

Consultation Response Planning powers for mayors in England:

<https://www.gov.uk/government/consultations/planning-powers-for-mayors-in-england/planning-powers-for-mayors-in-england>

Closes 23:59 5 October 2026

This consultation seeks views on the implementation of provisions in the English Devolution and Community Empowerment Act 2026 for:

- mayoral powers in relation to planning applications of potential strategic importance, principally for mayors outside London but includes further changes to the approach in London;
- Mayoral Development Orders
- Mayoral Community Infrastructure Levy for mayors outside London
- Separately, it also seeks views on changes to the secondary legislation for Local Development Orders (part 4).

Part 1 – applications of Potential Strategic Importance (PSI)

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.]

Non residential

The definition of 'Strategic importance' is very much dependent on context and will vary between rural and urban areas. The criteria of 15,000 sq m for non-residential/ commercial is relatively high for rural and non-metropolitan areas. For example, in East Hampshire, a threshold of 7,500 sq metres would incorporate the majority of strategic employment sites across the district. 15,000 sq m only applies to a very small number of sites. In rural context, the proposed Mayoral planning powers would therefore disproportionately support housing development over commercial. However, the planning authorities (EHDC and SDNPA) have a strong track record in approving commercial development at this scale.

Also, the definition of non-residential is very broad and it is important to ensure that decision making is driven by the needs of the locality. There is a risk that if an LPA were minded to refuse a large scale B8 development planning permission could potentially be granted by the Mayor even if the scale, employment densities and economic impact did not align with the needs of the specific location & policies of the LPA. This may be addressed by alignment between the local plan evidence base and the SDS. There is also potential for these powers to support economic growth in instances where change of use from commercial to residential is proposed resulting in a significant loss of employment. Where strategic employment allocations have been identified through an adopted Local Plan, significant weight should continue to be afforded to locally derived evidence regarding employment need, market demand and site suitability.

Residential

We do not agree with the proposed threshold of more than 150 residential dwellings. We consider this threshold to be too low and likely to capture developments that are of a scale and nature more appropriately considered through the local planning process, rather than being treated as potentially strategically important. The threshold should be increased significantly so that the PSI powers are focused on developments that are genuinely strategic in scale or have demonstrable cross-boundary impacts. Applying mayoral intervention at this scale risks duplicating decision-making processes and reducing local accountability without clear strategic benefit.

Building height	Over 30 metres in height	1C
Building height	Increase of 15 metres in height and which would result in building(s) over 30m	1D

Question 2 Do you propose any other categories of development which should be considered a PSI application, including in London?

No.

Please reference the particular category if you are proposing amendments to it.

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?

No

We do not agree that mayors outside London should have the power to call in Category 3J applications of 50 homes or more where the local planning authority is minded to refuse. Given that we consider the proposed 150-home PSI threshold already to be too low, a 50-home threshold would be disproportionately low and would risk bringing a large number of ordinary, locally determined housing applications within the mayoral call-in process. Such applications should remain matters for the local planning authority unless there are clear and demonstrable strategic or cross-boundary implications.

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.]

We do not agree that the scope of mayoral powers to intervene in PSI applications should automatically expand as an SDS is progressed. The powers should remain proportionate and focused on developments that are genuinely of strategic significance, rather than

gradually extending mayoral intervention into matters that are properly determined locally. Any expansion should be subject to clear evidence of a strategic need and the adoption of relevant policies within the SDS, with appropriate safeguards to protect the role of local planning authorities. The introduction of an SDS should complement rather than diminish the plan-led system, with Local Plans continuing to play the primary role in determining development proposals that do not raise genuinely strategic issues.

Representation – there is a need to ensure that decisions taken by the Mayor in respect of these powers are based on sound evidence, professional expertise and advice. This underlines the importance of ensuring effective involvement of Local Planning Authorities in the governance framework. This is particularly pressing in combined county authority areas where LPAs (district councils) are non-constituent (non-voting) members at CCA Board level. It is also important that CCA are able to build planning capacity and expertise quickly in order to exercise these powers effectively.

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.]

