Planning powers for mayors in England

Response of the Strategic Aviation Special Interest Group of the Local Government Association (SASIG) to the Ministry of Housing, Communities and Local Government consultation

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From:	Strategic Aviation Special Interest Group (SASIG) on behalf of its member local authorities
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SASIG represents approximately 25 local authorities in England and Wales with an interest in airports and aviation. This response is submitted on behalf of SASIG as a whole. Individual member authorities may respond separately to reflect their own circumstances, and nothing in this response is intended to prejudice those responses.

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1. Introduction and summary

1.1 This is the response of the Strategic Aviation Special Interest Group of the Local Government Association (SASIG) to the Ministry of Housing, Communities and Local Government (MHCLG) consultation *Planning powers for mayors in England*, published on 24 August 2026. The consultation seeks views on how the planning powers for mayors of strategic authorities in the English Devolution and Community Empowerment Act 2026 should be implemented through secondary legislation, covering powers in relation to applications of potential strategic importance (PSI), Mayoral Development Orders (MDOs), the Mayoral Community Infrastructure Levy (MCIL) and changes to Local Development Orders (LDOs).

1.2 Airports are not identified as a distinct category anywhere in the consultation. Yet the proposals are potentially of considerable significance for airports and for the local authorities that own, host and are affected by them. In practice, the proposals could create a new strategic planning tier over airport development, and over development in the vicinity of airports, without the safeguards needed to ensure that aviation's economic, social and environmental impacts are considered in an integrated way, and without any recognition of the substantial interests that local authorities hold in airports as owners, shareholders, operators and landlords.

1.3 SASIG's central message is as follows:

> *SASIG supports appropriate strategic planning and better integration of airport development with regional economic, transport and environmental planning. But strategic planning powers must not become strategic growth powers. The new mayoral powers must not weaken local democratic accountability, must not override the established roles and legitimate interests of local authorities as planning authorities and as airport owners, shareholders, operators and landlords, and must not allow aviation growth to be pursued without full consideration, mitigation and funding of its social, environmental and infrastructure impacts. Where a mayor or strategic authority has a direct interest in an airport, robust safeguards against conflicts of interest are essential.*

1.4 The remainder of this response is structured as follows:

- Section 2 explains what SASIG is;
- Section 3 sets out the role of local authorities in relation to airports and aviation, and why that role cannot be set to one side by the new mayoral provisions;
- Section 4 addresses local authority ownership of airports and the risk of conflicts of interest where mayors hold equity in airports;
- Section 5 sets out SASIG's overarching statement on the proposals;
- Section 6 responds to each of the consultation questions in turn, following the structure of the consultation document and indicating where a provision does not bear upon SASIG's interests; and
- Section 7 summarises SASIG's recommendations and Section 8 concludes.

2. About SASIG

2.1 SASIG is a special interest group of the Local Government Association. It represents approximately fifty local authorities in England and Wales with an interest in airports and aviation. Its members include authorities that host airports of all sizes; authorities that own or part-own airports, or own the land on which they operate; authorities affected by aircraft noise, flight paths and airport surface access; and authorities that are constituent members of mayoral combined authorities and combined county authorities, or that lie within areas where strategic authorities are being established.

2.2 For the last 27 years, SASIG has acted as a bridge between local government, Whitehall departments, the Civil Aviation Authority (CAA) and the aviation industry. Its mission is to ensure that aviation policy reconciles economic, social and environmental considerations.

2.3 SASIG supports sustainable aviation growth. Properly planned and delivered, it can strengthen productivity, regional connectivity, trade, tourism, innovation and employment. Equally, it must be accompanied by effective decarbonisation, proportionate mitigation, robust safeguarding and meaningful engagement with the communities most affected by airport activity.

