# Consultation RESPONSE

# Planning powers for mayors in England

## Ministry of Housing, Communities and Local Government

Date: 5 October 2026

### Introduction

1. The Country Land and Business Association (CLA) is the membership organisation for owners of land, property and businesses in rural England and Wales. We exist to champion, protect and enhance our rural economy, environment and way of life. Our aim is to unlock the potential of the rural economy so that our members can feed the country, create jobs and prosperity, invest in communities and protect the environment for future generations. Together, CLA members own or manage around half the rural land in England and Wales and more than 250 different types of businesses.

2. The CLA welcomes the opportunity to respond to this consultation. The extension of planning powers for mayors will have significant implications for rural landowners, farmers and rural businesses. New mayoral powers must enable the right type of growth across a whole economic area, including its rural communities. Strategic and spatial planning must not limit opportunities for growth in rural areas. Mayors must recognise the contribution that the rural economy can make to the wider economy for a region and acknowledge that this contribution is not just 'farming and agriculture' but much wider.

### Part 1: Powers in relation to applications of potential strategic importance (PSI) Proposal Areas

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

3. Strongly Agree.

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

4. The English Devolution and Community Empowerment Act 2026 requires strategic authorities to consider rural affairs and coastal communities. In line with this, we propose that development of 1500sqm or more for agriculture/food production should be considered as a PSI application. This is likely not relevant for London.

5. In addition, development for anaerobic digestion should also be included under the energy development category.

6. Mayoral authorities should be required to establish land-use advisory groups that feed into Rural Economic Delivery Boards in accordance with the rural affairs competency of the English Devolution and Community Empowerment Act 2026. These groups would enable mayors to have regard to the effect on the growth and resilience of rural businesses, farming and the land-based economy when exercising call in powers.

7. Rural areas must not be considered as locations for growth to expand into and are not solely defined by agriculture. The rural economy is 16% less productive than the national average (including London). Closing that gap could add £43bn to UK GVA.

***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?***

8. Yes. Mayors should be able to call in these applications where a refusal by the local planning authority (LPA) is not being made on technical grounds such as highway safety, nature or heritage.

9. Calling in this size and type of development could provide an effective route to unblocking development often caught within the planning system for rural edge of settlement development. These schemes not only provide much needed homes and contribute to local affordable housing need, but they also support the wider sustainability of the rural area by maintaining the viability of local services and facilities. When determining these types of applications, LPAs can often focus on site specific reasons for refusal or the fact that the land lies outside an established settlement boundary and disregard wider benefits. For example, enabling new housing in one settlement could keep the village school open, which serves children from the four adjacent villages. If housing does not come forward, the service or facility provided in one village and serving those from nearby villages will be lost. This results in the sustainability credentials for all villages being reduced and subsequently reduces the chances of future housing coming forward.

***Question 4: Do you agree that the scope of powers to intervene in relation to PSI applications should expand as a SDS is progressed?***

10. Strongly agree. It would be sensible that development referenced within an SDS as prepared by a mayoral authority is reviewed by the mayor. The scope of powers should expand to enable that. This is particularly relevant where an SDS acknowledges the rural area and economy as part of the overall strategy. These types of development may not be captured by the existing categories for PSI development but are potentially vital to the infrastructure of an area.

***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?***

11. Strongly agree.

***Question 6: Do you agree with the proposed criteria for mayors to use their PSI application powers following adoption of a SDS?***

12. Strongly agree.

***Question 7: Do you agree with the proposed approach to written representations for called-in PSI applications?***

13. Strongly agree.

***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?***

14. Neither agree or disagree.

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

15. The CLA has concerns regarding the ongoing resourcing and capacity issues with planning departments. There is a risk that newly formed strategic authorities will take time to adapt and develop a new combined development management team that operates effectively in a short space of time. Research by the House Builders Federation (HBF) in 2026 identified that 9 in 10 LPAs across England and Wales are understaffed[1]. In addition, the RTPI State of the Profession Report 2025 identified that 1 in 5 planners are expected to leave the profession within 3 years[2]. Poorly resourced teams can result in slow decisions, increased appeals and increase judicial review risk.

