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Key points of the Gardens Trust response to the Government's consultation on 'Reforms to the statutory consultee system', launched 18th November 2025

V1, 27th November 2025

Government's consultation text: in relation to the Gardens Trust

Please note, the consultation is broader than the section relating specifically to the Gardens Trust, which is set out below, and the Gardens Trust's response also addresses additional sections.

The Gardens Trust is a statutory consultee in relation to development likely to affect any registered park or garden (i.e. Grade 1 [sic], Grade II, and Grade II). It has been a statutory consultee since 1995 and in 2024-25 received 1,849 consultations, making 1,289 responses. 96 of these were objections to the proposals (7.4%). The Gardens Trust assess that 90% of their responses were given within the 21 day deadline.*

We are considering removing The Gardens Trust as a national statutory consultee to streamline treatment of applications impacting registered parks and gardens.

Historic England is also a statutory consultee in relation to Grade 1 and Grade II parks and gardens, meaning there is a duplication in roles. The level of statutory consultation for registered parks and gardens exceeds what is in place for listed buildings. There are currently no statutory consultees for Grade II listed buildings, and only one statutory consultee (Historic England) for Grade 1 and Grade II* listed buildings.*

However, there is a parallel regime of notification requirements in relation to listed building consents, which requires that Historic England and national amenity societies such as the Victorian society should be notified about relevant listed building consents. For amenity societies, this is limited to proposals for demolition of a listed building, or alterations which require the demolition of any part of that building. There is no corresponding obligation on the amenity society to respond, as there is under full statutory consultation.

Mitigations

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. However, as registered parks and gardens are not subject to listed building consenting regime, there would be no corresponding amenity society role.

Therefore, in addition to removing The Gardens Trust as a statutory consultee, we propose to introduce a notification requirement that parallels the amenity society role in relation to listed building consents. To deliver this approach, which would parallel the listed building regime,

notification would be limited to planning applications for development within registered parks or gardens.

It is not proposed that The Gardens Trust be formally notified of applications outside the boundary of the park or garden that impact the wider setting. However, as registered parks and gardens are defined as designated heritage assets, they will remain subject to the strong heritage policies protecting these assets in the NPPF.

These policies require local planning authorities to carefully consider the impact of a development proposal on a designated heritage asset, including its setting, and if the development proposal would cause substantial harm, to refuse such applications. Local planning authorities will retain the discretion to consult The Gardens Trust where they consider that this would support them to meet their responsibilities under the NPPF.

Where the local planning authority does not consider this is necessary, The Gardens Trust will retain the ability to respond to public consultation. However, the provision of a response to the public consultation would be at The Gardens Trust's discretion and would be reliant on its awareness of the development proposal.

Section 102 of the Levelling Up and Regeneration Act has not been commenced but is under consideration. This would introduce a statutory obligation on decision makers to give special regard to heritage assets and their settings when making planning decisions, in relation to scheduled monuments, registered parks, gardens and World Heritage Sites. A decision on whether to commence this section will be made in due course.

Consultation questions

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*

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?

The Gardens Trust's key argument

The draft Gardens Trust response includes:

1. Emphasising that the statutory consultation requirement is an important provision within the limited protections that registered parks and gardens have. Removing that is directly damaging, by reducing specialist input to the consideration of planning proposals and indirectly damaging, by signaling that parks and gardens are being 'downgraded' as heritage assets.
2. There is no evidence of a problem with the current arrangement, but there is evidence that there isn't. The consultation document demonstrates that an inconsistent approach is being taken within the government's review of statutory consultees.