2.4 SASIG's published policy principles include:

- securing aviation's social and economic benefits on the basis of robust evidence;
- directing aviation growth towards sustainable economic regeneration;
- minimising the adverse social, economic and environmental impacts of aviation;
- ensuring that the air transport sector, rather than local communities, pays the full costs of the impacts of air journeys;
- providing good surface access to airports, particularly public transport links that create integrated transport hubs;
- minimising the impact of aircraft noise; and
- coordinating aviation policy with wider national transport, climate and environmental policies.

2.5 SASIG's current work includes its response to the draft Heathrow Expansion National Policy Statement and its written evidence to the Transport Committee's inquiry; engagement on the CAA's Aviation Noise Attitudes Survey (ANAS) and the Department for Transport's Aviation Night Noise Effects (ANNE) study; research into how local authorities can build the resilience of their airports, and of the local economies that depend on them, against 'Black Swan' events such as the 2008 financial crash and the COVID-19 pandemic; the implementation of changes to Obstacle Limitation Surfaces through aerodrome safeguarding; and Advanced Air Mobility and the wider Future of Flight agenda.

3. The role of local authorities in airports and aviation

3.1 The significant role that local authorities play in airport development and operation is easily overlooked. Local authorities are not simply planning authorities: they are central to the successful and sustainable operation of airports and to the delivery of the Government's aviation policy programme. Their roles include those set out below.

Role	What local authorities do
Local planning authority	Prepare local plans; determine planning applications under the Town and Country Planning Act 1990 for the great majority of airport development, including terminal, apron, cargo, hotel, car park and logistics development and applications to vary operating conditions such as passenger caps and movement limits; act as host authorities in the Development Consent Order (DCO) process for nationally significant airport schemes, including preparing Local Impact Reports, negotiating requirements and obligations, discharging requirements and enforcing them.
Airport owner, shareholder, operator and landlord	Own airports outright, operate them, hold shareholdings in airport companies, or own the freehold or leasehold of airport land (see Section 4).
Aerodrome safeguarding	Consult aerodrome safeguarding authorities on planning applications, protect safeguarded land and airspace, and implement the changes to the Obstacle Limitation Surfaces framework arising from new ICAO standards.
Environmental health and public health	Monitor and manage aircraft and ground noise and air quality, deal with statutory nuisance, oversee noise mitigation and insulation schemes and reflect ANAS and ANNE evidence in local public health strategies.
Highway, transport and surface access	Act as highway and transport authorities, contribute to Airport Surface Access Strategies and Airport Transport Forums, and plan and fund road, rail, bus and active travel links to airports.
Economic development	Partner with airports to deliver jobs, skills, GVA, visitors, supply chain and inward investment, including airport-related enterprise zones and employment sites.
Resilience and emergency planning	Participate in Local Resilience Forums and airport emergency planning; support airports and dependent local economies through economic shocks, as many councils did during the 2008 financial crisis and the COVID-19 pandemic.
Democratic representation	Represent the communities most affected by airport activity, including through membership of airport consultative committees.

3.2 These roles are statutory, financial, operational and democratic. They do not cease when a strategic authority is established or a mayor acquires the planning powers proposed in this consultation. Many of the functions, for example aerodrome safeguarding, environmental health, enforcement, the discharge of conditions and the management of planning

obligations, will continue to be carried out by local authorities even where the mayor has determined the application to which they relate.

3.3 Local authorities therefore cannot be set to one side by the new mayoral provisions. The secondary legislation and guidance should be designed to work with local authorities in all of these roles, not around them. In SASIG's view, the consultation does not yet do this in relation to airports.

4. Local authority ownership of airports and conflicts of interest

Diversity of local authority ownership

4.1 Many local authorities have a direct proprietary interest in airports. Some own airports outright; some operate them; some are shareholders in airport companies; and some own the freehold or leasehold of airport land, with operations let to a private operator by lease or concession. This diversity of ownership spans some of the largest commercial airports in the country, such as Manchester and Birmingham, through to the smallest general aviation airfields, such as Rochester and North Weald, and all points in between. Illustrative examples are set out below.

