Planning powers for mayors in England – Link response

05 October 2026

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

Wildlife and Countryside Link (Link) recognises the potential for stronger strategic planning across mayoral areas to support better development, provided that new powers are grounded in clear evidence, an adopted strategic planning framework and robust environmental safeguards. However, we have concerns that several of the proposals in this consultation could weaken local accountability, reduce opportunities for public scrutiny, or allow development decisions to be driven by unsustainable growth considerations without sufficient regard to environmental law and nature recovery.

In particular, we do not support a broad expansion of mayoral intervention powers before Spatial Development Strategies (SDSs) are adopted, nor do we support a pre-SDS test that gives disproportionate weight to housing and economic growth alone. Any intervention before an agreed strategic framework is in place should be tightly constrained and based on clear, evidence-based strategic or cross-boundary considerations, with explicit consideration of environmental law, protected sites, Habitats Regulations Assessment requirements and other statutory duties. Following adoption of an SDS, the criteria for mayoral intervention should likewise be more clearly defined and should ensure that environmental considerations and the mitigation hierarchy cannot be sidelined by an emphasis on development delivery.

We also have concerns about the proposed operation of Mayoral Development Orders (MDOs). While we support excluding Schedule 1 EIA development from their scope, Schedule 2 development should only be covered where robust environmental assessment is undertaken at the appropriate stage. The preparation of MDOs should explicitly address the mitigation hierarchy, biodiversity net gain, Habitats Regulations Assessment and species protections, with environmental impacts, cumulative effects and opportunities for nature recovery identified before planning permission is effectively granted through the order. Meaningful public participation and early engagement with environmental bodies should also be strengthened.

We recommend the Mayoral Community Infrastructure Levy (MCIL) be used to fund a broader range of strategic infrastructure. This should explicitly include natural infrastructure such as strategic green and blue infrastructure, nature recovery, ecological connectivity, river and wetland restoration and natural flood management, where these provide strategic or cross-boundary benefits. Investment in

such infrastructure should be recognised as an essential part of supporting resilient development and delivering good growth within environmental limits.

New mayoral planning powers should be underpinned by robust environmental safeguards, effective public scrutiny and participation to ensure strategic planning supports good growth without weakening local accountability or environmental protection.

Question 1
Do you agree with the proposed PSI application categories for areas outside of London, as set out in Annex A?

[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why, please reference specific categories.

Neither agree nor disagree

Question 2
Do you propose any other categories of development which should be considered a PSI application, including in London?
Please reference the particular category if you are proposing amendments to it.

Neither agree nor disagree

Question 3
Should mayors outside of London be able to call in Category 3J (50 homes or more) applications where local planning authorities are minded to refuse?
[Yes, No]
Please provide reasons why.

No.
Link does not support extending Category 3J to mayors outside London at this stage.

We are concerned that this could weaken local accountability, particularly where there is a clear local planning basis for refusal. It could also create unnecessary tensions between different tiers of government, with elected mayors able to intervene in decisions reached through a local planning processes before Spatial Development Strategies are in place.

The Government should prioritise effective cooperation between mayors and local planning authorities, rather than introducing additional powers to override local decision-making. Any future use of mayoral intervention powers should be clearly grounded in an adopted strategic planning

framework and demonstrable strategic or cross-boundary considerations, evidence-based plan making, and appropriate environmental safeguards and opportunities for local participation.

Question 4
Do you agree that the scope of powers to intervene in relation to PSI applications should expand as a SDS is progressed?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Partially disagree.

We do not support a broad expansion of these powers simply as an SDS progresses, particularly while there is not yet an adopted strategic planning framework against which interventions can be assessed. The Government originally indicated that these powers would become available once an SDS had been adopted.

In our view, the stronger approach would be to limit intervention before adoption to a clearly defined set of genuinely strategic applications, with the full range of powers becoming available only once the SDS is adopted. This would provide greater certainty for local planning authorities and communities, reduce the risk of conflict between tiers of government, and ensure that mayoral intervention is grounded in an agreed strategic framework rather than an evolving policy position.

Any expansion should also be accompanied by clear environmental safeguards and ensure that strategic environmental considerations, including cumulative and cross-boundary impacts, are properly taken into account. Environmental oversight should not be treated as secondary to the objective of accelerating development.