3. Grave concern for the future of Grade II registered parks and gardens (64.7% of all 1720 Registered parks and gardens)
4. Contesting the proposal to notify rather than consult the Gardens Trust. This misguided and clumsy attempt to align the referral arrangements for registered parks and gardens with those for listed buildings overlooks the fact that 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.
5. Contesting the proposal to notify the Gardens Trust only on applications within the registered boundary, thus removing protection for the setting of parks and gardens, which can be key to the significance of sites.
6. Local planning authorities (LPAs) do not have the expertise to handle park and garden casework without guaranteed specialist input. The cost of all local planning authorities having to deliver the service currently provided by the Gardens Trust themselves is estimated at £3,692,846 per annum. (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.)
7. The disparity in the protection of registered parks and gardens compared to listed buildings (both of which are statutory designations, and of 'special interest') could be addressed in part by the commencement of section 102 of the Levelling-up and Regeneration Act 2023. This 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 and is strongly sought by the Gardens Trust.

We are sharing the Gardens Trust response and are aware that others may use it to aid their own, but please do not simply copy and paste the text below as this will severely diminish the impact of both the Gardens Trust official response and your own.

The Gardens Trust's response: contextual material

- **The Gardens Trust as a statutory consultee**

The Gardens Trust is the only organisation focused on the conservation and promotion of England's numerous historic parks, gardens, designed landscapes and green spaces. It is a charity independent of government, and represents 35 local County Gardens Trusts, whose volunteers support the Gardens Trust's work.

The Gardens Trust is the statutory consultee for planning applications for 'development likely to affect' sites on the Register of Parks and Gardens of Special Historic Interest at Grade I, II* and II. (Historic England is also a statutory consultee for Grade I and II* sites only.)

The Gardens Trust has been a statutory consultee since 1995.

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.

- A range of historic designed landscapes are on the Register
Designed landscapes within the Register include gardens, rural parkland, urban public parks, cemeteries, business parks and seaside gardens. They are a particularly accessible form of heritage, with around 320 registered public parks (three-quarters of which are Grade II), and many other registered sites publicly-open, for example country parks and visitor attractions.
- Registered parks and gardens are particularly vulnerable
For example:
 - They do not have a dedicated consent regime, unlike scheduled monuments and listed buildings.
 - They also do not have a statutory duty, unlike listed buildings and conservation areas, and so rely entirely on planning policy for protection. (This could be addressed by commencing section 102 of the Levelling-up and Regeneration Act.)
 - They are very rare. (In November 2025 there were only 1,720 registered parks and gardens, compared to around 20,000 scheduled monuments, around 380,000 listed buildings, and over 4,100 Sites of Special Scientific Interest.)
 - Local planning authorities do not understand them very well.
 - They are particularly prone to small individual items of development which ultimately add up to a big one, and to a range of threats outside the planning system's control.
- Importance to society of historic parks and gardens
Historic parks and gardens are very important to communities and to wider Government agendas such as housing delivery, climate change, nature recovery, health, and the economy (see 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 Gardens Trust is the only statutory consultee for Grade II sites.
If the Gardens Trust is removed as a statutory consultee, there will be no specialist input given at all to local planning authorities on proposals affecting Grade II registered parks and gardens. (Historic England has neither the remit nor the capacity to pick up these.)
This is a significant concern because 64.7% of the 1,720 parks on the Register are Grade II (1,113). Grade II registered parks and gardens are extremely rare, especially when compared to 379,629 listed buildings (in November 2025), of which 348,178 were listed at Grade II. Grade II registered parks and gardens are specifically defined as being of 'special interest, warranting every effort to preserve them'.
- Lack of duplication with Historic England
Historic England is also a statutory consultee for Grade I and II* sites on the Register. This does not result in a duplication of effort and responses: Historic England often relies on the Gardens Trust to provide more comprehensive responses to Grade I and Grade II* planning consultations because its advisory role is broader, and delivered with minimal dedicated expert historic

designed landscape staff. The Gardens Trust offers specialist input specific to designed landscape conservation, drawing on its own expertise and the invaluable local research and knowledge within the network of County Gardens Trust volunteers.