Form of interest	Illustrative examples	Why it matters for mayoral powers
Shareholding in major commercial airports and airport groups	Manchester Airports Group (Manchester, East Midlands and London Stansted), majority owned by the ten Greater Manchester councils; Birmingham Airport, in which seven West Midlands councils hold a substantial stake; Newcastle International Airport, majority owned by seven North East councils.	Shareholder councils may sit within one strategic authority area while the airports in which they hold interests sit within another. Decisions by one mayor may therefore affect assets held on behalf of taxpayers elsewhere.
Outright ownership, operated under concession	London Luton Airport, owned by Luton Borough Council through its company Luton Rising and operated under a concession.	The council's asset value, concession income and long-term plans for the airport are directly exposed to planning decisions taken by others.
Outright ownership and operation	Blackpool Airport (Blackpool Council); North Weald Airfield (Epping Forest District Council).	The council is both owner and operator, with direct operational, financial and safety responsibilities.
Freehold or leasehold ownership	Rochester Airport (freehold owned by Medway Council and leased to an operator).	The council's interest as landowner, and the terms on which the airfield is let, may be affected by development on or around the site.
Strategic authority ownership or funding	At least one mayoral combined authority already owns a controlling interest in a commercial airport, and other strategic authorities have committed substantial public funds to airports in their areas.	The mayor may be both the strategic planning decision-maker and, in effect, the owner or funder of the asset concerned (see paragraphs 4.6 to 4.10).

4.2 Local authority ownership of airports serves important public purposes: securing connectivity and the economic benefits that airports bring; safeguarding strategic

infrastructure that might otherwise be lost; and generating returns, through dividends, rents, concession fees and loan interest, which support local services. These assets are held on behalf of local taxpayers, and the authorities concerned have fiduciary and best value duties in managing them.

Mayoral powers must not override these interests

4.3 Each of the three principal powers in the consultation could directly affect these interests:

a) **PSI powers**: a mayoral direction to refuse, or a call-in of, an application at a local authority-owned airport could frustrate the owner's development plans and affect the value of a public asset, even where the host local planning authority (LPA) supports the proposal.

b) **MDOs**: an MDO could grant permission for development on or adjacent to airport land, for example housing that would constrain airport operations, compromise safeguarded land or airspace, or lead to the loss of a general aviation airfield, without the agreement of the authority that owns it.

c) **MCIL**: MCIL rates and spending decisions could affect the viability of airport development undertaken by, or on land owned by, local authorities, and the local authority could find itself collecting MCIL from a development in which it is itself the owner or shareholder.

4.4 SASIG therefore asks that the secondary legislation and guidance expressly recognise local authorities' interests in airports. In particular: (i) local authorities that own, part-own, operate or are landlords of an airport should be consulted directly, in that capacity and not only as LPA, on any PSI application, MDO or MCIL proposal affecting the airport; (ii) an MDO should not grant permission for development on land owned by a local authority, or within the operational boundary of a local authority-owned airport, without that authority's consent; and (iii) mayors should be required to have regard to the strategic role of local authority-owned airports, and to the public interest in their continued operation, when exercising their new powers.

4.5 General aviation airfields require particular attention. Smaller airfields are frequently regarded as potential housing land, and the consultation frames mayoral intervention before adoption of a Spatial Development Strategy (SDS) largely around housing and economic growth, with housing targets an explicit consideration. National planning policy requires planning to recognise the importance of maintaining a national network of general aviation facilities, taking account of their value in serving business, leisure, training and emergency service needs. These airfields may also have a growing role in Advanced Air Mobility and the Future of Flight. Mayoral PSI and MDO powers should not become a route to the loss of such facilities without full consideration of national policy, the airfield's role and the views of its owner and operators.

