposed criteria for the identification of new statutory consultees are supported, but should also be applied to the proposals for the removal of existing statutory consultees, before a decision is taken. Just as new statutory consultees should not be 'added in an ad hoc and unsystematic way', so they should not be removed this way, as the lack of evidence cited in support of the proposed removal of the Gardens Trust suggests is currently the case.
71. The Gardens Trust would welcome further, evidence-based discussions regarding its compliance with the proposed criteria, which we clearly satisfy.

Conclusion

72. In conclusion, the Gardens Trust is very concerned at the impact on registered parks and gardens that the current proposals will have (particularly but not exclusively in relation to Grade II sites), and the related impacts on communities and on wider objectives such as health and the delivery of high-quality new development. Returning to the Minister's foreword, the proposed changes will not 'facilitate the kind of confident and timely decision making we want to see as standard', not least as the Gardens Trust's expertise is 'essential' and is not 'provided through other means'. The proposed mitigations do not adequately offset the anticipated harm of the current proposals to historic parks and gardens, and the Gardens Trust therefore seeks the retention of its statutory consultee status – including the provision that enables setting to be properly taken into account – so that it can continue to provide specialist and timely advice in support of the conservation of these valuable but vulnerable heritage assets, and the associated delivery of appropriate development.

*John Watkins
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APPENDIX I: SUPPORT FOR THE RETENTION OF THE GARDENS TRUST AS A STATUTORY CONSULTEE

The Gardens Trust has received a significant number of letters of support from other organisations who value our work protecting parks and gardens. Some are listed below, with representative extracts cited, and a link provided to the full letter in each case:

[National Trust](#) – “...we also regard it as imperative that there is ongoing, and improved, support for The Gardens Trust to continue to provide the research, advice and professional development that the sector relies on to support the conservation, management and active engagement of others with the UK’s historic gardens, known and loved around world.”

[Landscape Institute](#) – “It is vital that these assets are protected and the Garden Trust’s statutory consultee role is an important part of keeping them alive for the benefit of everyone.”

[CPRE](#) – “The Gardens Trust provides a crucial source of expertise and helps local planning authorities maintain the integrity of RPGs in the face of often poorly considered proposals for development.”

[Horticultural Trades Association](#) – “By ensuring The Gardens Trust remains a statutory consultee, the government would be taking one step in recognising that green infrastructure is critical to the UK.”

[Royal Horticultural Society \(RHS\)](#) – “This decision risks diminishing the protection of some of the country’s most valued landscapes at a time when the importance of green spaces for wellbeing, biodiversity and climate resilience has never been clearer.”

[World Heritage UK](#) – “As a consultee The Gardens Trust has continued to provide a vital and balanced service to Government and Local Authorities in evaluating comprehensively planning applications which affect parks and gardens on the national Register of Parks and Gardens of Special Historic Interest.”

[Joint Committee of the National Amenity Societies](#) – “Change to [historic parks and gardens] will sometimes be necessary and on these occasions we believe it essential that the helpful, constructive and timely advice of the Gardens Trust should continue to be obtained.”

[Parks Management Association](#) – “One of the most important organisations within this sector is The Gardens Trust... Their work is always constructive, pragmatic and timely and cost efficient and incredibly important.”

[Historic Houses](#) – “Removing the Gardens Trust as a statutory consultee is not going to achieve the economic growth government is looking for, but it might just do irreparable damage to much-loved, world-famous historic gardens and landscapes.”

[Institute of Historic Building Conservation \(IHBC\)](#) – “Removing [the Gardens Trust] from the list of statutory consultees will do nothing to ‘promote growth and unblock building’ but it is likely to accelerate the loss of or harm to irreplaceable heritage assets.”

County Gardens Trusts – “Statutory consultee status for the Gardens Trust is, by some way, a net benefit to the public now and in the future, to developers and to planners. Working together as statutory consultees, the Gardens Trust and the County Gardens Trusts save money in the planning process, and help to produce better, longer lasting outcomes for everyone.”

Heritage Alliance – “Expert advice is an asset to the planning system, whilst poor applications and a lack of expert advice often cause slow or poor decision-making.

Council for British Archaeology – “A statutory consultee that advises on managing change to highly valued green spaces, supporting capacity constraints of planning authorities across the country should be recognised as a valuable component of a well-tuned planning system.”

Historic Buildings & Places – “The Gardens Trust provides invaluable expertise that support the conservation of heritage landscapes and historic cultural venues and their work enhances our towns and cities, helping to create thriving, vibrant communities that benefit people across the country.”

National Federation of Parks and Gardens – “We recognize the invaluable contribution made by the Trust consulting and then coordinating responses, and ensuring a vast range of community expertise and site user knowledge can help inform a robust planning process.”

The Arts Society – “We would regard the removal of Statutory Consultee status from the Gardens Trust as a short-sighted error of judgement and a loss to the planning process.”

Nottinghamshire County Council – “In our work as local planning authority conservation and planning officers we are aware of the statutory role the GT performs and welcome their expert advice regarding Registered Parks and Gardens that is provided to us through this system.”

The Parks Agency – “[The Gardens Trust] has performed a vital service in providing free expert advice and soundly researched information to planning authorities on historic parks and gardens in the planning system; all the more vital because there is rarely any in-house expertise on this topic of great heritage importance.”

Parks for London – “As an infrastructure organisation supporting those who own, manage, and maintain parks and green spaces across Greater London we know the critical role the Gardens Trust play in advising the planning system. Their informed specialist advice bridges gaps in the majority of planning authorities, in particular where there are shortages in staff capacity and expertise in this area.”

The Twentieth Century Society – “The Trust’s expert advice and guidance is vital in protecting the UK’s world-famous historic parks, gardens, and landscapes – with 20th century and 21st century examples increasingly in the spotlight.”