- The Gardens Trust's responses to planning consultations

As previously notified to MHCLG, in the 2024-25 financial year the Gardens Trust received 1,842 statutory consultations (not 1,849, as suggested in the consultation text). These can be broken down as:

- 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). Only 85 of the responses were objections (6.6% of the total responses), and not 96 objections (7.4%) as suggested in the consultation text.

Gardens Trust 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 towards a better outcome. (16 of these objections were simply because the consultation did not include the information the planning system requires, making the number of actual objections 69.)

Objections from the Gardens Trust are not binding: they are simply advice to the local planning authority to weigh alongside other considerations when it comes to its decision.

- Effect of removing the Gardens Trust on the speed of making planning decisions.

Only a very small proportion of Gardens Trust responses exceed the 21-day consultation deadline, and these are merely by a short time agreed with the local planning authority. Even if the Gardens Trust were removed as a statutory consultee there would still be a number of other bodies given 21 days to respond to consultation, so the 21-day period allowed for Gardens Trust consultation would not be saved.

- Effect of removing the Gardens Trust on reducing administration,

Removing the Gardens Trust as a statutory consultee would reduce the number of responses received, but any administrative gain would be imperceptible given the remaining obligations to consult other organisations. It would also be significantly outweighed by the extra work required within the local planning authority to obtain the necessary historic designed landscape expertise to understand the proposals and their impact. The proposed mitigation that the Gardens Trust is notified rather than consulted would make virtually no difference to the administrative 'burden'.

- Action that could be taken to appropriately streamline the planning process

There are several areas where 'streamlining' action could 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'.

- Incentivise applicants to submit the necessary material and in a timely manner, which would save valuable time for themselves, the local planning authority and statutory consultees. Reinstating Policy HE6.3 of *Planning Policy Statement 5*, 2010, which 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’.
- Require the applicant to assess both significance and impact as this would frontload the process and reduce some of the burden on LPAs and the Gardens Trust. (Applicants are currently required by NPPF paragraph 207 to ‘describe the significance of any heritage assets affected, including any contribution made by their setting’, whilst local planning authorities are required to assess both the significance of affected heritage assets and the impact of a proposal upon that significance.)
- Clarify the nature of the consultation requirement around planning applications for ‘development likely to affect’ sites on the Register as this would result in less confusion and delay. The wording of this consultation requirement is not fully understood, which results in advice not being made available when it is needed, and often delay when a consultation has to be issued late once the error has been discovered.
- Correct 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](#)).

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

- support
- oppose
- neutral’

The Gardens Trust strongly OPPOSES the proposal to remove it as a statutory consultee, for the reasons discussed under Q7. It is important to provide an answer to this question, so that the various views of the proposals can be accurately tallied.

The Gardens Trust’s response to ‘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?’

This is the main component of the Gardens Trust response, which a) addresses our three key concerns (removal of statutory consultee status, the move to notification instead not being sufficient mitigation to protect historic parks and gardens, and the impact of the removal of referrals on setting-related proposals on the protection of historic parks and gardens), and b) addresses some wider issues that will be less critical to most readers.

1. Removal of the Gardens Trust as a Statutory Consultee

- Registered parks and gardens, and how to conserve them, are not widely understood, e.g. by LPAs.

- Registered parks and gardens are poorly protected compared to other designated heritage assets and the consultation document is inaccurate in stating 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’. 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: LPAs’ limited conservation specialist capacity is generally directed to listed building casework.