Question 5
Do you agree that where a SDS is not yet adopted , a decision by a mayor to either direct refusal or call in a PSI application will need to be justified in respect to growth?

[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Strongly disagree

We do not support the proposal that mayors should be given powers to call in or direct refusal of applications before an SDS is in place. If such interventions are brought forward we do not agree they should be justified primarily or specifically in respect of growth.

The proposed interim test appears to be largely framed around whether an intervention is "directly linked to housing and economic growth", alongside "sound planning reasons". It makes no equivalent reference to environmental law duties, protected sites or Habitats Regulations Assessment (HRA) obligations. This creates a risk that a growth-focused test could sideline environmental considerations during the period before an SDS has established a strategic policy framework.

More fundamentally, we are concerned about giving mayors powers to call in or direct refusal of applications before an SDS is in place. This risks making decisions more political and less clearly evidence-based, particularly where strategic policy is still being developed. It could also increase conflict and distrust between mayors, local planning authorities and communities, with the potential to slow rather than accelerate decision-making.

There is also a risk of inconsistency between different areas and layers of government, with different intervention powers operating at different stages of SDS preparation and potentially producing different approaches to similar development proposals.

Any pre-SDS intervention should therefore be tightly constrained and based on clear, evidence-based strategic planning reasons, with explicit consideration of environmental law, protected sites, HRA requirements and other relevant statutory duties. Growth should be one consideration within this framework, rather than the principal, overriding justification for intervention.

Question 6
Do you agree with the proposed criteria for mayors to use their PSI application powers following adoption of a SDS?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Strongly disagree.

We are concerned that the proposed criteria remain too broad with insufficient safeguards to ensure that decisions are evidence-based and consistent with environmental law.

The proposed criteria would allow refusal where a proposal is contrary to, or prejudicial to the implementation of, the SDS, or otherwise contrary to "good strategic planning", while call-in would be possible where an application would have a significant impact on implementation of the SDS and there are "sound planning reasons" for intervention. There should be clearer requirements for environmental considerations to form part of these tests, including compliance with environmental law, the protection of designated sites and irreplaceable habitats, and Habitats Regulations Assessment requirements where applicable. The criteria should also ensure that environmental considerations and the mitigation hierarchy cannot be sidelined by an emphasis on development delivery.

Broad and subjective tests such as “good strategic planning” and “sound planning reasons” could create inconsistency between strategic authorities and increase uncertainty for local planning authorities and communities. Stronger, evidence-based criteria would help ensure that mayoral intervention supports good growth within environmental limits, while retaining appropriate local accountability.

Question 7
Do you agree with the proposed approach to written representations for called-in PSI applications? [Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.] Please provide reasons why.

Partially disagree.

While written representations may be quicker and less resource-intensive than a public hearing, relying on written representations reduces the opportunity for local communities to directly express their views and engage with the decision-making process.

We are concerned that the proposed approach would allow mayors to use written representations for all PSI applications for planning permission, including the largest and potentially most impactful schemes. The Government itself recognises that hearings will remain appropriate in some cases, but proposes to give mayors discretion over which procedure to use.

For major or particularly complex applications with significant environmental, social or cross-boundary impacts, a public hearing should remain the default requirement. This would provide greater transparency, allow affected communities and other parties to be heard directly, and strengthen confidence in decisions involving significant mayoral intervention.

More generally, planning reforms should not prioritise speed at the expense of effective scrutiny, public confidence or environmental protections.

Question 8
Do you agree to the approach to exclude centrally led UDCs or NTDCs from a mayor’s powers to direct refusal and call in PSI applications?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.] Please provide reasons why.

Question 9
Do you have any suggestions for minor and/or technical changes to the PSI application procedure?

[Yes/No]
Please provide details.

Question 10
Do you agree that Mayoral Developments Orders cannot be used for Schedule 1 EIA Development? [Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Partially agree

Link supports excluding Schedule 1 EIA development from the scope of Mayoral Development Orders (MDOs), given the scale and nature of these developments and the likelihood of significant environmental effects.

However, we are concerned that Schedule 2 EIA development would remain within scope of MDOs. Although EIA screening and assessment requirements would continue to apply, an MDO provides an upfront grant of planning permission and could therefore reduce opportunities for project-specific scrutiny at the application stage.