Conflicts of interest where mayors hold equity in airports

4.6 The consultation is silent on conflicts of interest. Yet it envisages (paragraph 65) that MDOs would be used by mayors where they have 'a direct interest in the development of the site as a promoter or partner'. Where a mayor or strategic authority holds equity in an airport, or part of one (for example, airport land, a terminal or cargo development company, or an airport-related enterprise zone), or has lent to or guaranteed the airport, there is a real risk of conflict between that interest and the mayor's new planning functions. For example, a mayor could:

- call in and determine a planning application for development at an airport the strategic authority owns;
- direct refusal of, or call in, an application at a competing airport or for competing airport-related development;
- grant permission by MDO for development at, or benefiting, an airport in which the strategic authority has an interest; or
- set MCIL rates, or allocate MCIL receipts, in ways that favour infrastructure serving an asset in which the strategic authority has an interest.

4.7 Even the perception of such a conflict would damage public confidence in the new system, and decisions taken in these circumstances would be vulnerable to legal challenge on grounds of apparent bias. It is in the interests of mayors themselves, as well as local authorities, airport operators, investors and communities, that the position is made clear from the outset.

4.8 There are established precedents. Where a local authority determines a planning application for its own development or on its own land, the Town and Country Planning General Regulations 1992 require the decision to be taken by a body that is functionally separate from the part of the authority responsible for managing the land or proposing the development. The Government has also proposed in this consultation that centrally-led Urban and New Town Development Corporations should be 'free to deliver without external interference' from mayoral PSI powers (paragraph 60), recognising that bodies with distinct accountabilities warrant protection. Comparable safeguards are needed where the mayor has a direct interest.

4.9 SASIG recommends that the secondary legislation and statutory guidance should:

a) require each strategic authority to publish, and keep up to date, a register of the interests of the authority (and of the mayor personally) in airports and airport-related land, companies and development, both within and outside its area;

b) provide that where the strategic authority has a material financial interest (whether as equity holder, landowner, lender, guarantor, promoter or partner) in the development that is the subject of a PSI application, or in a facility directly competing with it, the mayor may not direct refusal or call in that application. The application should instead remain with the LPA, subject to the Secretary of State's existing call-in powers;

c) provide that an MDO for development in which the strategic authority has a direct financial interest at or adjacent to an airport may be made only with the consent of the relevant LPA and of any local authority landowner or shareholder, and following independent examination or with the approval of the Secretary of State;

d) require functional separation within the strategic authority, equivalent to that required of local authorities under the 1992 Regulations, between those exercising planning functions and those managing or promoting airport interests; and

e) require a declaration of interest where MCIL-funded infrastructure would primarily benefit an asset in which the strategic authority has an interest.

4.10 These safeguards would not prevent strategic authorities from owning or investing in airports, which may often be in the public interest. They would ensure that the exercise of the new planning powers is, and is seen to be, impartial.

5. SASIG's overarching statement

Support for strategic planning in principle

5.1 Aviation is an inherently strategic activity. The benefits and impacts of airports do not respect local authority boundaries. An airport may be located in one district while its employees, passengers, road traffic, public transport requirements, noise footprint, air quality effects, housing pressures and economic benefits extend across several authorities. Properly designed, mayoral strategic planning could address one of the long-standing weaknesses in airport planning by providing a better mechanism for coordinating airport development with surface access, housing, employment, logistics, environmental protection and the needs of neighbouring communities.

5.2 SASIG therefore supports, in principle, a strategic planning role for mayors. This is consistent with SASIG's principles of integrated transport provision, good surface access to airports and capturing aviation's social and economic benefits while minimising its adverse impacts.

Strategic planning, not strategic promotion of growth

5.3 Strategic planning must mean integrated planning, not simply the strategic promotion of growth. Airport development differs from ordinary commercial development because its impacts extend well beyond the site and the LPA boundary. It must address aircraft noise, night flights, surface access and congestion, air quality, carbon emissions, biodiversity, freight movements, employment and economic impacts, housing pressures, infrastructure requirements, flight paths and their interaction with national aviation policy, and impacts across several local authority areas.