Where an SDS has not yet been adopted, any decision by a mayor to direct refusal or call in a PSI application should be clearly justified in relation to the growth of the area and supported by sound planning reasons. This is particularly important given that there is not yet an adopted strategic planning framework against which the application can be assessed. The requirement should provide an important safeguard against mayoral intervention in matters that are properly for the local planning authority to determine. It should also ensure that the relatively low proposed PSI thresholds do not result in routine intervention in local planning decisions. Any intervention should therefore demonstrate a clear and evidenced connection to the area's housing or economic growth objectives and should not simply rely on the fact that an application exceeds the PSI threshold.

Clarity is also needed to what extent the economic priorities and objectives of Local Growth Plans (which come before the SDS) will influence decision making prior to formal adoption of the SDS.

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.]

We have concerns about the proposed criteria and, in particular, how the mayoral powers would interact with an up-to-date Local Plan. The SDS should not be used as a means of routinely revisiting or delaying applications that are consistent with the adopted Local Plan. Where a proposal accords with the Local Plan and there is no clear conflict with an adopted SDS or other strategic planning objective, the local planning authority should remain the primary decision-maker.

There should also be clear safeguards to ensure that the PSI process does not introduce unnecessary delay or uncertainty. Any decision by a mayor to intervene should be supported by written, objective planning reasons demonstrating a clear conflict with the SDS or a significant strategic planning issue. Strict statutory timescales should apply, with no scope for repeated requests for information or prolonged consideration. This would help ensure that the powers are used for genuine strategic planning purposes rather than becoming an additional layer of decision-making for applications that are properly matters for the local planning authority. The consultation should also clarify how conflicts between an adopted Local Plan and an emerging or recently adopted SDS would be managed in practice, particularly where Local Plan policies have been recently examined and found sound.

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.]

We support the principle of using written representations for straightforward called-in PSI applications where this would provide a proportionate and efficient alternative to a hearing. The mayor should be required to determine the appropriate procedure promptly

and to provide clear reasons where written representations are used. Strict timescales should apply to the submission and consideration of representations, with a hearing retained where an application raises complex, significant or contentious planning issues. The process should not become an additional layer of decision-making that unnecessarily delays the determination of applications.

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.]

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

[Yes/No]

We agree with the proposed technical changes. Electronic notification and clarification that only validated applications should be referred are sensible measures that should improve efficiency and reduce unnecessary administrative burden. We also support the use of working days rather than days or weeks, as this provides greater clarity and consistency. The regulations should, however, include clear and consistent timescales for all parties to ensure that the PSI process does not introduce unnecessary delay into the determination of planning applications.

Part 2 – Mayoral Development Orders

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.

Schedule 1 EIA development is, by definition, likely to have significant environmental effects and should continue to be subject to a full planning application process with appropriate environmental assessment and scrutiny.

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.

Minerals development raises specialist planning, environmental and operational issues and is appropriately considered through the existing minerals planning authority framework.

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.

MDO may be a useful tool in providing planning certainty as a stimulus to securing inward investment into a specific location. This may also help guard against unintended and unsuitable development, providing a tool for local areas to effectively shape and control place-based development.

While the PSI definitions in the consultation are very clear, the scale of development appropriate for an MDO is less clearly defined. The case study examples indicate very large scale housing/ mixed use/ employment schemes (e.g. 1,000,000 sq ft) that have benefitted from this power. Will guidance be provided on the scale/quantum of development that would be appropriate for an MDO? Or will this be down to local determination based on local priorities and market conditions? The latter would be the preferred approach. Blanket 'one size fits all' criteria may inadvertently favour combined authorities in city regions/ metropolitan areas over shire counties with a mix of rural and urban areas. Local planning authorities should be closely involved in the preparation of MDOs from the outset given

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their understanding of local constraints, infrastructure requirements, environmental considerations and community priorities.

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.

The proposed arrangements appear proportionate. Local planning authorities should be statutory consultees and provided with adequate opportunity to comment given their detailed understanding of local circumstances and constraints.

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.

The arrangements are generally supported, provided there is clear evidence that local planning authorities and affected communities have been appropriately engaged before an order is made.

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.

Local planning authorities should retain an important role in discharging conditions where they are responsible for monitoring and enforcement.

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.

Revisions and revocations should be subject to a proportionate process reflecting the significance of the proposed change while ensuring local authorities remain appropriately consulted.

