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The Rt Hon Matthew Pennycook MP
Minister of State
Ministry of Housing, Communities & Local Government
2 Marsham Street
London SW1P 4DF

8th January 2026

Dear Minister of State,

I am writing to respond to the government's consultation on reforms to the statutory consultee system on behalf of the Liberal Democrats.

Liberal Democrats support measures to streamline the planning process and deliver the homes our country needs but that must not mean overriding community interests, nor be at the expense of UK nature. We are a nation where Government figures show species have declined by a fifth (19%) since 1970, and nearly 1 in 6 species (16.1%) are now threatened with extinction.

Development will only serve the interests of nature and of our wider communities if those interests are taken into account in the planning system. Statutory consultees play a vital role in making development fit for purpose.

The decision to impose an arbitrary moratorium on any new statutory consultees was fundamentally illogical and contrary to environmental justice. To declare in advance that no new expertise would ever be needed, regardless of how the world changes, displayed an extraordinary degree of arrogance.

Liberal Democrats challenged this approach, instead proposing the addition of key new statutory consultees whose views are vital to protect new residents, and the environment, including the Association of British Insurers, National Landscape Partnerships and water resources providers, during the passage of the Planning and Infrastructure Act 2025. The 2025 cross-party Environmental Audit Committee report also recommended water companies be made statutory consultees.

That the government has now moved away from a moratorium would be more welcome were it not for the partial and one sided proposed policy that in considering any future consultee there must be *"a clear pro-development objective for the*

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proposed body" and that "statutory consultee status will support development rather than deter it."

A government should not only be willing to listen to those who agree with it. Statutory consultees' roles are not to be "pro-development" but to provide expert, objective advice on specific risks and impacts. This criterion therefore fundamentally misunderstands the purpose of statutory consultation and would call into question the fairness of the planning system as a whole. Suppressing legitimate concerns about public safety, environmental protection, and our heritage in this way by dismissing them as obstacles to growth should be beneath the Government.

In this context Liberal Democrats strongly oppose the silencing of important civil society organisations in by removing their consultee statuses, as set out below.

Flood Risk and the Environment Agency

At present The Town and Country Planning (Consultation) (England) Direction 2024 stipulates that local planning authorities must notify the Secretary of State before permitting applications for development which would be at high risk of flooding where the Environment Agency has objected and not withdrawn that objection.

The consultation indicates the government will remove this requirement to respect flood risk objections claiming this will be *"empowering local authorities as decision makers"*. It continues that the government expects local authorities to be *"proceeding to a decision in the absence of advice where it has not been provided."*

Removing this requirement to notify the Secretary of State before granting permissions contrary to Environment Agency advice would require a revised Direction; the Ministerial Statement of 10 March 2025 states that the government *"will consider ... when such directions may appropriately be made."*

MPs representing constituencies covering areas of high flood risk know that such sites frequently come under development pressure from major private housebuilders seeking to make a profit from such development and then move on.

According to government figures, between 1 April 2016 and 31 March 2025, 2,950 homes were granted planning permission against Environment Agency advice, over 300 of which received consent only last year.

To what extent does the government expect the number of new homes permitted against the advice of the Agency to increase as a result of removing the restriction on permitting new homes against the advice of the Environment Agency?

Flooded homes and buildings wreck people's lives and livelihoods, and serious flooding events are already increasing due to climate change. The Minister will be aware that homes built after 2009 are ineligible for the Government-backed Flood Re Scheme, meaning that homeowners of such homes are unlikely to be able to get

flood risk insurance once they have moved in. What proposals are the government bringing forward to guarantee such new homes can be insured once, under the government's proposed new Direction, they have been permitted, constructed and occupied in areas at high of flooding?

If the government goes ahead with this change it will be liable for the increasing effects of flooding on families and premises, including huge financial costs, a move which cannot be justified on social, economic or environmental grounds and one which the Government must reject immediately.

Liberal Democrats completely oppose weakening statutory consultee arrangements that would allow more homes to be permitted against Environment Agency advice on flood risk. The Government should not remove the requirement for such decisions to be notified to the Secretary of State through any revised future Direction.

Historic Parks and Gardens and The Gardens Trust

Historic parks and gardens, including Hestercombe Gardens in Taunton, 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 which supports nature. 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 is often limited.

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, which represent 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, which account for around 42% of the consultations currently received.

The Gardens Trust's strong performance as a statutory consultee already meets the government's stated objectives: its advice is constructive, timely, and expert, and very highly regarded by stakeholders.

Liberal Democrats completely oppose the removal of statutory consultation status from the Gardens Trust.

Playing Fields and Sport England

Whilst the Government may be content to rely on local planning authorities for the protection of playing fields, Sport England's consultee role was established to prevent their loss under just those same local planning authorities. Prior to 1996, with no designated statutory consultee, England lost an estimated 10,000 playing fields between 1979 and 1996.

Removing this specialist national oversight threatens playing fields around the country which provide essential space for physical activity, supporting public health, children's development, and community wellbeing. Once lost to development, they are exceptionally difficult to replace. Sport England's role acts as an important deterrent against speculative applications for development on viable playing fields.

The fact that 80% of Sport England's objections are eventually decided in favour of applicants does not mean its involvement is unnecessary—rather, it suggests that Sport England's engagement leads to improved schemes and appropriate mitigation measures before applications are determined.

Liberal Democrats completely oppose the removal of statutory consultee status from Sport England.

The Environment Agency, the Gardens Trust, and Sport England each provide specialist knowledge that local planning authorities cannot replicate, and each protects assets—whether from flood risk, heritage loss, or the erosion of community sports facilities—that are irreplaceable once damaged.

If the government goes ahead with removing consultee status from these organisations and removing rules that prevent new development on land in danger of flooding, this will create a very real and urgent risk to our environment and national assets. Liberal Democrats would commit to restoring those safeguards as a matter of urgency and would invite these important organisations back to the public square of planning consultation.

Streamlining the planning process - a purpose Liberal Democrats supported with our own amendments to the Planning and Infrastructure Act 2025 - must not come at the expense of the expert scrutiny that ensures development is safe - including from flooding - sustainable, and protects what matters most to communities.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gideon', with a stylized flourish underneath.

Gideon Amos OBE MP
Liberal Democrat Spokesperson for Housing and Communities

Cameron Thomas MP – Tewkesbury
Tim Farron MP – Westmorland & Lonsdale