The Government should therefore ensure that, where an MDO covers Schedule 2 development, robust screening, EIA and Habitats Regulations Assessment requirements are completed at the appropriate stage and are capable of properly informing the decision to make the MDO. Environmental mitigation and monitoring should be secured through clear, enforceable requirements, with the mitigation hierarchy fully applied.

More generally, MDOs should not become a route for accelerating development at the expense of environmental safeguards. The scale and strategic nature of mayoral powers makes it particularly important that environmental impacts are identified and addressed before planning permission is effectively established through an MDO.

Question 11
Do you agree that Mayoral Development Orders cannot be used for minerals development?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Question 12
Do you agree with the proposed approach to preparing a Mayoral Development Order?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Strongly disagree.

We are concerned that the proposed requirements for preparing a Mayoral Development Order (MDO) do not provide sufficient detail or safeguards for environmental considerations. In particular, paragraph 86 refers only generally to "environmental mitigations", without explicitly requiring application of the mitigation hierarchy, or clearly identifying the need to address Habitats Regulations Assessment (HRA) and biodiversity net gain (BNG) requirements or the need to abide by species protections under the Habitats Regulations and Wildlife and Countryside Act 1981.

The regulations should require mayors to demonstrate at the MDO preparation stage that the mitigation hierarchy has been followed, i.e. avoidance has been considered first, followed by mitigation and, only where appropriate, compensation. This is particularly important given that an MDO grants planning permission in advance, meaning environmental impacts and safeguards need to be properly established before the order is made.

The documents should also make explicit reference to HRA requirements and BNG, rather than relying on a general reference to environmental mitigation. HRA requirements already apply to the making of an MDO, while BNG is a statutory planning requirement for relevant development; these should be clearly reflected in the preparation process and supporting evidence. The preparation of an MDO should be evidence-led and ensure that environmental constraints, cumulative impacts and opportunities for nature recovery are identified before development is granted permission through the order.

Question 13
Do you agree with the proposed approach to publicity and consultation of a Mayoral Development Order?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Partially disagree.

We recognise the value of a clear minimum publicity and consultation period. However, the proposed approach should go further to ensure meaningful public participation and robust environmental scrutiny.

There should be an explicit, default requirement for notification and consultation of the general public, rather than relying primarily on a website notice, site notice and notification of landowners, occupiers and tenants. This is particularly important for MDOs, which can grant planning permission for development without a subsequent planning application and may therefore determine the principle of development without a further opportunity for public participation.

Paragraph 92 should also require consultation with a broader range of bodies representing nature conservation, nature restoration and wider environmental interests in the area affected. This would strengthen the proposed arrangements, which currently require consultation with Natural England and the Environment Agency alongside other bodies, but otherwise largely leave additional consultation to the mayor's judgement.

The importance of the roles of Natural England and the Environment Agency should be reinforced, with their advice sought early enough to inform the preparation and content of an MDO, rather than consultation being treated as a procedural step once the draft order has already been prepared. This would be particularly important where proposals may affect protected sites, biodiversity, water resources, flood risk or nature recovery.

Question 14
Do you agree with the proposed arrangements for making a Mayoral Development Order?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Question 15
Do you agree with the proposed approach to approval of conditions following the grant of permission through a Mayoral Development Order?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Question 16
Do you agree with the proposed approach to revisions and revocations of a Mayoral Development Order?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Question 17
To what extent, and in what ways, could evidence and analysis used to prepare a Spatial Development Strategy (SDS) inform work to prepare a CIL charging schedule?
[Free text]

Question 18
Should SDS examination generally take place at the same time as CIL charging schedule examination, and where would greater flexibility be justified?
[Yes/No]
Please provide your reasons.

Question 19
How might the requirements for updating a MCIL charging schedule best ensure mayors of strategic authorities can keep rates reflective of market conditions?
[Free text]

Question 20
Should the CIL regulations require mayors to take account of local tier authority CIL rates when setting their own rates?
[Yes/No]
Please provide your reasons.