16. Spatial Development Strategies (SDSs) must acknowledge the importance of the rural economy and the contribution that it can make to the wider economy for a region. Rural areas cannot be wholly protected or designated as 'no-growth' zones and SDSs must elevate the economic activity of a rural area to the same importance as urban growth. This could be via reference to rural employment hubs, food production and diversification. Industries such as tourism and agriculture are regionally interconnected, regardless of local authority boundaries. Allowing for and maintaining effective cooperation across these boundaries will contribute to creating more resilient local economies in these areas, supporting both agricultural development and diversification and encouraging investment.

## Part 2: Mayoral Development Orders (MDOs)

***Question 10: Do you agree that Mayoral Development Orders cannot be used for Schedule 1 EIA Development?***

17. Strongly agree.

***Question 11: Do you agree that Mayoral Development Orders cannot be used for minerals development?***

18. Partially agree. It is difficult to provide a firm answer without knowing how wider strategic development will be structured. Minerals are a crucial resource for new development and can only be accessed where they are found.

19. The minerals sector is highly technical and requires specialist expertise when considering new development. There is an existing issue of resourcing and lack of skills in the sector which is having a knock-on impact on supply. Whilst MDOs could address these issues and speed up decisions, they may not be the most appropriate route for determination.

[1] https://www.hbf.co.uk/news/planning-staff-shortages-worsen-despite-government-reforms-further-delaying-housing-delivery/
[2] https://www.rtpi.org.uk/new-from-the-rtpi/one-in-five-planners-expected-to-leave-the-profession-within-three-years-with-no-clear-plan-to-replace-them/

***Question 12: Do you agree with the proposed approach to preparing a Mayoral Development Order?***

20. Partially agree. As the consultation states, any MDO must clearly be justified in planning terms and clearly state all the planning matters that have been explored and, if relevant, mitigated against. Guidance to assist mayors in preparing MDOs must be available at the time secondary legislation is passed and must be regularly updated and reviewed. This is fundamental.

21. At the preparation stage, where land is not in public ownership, the mayor must engage with the relevant landowner(s) and/or developers, including promoters, before publishing or issuing an MDO. Early engagement would allow the mayor to establish whether the landowner is willing and able to bring the site forward.

22. Input from landowners can provide insight on any site constraints, environmental management and the practical implications for rural businesses or tenants. Meaningful engagement can shorten eventual negotiations, reduce objections and/or disputes. Evidence of that engagement, and where appropriate the landowner's agreement, should form part of the statutory documents required when the mayor prepares the MDO. An MDO imposed without landowner involvement risks delay or non-delivery and could lead to further consultation, land acquisition or compulsory purchase proceedings at public expense.

***Question 13: Do you agree with the proposed approach to publicity and consultation of a Mayoral Development Order?***

23. Partially agree. Given the scale and potential complexity of proposals that may be brought forward through an MDO, the consultation period should be extended from 30 to 60 days. An MDO may grant permission across a large area and include substantial supporting technical information on matters such as transport, drainage, ecology, landscape, heritage, infrastructure and viability. Interested parties need sufficient time to understand how the order could affect their land and/or business and the wider community.

24. For owners, occupiers and tenants, 30 days is not long enough to identify and appoint an adviser and prepare a representation. This is particularly important where those affected have had limited involvement at an earlier stage or do not routinely engage with the planning system. LPAs and statutory consultees similarly need adequate time to coordinate input across specialist teams and assess cumulative or cross-boundary effects. These services are already operating under significant resource and skills pressures, and a 30-day deadline risks overly cautionary responses.

25. Although a 60-day period would not align with the minimum 30-day period used for some EIA consultations, the broader effect of an MDO justifies additional time.

***Question 14: Do you agree with the proposed arrangements for making a Mayoral Development Order?***

26. Strongly agree.

***Question 15: Do you agree with the proposed approach to approval of conditions following the grant of permission through a Mayoral Development Order?***

27. Strongly agree. As the consultation states, the proposed approach is already well-established and gives both applicants and decision-makers an appropriate level of flexibility.

***Question 16: Do you agree with the proposed approach to revisions and revocations of a Mayoral Development Order?***

28. Strongly agree.

## 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?***

29. The CLA does not support the introduction of an extension to MCIL for use by mayors of strategic authorities, particularly where an authority is already operating CIL. The introduction of MCIL will be an additional layer of expense that impacts delivery. This is particularly relevant for rural development where viability is already stretched, and construction costs continue to rise. An additional levy could prevent land from coming forward, where anticipated returns are below the level required to provide a reasonable incentive for a landowner to release land for development.