5.4 The consultation's generic approach risks treating a strategically significant airport development principally as a large commercial development, rather than as strategic transport infrastructure with distinctive externalities. Before an SDS is adopted, the proposed intervention test is framed around housing and economic growth; after adoption, it is linked to implementation of the SDS. Unless these tests are balanced, there is a risk that the new system becomes a mechanism for accelerating airport development, or for releasing airfield land for housing, without proper regard to its wider consequences.

Relationship with national aviation policy and the DCO regime

5.5 The mayoral PSI and MDO powers would operate under the Town and Country Planning Act 1990. Nationally significant airport schemes are consented under the Planning Act 2008. However, much significant airport growth falls below the NSIP thresholds and is consented through ordinary planning applications, including applications to vary passenger caps and operating conditions. Recent increases in permitted capacity at London Stansted and Bristol airports, for example, were determined under the 1990 Act. The mayoral powers are therefore directly relevant to airport capacity. SASIG asks the Government to confirm that SDS aviation policies and mayoral decisions must be consistent with national aviation policy, including any relevant National Policy Statement, and that strategic authorities should be consulted on DCO applications alongside, and not instead of, host and neighbouring local authorities.

SASIG's key asks

5.6 SASIG's key asks of the Government, developed in the responses to individual questions in Section 6, are:

i) **Recognise the established roles of local authorities** in relation to airports, as planning, safeguarding, environmental health, highway and economic development authorities and as democratic representatives, and ensure the new provisions work with them.

ii) **Protect local authorities' interests as airport owners, shareholders, operators and landlords**, including a requirement for landowner consent to MDOs on local authority land.

iii) **Introduce robust conflict of interest safeguards** where a mayor or strategic authority has a direct interest in an airport or in competing development.

iv) **Add a specific airport and aviation PSI category**, defined by operational and environmental significance rather than floorspace alone, and including development that would result in the loss of an aerodrome.

v) **Require SDSs for areas containing significant airports to include an explicit airport and aviation policy**, prepared with host authorities and airport owners and operators.

vi) **Ensure growth is not the overriding test** for mayoral intervention, by requiring explicit consideration of environmental, social, health, noise, climate, surface access and cumulative impacts.

vii) **Protect the role of the host LPA and neighbouring authorities**: early involvement, consultation before intervention, reasons for intervention and substantial weight to the host LPA's assessment.

viii) **Establish a presumption in favour of a public hearing** for called-in airport applications involving significant changes to capacity, operations or noise.

ix) **Require cumulative impact assessment** of linked airport applications.

x) **Apply the polluter pays principle** so that MCIL does not become a mechanism through which local communities subsidise airport growth, while **using MCIL to support sustainable surface access** to airports.

xi) **Secure aerodrome safeguarding** in all mayoral planning processes.

xii) **Resource local authorities** for the additional work the new system will generate.

6. Responses to the consultation questions

SASIG's responses follow the structure of the consultation document. Where a provision does not bear upon SASIG's interests, this is stated. The question text is reproduced from the consultation document for ease of reference.

Part 1: Powers in relation to applications of potential strategic importance

Question 1

> *Do you agree with the proposed PSI (potential strategic importance) application categories for areas outside of London, as set out in Annex A? Please provide reasons why, please reference specific categories.*
>
> **SASIG response: Partially disagree**

SASIG recognises the value of a common set of PSI categories, modelled on the Mayor of London Order, in providing consistency and certainty. However, the proposed categories do not include any specific category for airport development, and the major infrastructure category, which the consultation says covers transport schemes, would only become available after an SDS is adopted.

In practice, the large-scale development category of 15,000 square metres of non-residential floorspace would catch some airport development from day one, such as terminal extensions, hotels and logistics or cargo buildings, while failing to catch airport development that has the most significant strategic effects but involves little floorspace. Examples include:

- new runways, runway extensions and taxiways;
- new aprons and aircraft stands;
- applications, including applications under section 73 of the 1990 Act, to increase passenger caps or air transport movement limits, to change operating hours or night flight restrictions, or to vary noise controls; and
- major airport surface access infrastructure.