Question 21
Are there further conditions or requirements (i.e. beyond those which already exist, and those proposed in this consultation) that mayors should need to fulfil before they can charge MCIL?
[Free text]

Question 22
Do you agree that MCIL outside of London should be capable of funding a broader range of strategic infrastructure than the current model in London (which funds strategic transport infrastructure only)?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Partially agree

We agree that the MCIL should be capable of funding a broader range of strategic infrastructure than the current model in London. This should explicitly include natural infrastructure, including strategic green and blue infrastructure, nature recovery and ecological connectivity, where these provide cross-boundary benefits. This could build on the existing CIL framework, which can fund a wide range of social and environmental infrastructure, including parks, green spaces and open spaces, and allows funding to be pooled or passed outside an authority where this supports development.

The Government's proposed focus on infrastructure whose benefits extend beyond a single local authority provides an appropriate basis for including strategic natural infrastructure. MCIL should be capable of supporting projects such as landscape-scale green and blue infrastructure, river and wetland restoration, flood management and ecological connectivity where these are identified as strategic priorities, particular for national security through the associated climate resilience benefits. Explicitly including natural infrastructure would help ensure that growth is supported by the environmental infrastructure needed to make places resilient, rather than limiting strategic investment primarily to built infrastructure and transport.

Question 23
What type of strategic infrastructure do you think MCIL should be capable of being used to fund, and how might this affect rate-setting?
[Free text]

MCIL should be capable of funding a broad range of strategic infrastructure, including natural infrastructure. This should explicitly include strategic green and blue infrastructure, nature recovery, ecological connectivity, natural flood management, river and wetland restoration, and measures identified through Local Nature Recovery Strategies where they provide benefits beyond a single local authority area.

This would build on the existing CIL regime, which already allows levy funding to support green infrastructure, parks, open spaces, flood and water management, and Suitable Alternative Natural Greenspace, including where infrastructure provides benefits across administrative boundaries.

Natural infrastructure should be recognised as essential infrastructure for delivering and sustaining growth. Nature restoration can provide cost-effective climate resilience benefits, including reducing flood risk, improving water security and helping communities and infrastructure adapt to extreme heat and drought.

Rate-setting should therefore be informed by the strategic infrastructure needs identified through the SDS and associated evidence base, including the costs and benefits of natural infrastructure. Rates should be set at a level that can fund genuinely strategic infrastructure as required by the CIL framework. Explicitly including natural infrastructure would help ensure that MCIL supports good growth within environmental limits, rather than treating nature and climate resilience as secondary to built infrastructure.

Question 24
Could there be exceptional cases where it would be appropriate for MCIL to fund matters in an area that would usually sit within a single local tier authority's responsibilities?
[Yes/No]
Please provide more detail.

Yes.
Link agrees that there may be exceptional circumstances where MCIL funding of infrastructure normally falling within a single local authority's responsibilities would be appropriate where there is a clear strategic or cross-boundary benefit.

For example, investment in natural infrastructure and nature restoration may be geographically concentrated within one local authority while delivering wider benefits across a mayoral area. River restoration, natural flood management, strategic green and blue infrastructure and ecological connectivity can all operate across administrative boundaries, meaning the location of expenditure does not necessarily reflect the geographical distribution of its benefits.

Such funding should be subject to clear criteria, including evidence of a strategic benefit, additionality and avoidance of duplication with existing local funding responsibilities. It should not become a mechanism for routinely substituting MCIL for local authority funding.

Question 25
How can the collection of MCIL work simply and effectively in all circumstances, including when the local tier authority does not charge its own CIL?
[Free text]

Question 26
Do you have any other observations or comments on the expanded MCIL proposals, or anything related to them?
[Free text]

Question 27
Do you agree to removal of the restriction that LDOs cannot be used to grant planning permission for development affecting listed buildings?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Question 28
Do you agree that Local Development Orders cannot be used for minerals development?
[Strongly agree, Partially agree, Neither agree nor disagree, Partially disagree, or Strongly disagree.]
Please provide reasons why.

Question 29
Do you have any further minor technical changes to the Local Development Order procedure?
[Yes/No]
If yes, please provide more detail.

Question 30
Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic?

[Yes/No]
If yes, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.

Question 31
Is there anything that could be done to mitigate any impact identified?
[Yes/No]
If yes, please provide more detail.

Question 32
Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?

The following organisations have contributed to and endorse this response:

Froglife
RSPB
The Wildlife Trusts
BCT
Woodland Trust

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 100 organisations to use their joint voice for the protection of the natural world and animals.

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