Part 3 – Mayoral Community Infrastructure Levy (MCIL)

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?

The evidence base prepared for an SDS should provide a strong starting point for preparation of a MCIL charging schedule. Strategic infrastructure requirements, growth forecasts, housing and employment projections, transport evidence, infrastructure delivery plans and spatial priorities can all help identify the scale and location of infrastructure investment needed across the mayoral area.

However, SDS evidence alone will not be sufficient for setting MCIL rates. Dedicated viability evidence will still be required to understand the cumulative impact of MCIL alongside local CIL, Section 106 obligations, affordable housing requirements and other development costs. In areas with varied housing markets, rates may need to reflect significant differences in viability between urban, suburban and rural locations. Where local infrastructure evidence has already been prepared by LPAs, strategic authorities should seek to utilise existing evidence to minimise duplication and reduce costs.

Question 18 Should SDS examination generally take place at the same time as CIL charging schedule examination, and where would greater flexibility be justified?

No

While alignment is important, there should be no presumption that examinations occur simultaneously.

The SDS and MCIL charging schedule serve different purposes and are tested against different criteria. The SDS establishes the spatial strategy for growth, whereas the MCIL charging schedule is primarily concerned with viability and infrastructure funding.

Whilst both documents should be informed by a consistent evidence base and may often progress in parallel, requiring concurrent examination in all circumstances could introduce unnecessary delays where one document is ready to proceed ahead of the other. It could also reduce flexibility to respond to changing viability conditions, infrastructure requirements or market circumstances.

A more proportionate approach would be to ensure alignment between the SDS and MCIL charging schedule, whilst allowing examinations to proceed separately where justified.

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?

To ensure rates remain reflective of market conditions, mayors should be able to undertake targeted reviews of MCIL charging schedules where there is clear evidence of material changes in development viability, build costs, land values or wider economic conditions. The review process should remain proportionate to the scale of the proposed changes and should avoid requiring a full re-examination where only limited amendments are proposed.

Existing indexation mechanisms provide some protection against inflationary pressures and should continue to play a role in maintaining the real value of contributions between formal reviews. However, indexation alone may not adequately reflect significant shifts in development viability or regional housing and commercial markets.

Consideration could also be given to requiring periodic monitoring of MCIL performance, infrastructure funding gaps and development viability, with reviews triggered where

evidence demonstrates that charging rates are no longer appropriately balanced between supporting infrastructure delivery and maintaining development viability.

This approach would provide flexibility for mayors to respond to changing market conditions whilst retaining certainty for developers and infrastructure providers.

Question 20 Should the CIL regulations require mayors to take account of local tier authority CIL rates when setting their own rates?

Yes

MCIL should be considered alongside all other developers contributions. Requiring mayors to take account of local authority CIL rates would help ensure the cumulative burden on development remains viable and deliverable.

Without such consideration there is a risk that combined local and mayoral charges could adversely affect development viability, particularly in lower-value markets and rural areas. Local authorities will also have their own infrastructure funding needs, so a coordinated approach is essential to avoid unintended consequences for housing and economic growth. The regulations should place a clear duty on mayors to engage with local planning authorities when preparing MCIL charging schedules to ensure strategic and local infrastructure funding priorities are properly aligned.

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?

No additional statutory conditions should generally be required beyond those already proposed.

Existing and proposed requirements relating to infrastructure planning, consultation, viability assessment and examination should provide a sufficient framework to ensure that MCIL is introduced transparently and based on appropriate evidence.

Additional conditions could introduce unnecessary complexity, delay infrastructure funding and reduce the ability of strategic authorities to respond to infrastructure needs.

However, before introducing MCIL, mayors should be expected to clearly demonstrate:

- the strategic infrastructure projects or programmes that the levy will support;

- the relationship between MCIL and any locally adopted CIL charging schedules operating within the area;
- that cumulative developer contribution requirements, including MCIL, local CIL and planning obligations, have been considered through an appropriate viability assessment; and
- how MCIL receipts will be governed, monitored and reported.

The focus should therefore be on transparency, evidence and accountability rather than introducing further statutory barriers to implementation.

A mayor should demonstrate how MCIL has been assessed alongside existing developer contribution mechanisms to ensure that overall developer contributions remain viable and do not undermine development delivery.