Conversely, large but operationally routine development, such as a replacement hangar, could be caught unnecessarily. Floorspace is a poor proxy for the strategic significance of airport development.

The category for buildings over 30 metres in height is relevant to aerodrome safeguarding and the Obstacle Limitation Surfaces around airports. Where a tall building application falls within an aerodrome safeguarding area, the mayor should be required to take full account of safeguarding consultation responses (see Question 9).

SASIG's proposed airport category is set out in response to Question 2.

Question 2

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

SASIG response: Yes – a specific category for strategically significant airport and aerodrome development

This is one of SASIG's principal recommendations. The regulations should explicitly identify strategically significant airport development and airport infrastructure as PSI development, rather than relying on the floorspace threshold. The category could cover, for example:

- runway development, including new runways and runway extensions;
- terminal expansion;
- development, or the variation of planning conditions, that would materially increase permitted passenger throughput, air transport movements or cargo capacity, or relax night flight, operating hour or noise controls;
- substantial airside infrastructure;
- major cargo and freight facilities, including airport-related logistics;
- major airport surface access infrastructure;
- associated development of a scale likely to materially alter the airport's operation or impacts; and
- development that would result in the loss of, or materially constrain the operation of, an aerodrome, including general aviation airfields, or safeguarded aerodrome land.

Thresholds should be evidence-based and reflect operational and environmental significance, not merely floorspace. The consultation recognises that PSI categories can be adapted to local circumstances once an SDS is in place, and local variations should be prepared in consultation with host authorities and airport owners and operators.

This category should apply from the outset, not only after adoption of an SDS, but only in combination with the safeguards SASIG proposes in response to Questions 5 to 7: balanced intervention tests, a presumption in favour of a public hearing and protection for the host LPA. It should be subject to the conflict of interest provisions in paragraph 4.9 and to mandatory consultation with the airport operator, any local authority owner, shareholder or landlord, neighbouring authorities within the airport's noise contours and beneath its flight paths (including those outside the strategic authority area) and the airport consultative committee.

The same category should apply in London, where it would be relevant to non-NSIP development at London's airports.

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? Please provide reasons why.

SASIG response: No, as currently framed

Where LPAs are minded to refuse residential applications in the vicinity of airports, they frequently do so for reasons of aircraft noise exposure, aerodrome safeguarding, public safety zones, the agent of change principle or the protection of operational airfield land. These are matters of

substantial weight, often grounded in technical advice from aerodrome safeguarding consultees, the CAA, the Ministry of Defence or the airport operator.

A streamlined call-in power for 50 homes or more, available before an SDS is adopted and framed around housing delivery, risks such refusals being overridden and new residents being placed in areas of high aircraft noise, creating future conflict with airport operations. It would also increase the pressure on general aviation airfields as housing sites.

If the Government proceeds, the power should not be available where the LPA's reasons for refusal include aerodrome safeguarding, aircraft noise or public safety, or where the application site includes operational or safeguarded aerodrome land, unless the mayor has first consulted the aerodrome operator and safeguarding consultees and any local authority owner of the aerodrome.

Question 4

> *Do you agree that the scope of powers to intervene in relation to PSI (potential strategic importance) applications should expand as a SDS (Spatial Development Strategy) is progressed? Please provide reasons why.*
>
> **SASIG response: Partially agree**

Linking the scope of the powers to the progress of the SDS is logical, since the purpose of the powers is to implement the strategy. However, the expansion of powers should depend on the SDS containing robust, evidence-based airport and aviation policies where the area contains, or is significantly affected by, an airport.

For an area containing a significant airport, the SDS should include an airport and aviation policy addressing the airport's strategic economic role; capacity and land requirements; surface access; freight; employment; housing; noise; air quality; carbon; biodiversity; community impacts; infrastructure requirements; funding and mitigation; and the relationship between airport growth and regional growth. It should be prepared with the host and neighbouring authorities, airport owners and operators and affected communities, and tested at examination.