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

- The Gardens Trust’s statutory consultee role is a critical element of the limited protections for registered parks and gardens. Removing it is directly damaging, by reducing specialist input to the consideration of planning proposals, and indirectly damaging, by signalling that parks and gardens are being ‘demoted’.
- The Gardens Trust does not duplicate the work of Historic England on Grade I and II* parks and gardens, for which Historic England is a statutory consultee as well as the Gardens Trust. Historic parks and gardens are not Historic England’s sole focus, and their holding of specialist expertise is now quite limited.
- Crucially, without the implementation of the proposed notification-related mitigation, no specialist input at all will be provided to help LPAs decide proposals affecting Grade II registered parks and gardens. This is a significant concern, not least as just under 1,113 (64.7%) of the 1,720 parks on the Register are Grade II.
- If the Gardens Trust is removed as a statutory consultee, there is no other body able to offer similarly dedicated and expert advice to local planning authorities on planning applications that may affect historic designed landscapes.
- Local planning authorities do not have the expertise to handle park and garden casework without guaranteed specialist input. Between 2006 and 2018, the number of LPA conservation specialists in England fell by 35% (to 533.4 full-time equivalents (FTEs)). Even where LPA conservation specialists may have time to deal with park and gardens, they commonly do not have the necessary expertise. Shortages are even more pronounced in relation to landscape architecture than heritage.

- If LPAs have to make planning decisions in a vacuum of information about 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 government's document suggests that 'removing these statutory consultees would... reduce bureaucracy by removing around 3,000 statutory consultations per year from the planning system'. This misunderstands the role of consultation and the provision of expert advice as one of the helpful checks and balances within the planning system.
- The Gardens Trust provides extraordinary value for money. If LPAs had to consider park and garden-related applications without Gardens Trust input, the 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 is £200,840.
 - The cost of an LPA 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 is estimated at £3,692,846 per annum.
 - If consultants were needed to fill an in-house shortage of expertise, the total annual cost is £7,885,800.

2. Notification Instead of Consultation

- It is not apparent from the consultation whether the conversion of the statutory consultation mechanism to notification would be accompanied by similar funding in support of the Gardens Trust's work, but this is crucial in understanding and assessing the likely impacts of the government's proposal.
- The provision making the Gardens Trust as a statutory consultee 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 signals to local planning authorities and others that parks and gardens are being 'demoted'.
- It might be argued that being notified rather than consulted would relieve the Gardens Trust of the burden of having to respond, but the Gardens Trust does not want this. The requirement for a response is an important part of emphasising the importance of these lesser-understood heritage assets.
- It might be argued that notification is already the approach adopted in relation to listed buildings, through the requirement to notify the National Amenity Societies (e.g. the Victorian Society, Georgian Group, 20th Century Society). The circumstances are different, however, as listed buildings benefit from greater protection, greater understanding by LPA conservation

staff, and greater resource allocation: the statutory consultee requirement for registered parks and gardens is a key provision for offsetting the inequality in the protections offered registered parks and gardens compared to listed buildings.

- The disparity in the protection of registered parks and gardens compared to listed buildings (both of which are statutory designations, and of ‘special interest’) could be addressed in part by the commencement of section 102 of the *Levelling-up and Regeneration Act 2023*. This 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 and is strongly supported by the Gardens Trust.
 - LPAs already fail to consult the Gardens Trust on all relevant applications, leading to avoidable badly-informed development. The reduced degree of compulsion associated with notification rather than consultation is likely to make this worse, particularly as LPAs are increasingly pressed for resources, and historic park and garden casework is overseen by a generalist Planning Officer rather than someone with specialist heritage expertise.
3. Notification Without Consideration of Proposals Outside the Registered Area (i.e., Proposals in the Setting of Registered Parks and Gardens)
- The current statutory consultee requirement is for the Gardens Trust to be consulted on proposals that ‘affect’ a registered park or garden. This means that the Gardens Trust will be consulted on development outside as well as inside the defined boundary of the registered park or garden, which effectively includes a site’s setting (commonly essential to a site’s significance).

Proposing to remove the requirement to consult on applications within the setting of a registered park and garden 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. Around 42% of Gardens Trust consultations relate to proposals wholly within the setting of a registered park and garden, and these are often key cases with regard to the impact on these sites.

- 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.
- The impact would be further compounded because setting is already a less well understood concept in planning practice.

4. Engagement in Plan-Making

- The consultation document suggests that some statutory consultees 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.

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

5. Guidance

- 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.

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.

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.