30. Additionally, an analysis by the HBF earlier this year estimates that the total value of unspent CIL contributions equates to £2.2 billion in England and Wales with the average being £13.9 million per council[3]. The top three Councils with unspent CIL contributions are the London Boroughs of Brent, Wandsworth and Tower Hamlets, all of which are also subject to MCIL.

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

31. No. The CLA does not support the introduction of an expanded MCIL regime, particularly where an authority is already operating CIL.

***Question 19: How might the requirements for updating an MCIL charging schedule best ensure mayors of strategic authorities can keep rates reflective of market conditions?***

32. The CLA does not support the introduction of an expanded MCIL regime, particularly where an authority is already operating CIL. MCIL should be set at nil for any site providing less than 50 homes and must not be applied to development for agriculture and/or related to food production.

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

33. The CLA do not support the introduction of an expanded MCIL regime, particularly where an authority is already operating CIL. However, if it is introduced, mayors should

[3] https://www.hbf.co.uk/research-insight/unspent-developer-contributions/#CIL

be required to take account any local tier authority CIL rates and only apply MCIL to those projects that are considered as potentially strategically important.

***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?***

34. Please see our response to Question 20 above.

***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)?***

35. Neither agree nor disagree. The CLA do not support the introduction of an expanded MCIL regime, particularly where an authority is already operating CIL. However, if it is introduced, levy receipts should be spread across infrastructure improvements/development that benefit the whole strategic area, including the rural area.

36. Rural areas face infrastructure gaps in the form of unreliable digital connectivity, public transport and the condition of local roads, affordable housing and access to healthcare and other community facilities. MCIL funding should address these cross-boundary shortfalls where they constrain overall growth.

***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?***

37. Please see our response to Question 22 above.

***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?***

38. Please see our response to Question 22 above.

***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?***

39. The CLA do not support the introduction of an expanded MCIL regime, particularly where an authority is already operating CIL.

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

41. The CLA does not support the introduction of an extension to MCIL for use by mayors of strategic authorities, particularly where an authority is already operating CIL. MCIL would add a further layer of cost that could undermine development viability and delivery which could prevent land from coming forward.

42. If MCIL is introduced, mayors should be required to take full account of local-tier CIL rates, avoid duplicative charging and limit MCIL to genuinely strategic projects.

43. The significant level of unspent CIL already held by councils demonstrates the need to prioritise effective distribution of existing contributions before imposing any additional levy.

## Part 4: Local Development Orders (LDOs) Proposal Areas

***Question 27: Do you agree to removal of the restriction that LDOs cannot be used to grant planning permission for development affecting listed buildings?***

40. Strongly agree. Listed buildings are capable of accommodating appropriate change, and an LDO can provide a route that clearly defines the scope of development and assesses the heritage impacts.

41. That said, the CLA would qualify its support by noting that the planning and listed building consent regimes should enable development to listed buildings where the necessary heritage protections are secured.

42. The limited use of Local Listed Building Consent Orders can be an effective tool for enabling routine, low risk works to listed buildings while maintaining consistent heritage safeguards and reducing avoidable burdens for owners and local planning authorities.

***Question 28: Do you agree that Local Development Orders cannot be used for minerals development?***

43. Partially agree.

44. Policy and decision making for minerals development should reside where there is a well-resourced group of expert minerals planners. However, clarity is required as to why a decision based on a LDO structure would give rise to greater environmental harm. There are already considerable safeguards that prevent unacceptable environmental harm from minerals.

45. Whilst the damage from mining is self-evident, it must be balanced against society's needs and high standards in mitigation. For example, restoration works frequently create high-quality and biodiversity rich environments.

46. Unlike other forms of development, minerals are only found where they are present. This distribution is highly uneven and is further complicated by some minerals that are of local, regional and international importance. Levels of importance can change over time and in a manner that the planning system may not be responsive to.

47. Minerals must be secured more easily to enable the government to meet its ambition of building 1.5 million homes during this parliament. The delays and costs involved in securing permission for minerals development must be addressed and a more proportionate, quicker and consistent decision-making framework that does not undermine environmental protections is required.

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

Not answered.

***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?***

Not answered.

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

Not answered.

***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?***

Not answered.

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