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.]

Partially agree.

Outside London, strategic infrastructure needs are often more varied and dispersed. It would therefore be appropriate for MCIL to support a broader range of infrastructure than one singular objective alone i.e. strategic transport.

However, there should remain a strong expectation that MCIL is focused on genuinely strategic infrastructure delivering benefits across a significant part of the mayoral area. In predominantly rural areas it may be more difficult to identify a single project that benefits all communities, so sufficient flexibility is needed while maintaining a clear strategic focus. Care should also be taken to avoid overlap with infrastructure that is more appropriately funded through local authority CIL, Section 106 agreements or other funding mechanisms.

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?

MCIL should be capable of funding:

- Strategic transport infrastructure.
- Major active travel and connectivity schemes.
- Utility and energy infrastructure.
- Flood mitigation and water management infrastructure.
- Strategic digital and telecommunications infrastructure.
- Infrastructure supporting planned housing and employment growth.
- Strategic green infrastructure and environmental enhancement projects.

The broader the range of eligible infrastructure, the more important it becomes that rate-setting is supported by robust viability evidence. Different mayoral areas will have different infrastructure priorities, and rates should reflect local market conditions and development viability rather than applying a uniform approach.

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

There may be circumstances where infrastructure located within a single authority area delivers substantial benefits across a wider strategic geography. Examples could include transport hubs, flood defence schemes, strategic leisure facilities, or utility infrastructure serving multiple communities or supporting growth across the wider mayoral area.

Any such arrangements should be clearly justified and demonstrate benefits that extend beyond the host authority area.

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?

The collection process should be as consistent as possible across all authorities within a mayoral area. Where local authorities already collect CIL, MCIL collection could be integrated into existing administrative processes, as in London.

Where a local authority does not charge CIL, clear and standardised arrangements should be established, with adequate funding provided to support administration and

enforcement responsibilities. Digital reporting and payment systems should be used wherever possible to minimise burdens on developers and collecting authorities. Guidance should clearly define responsibilities and cost recovery arrangements. The introduction of MCIL may result in non-CIL charging local authorities introducing CIL themselves.

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

East Hampshire District Council supports the principle of providing strategic authorities with additional tools to fund infrastructure needed to support growth. However, the relationship between MCIL, local authority CIL and Section 106 obligations will require careful consideration.

Particular attention should be given to ensuring that the cumulative impact of developer contributions remains viable. In many areas, development is already expected to contribute towards affordable housing, Section 106 obligations, local authority CIL, Building Safety Levy, Biodiversity Net Gain requirements, nutrient mitigation and other site-specific mitigation measures. The introduction of MCIL should not undermine development delivery or inadvertently reduce the ability of local planning authorities to secure necessary infrastructure through existing mechanisms.

Clear guidance should be provided on the relationship between MCIL and local CIL charging schedules, including how infrastructure responsibilities should be divided between strategic and local tiers of government. This will help avoid duplication, improve transparency for developers and communities, and reduce the risk of competing funding priorities. Care should also be taken to ensure that MCIL does not reduce the flexibility of local planning authorities to address site-specific infrastructure requirements through Section 106 agreements.

Consideration should also be given to reporting and governance arrangements. Strategic authorities should clearly identify the infrastructure that MCIL is intended to fund and regularly report on how receipts have been collected, allocated and spent. This would help maintain confidence that contributions are supporting the strategic infrastructure required to deliver planned growth.

Finally, it is important that MCIL retains sufficient flexibility to respond to changing infrastructure priorities and market conditions, whilst maintaining certainty for developers and infrastructure providers

Part 4 – Local Development Orders

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.

No comment on this question.

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.

No comment on this question.

Question 29 Do you have any further minor technical changes to the Local Development Order procedure?

[Yes/No]

If yes, please provide more detail.

No comment on this question.

Public Sector Equality Duty and environmental principles

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.

No comment on this question.

Question 31 Is there anything that could be done to mitigate any impact identified?

[Yes/No]

If yes, please provide more detail.

No comment on this question.

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?

These proposals are unlikely to have a significant impact on the environmental principles in the Environment Act 2021. However, any new planning powers should include clear safeguards to ensure environmental issues continue to be properly considered.