Without this, airports could become subject to a strategic planning framework in which their specific circumstances have not been properly considered, and later mayoral interventions would rest on ad hoc judgements rather than agreed strategic policy.

Question 5

> *Do you agree that where a SDS (Spatial Development Strategy) is not yet adopted, a decision by a mayor to either direct refusal or call in a PSI (potential strategic importance) application will need to be justified in respect to growth? Please provide reasons why.*
>
> **SASIG response: Partially disagree**

SASIG agrees that mayoral intervention before an SDS is adopted should be constrained and justified. However, a justification framed solely in terms of growth is too narrow and one-sided. For non-residential applications, the consultation proposes that growth be assessed by reference to Local Growth Plans, which are not development plans, have not been examined and may not address the environmental and community impacts of aviation.

For airport development, this creates a risk that mayors intervene to accelerate development in pursuit of regional growth without balanced consideration of its impacts or, conversely, intervene to support housing on or near airfields because it contributes to housing targets. Both outcomes

would sit uncomfortably with SASIG's principle that policy should control the impacts of aviation, rather than simply facilitating aviation activity.

SASIG recommends that the test should require that intervention be justified by reference to sustainable development as a whole - including its economic, social and environmental dimensions, and that the mayor should first consult the host LPA. Local Growth Plans that are used for this purpose should be prepared with constituent and host authorities and address airports explicitly. The conflict of interest provisions in paragraph 4.9 should apply.

Question 6

> *Do you agree with the proposed criteria for mayors to use their PSI (potential strategic importance) application powers following adoption of a SDS (Spatial Development Strategy)? Please provide reasons why.*
>
> **SASIG response: Partially disagree unless amended**

The post-SDS criteria rely on whether a development would be contrary to or prejudicial to the SDS, or have a significant impact on its implementation, together with 'sound planning reasons'. For airport development, the statutory framework and guidance should explicitly require consideration of:

- economic benefits and social consequences;
- noise, including night noise, and health;
- air quality, climate change and biodiversity;
- surface transport;
- community impacts and cumulative impacts; and
- the full infrastructure costs of airport growth.

SASIG also recommends that:

- the host LPA should be involved from the earliest stage and consulted before the mayor decides to intervene;
- the mayor should be required to demonstrate why intervention is necessary and to publish reasons for call-in decisions as well as for directions to refuse;
- the host LPA's planning assessment should be given substantial weight;
- there should be a formal duty to consider the views of affected neighbouring authorities, including those outside the strategic authority area;
- 'sound planning reasons' should be defined in guidance; and
- the 14-day period for deciding whether to intervene should be capable of extension by agreement for complex applications such as those relating to airports.

This would maintain strategic coordination without reducing local authorities to the status of consultees. The conflict of interest provisions in paragraph 4.9 should also apply.

Question 7

Do you agree with the proposed approach to written representations for called-in PSI (potential strategic importance) applications? Please provide reasons why.

SASIG response: Partially disagree

A written representations procedure may be appropriate for straightforward or technical matters, including minor airport applications. However, airport applications involving significant changes in capacity, operations or noise can affect many thousands of residents across several authorities. For such applications, written representations alone would be inadequate and would move decision-making further from the communities most affected.

SASIG recommends a presumption in favour of a public hearing for called-in airport applications involving significant changes in airport capacity, noise or operating impacts, and wherever the host LPA, an affected neighbouring authority or a local authority owner of the airport requests one. Where a mayor chooses written representations, the reasons should be published. Hearings should be held locally and be accessible to affected communities.

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 (potential strategic importance) applications? Please provide reasons why.

SASIG response: Neither agree nor disagree – limited direct relevance to SASIG's interests

This proposal does not bear directly on SASIG's interests. SASIG notes, however, that the Government's reasoning, that bodies with distinct accountabilities should be 'free to deliver without external interference', supports SASIG's case in Section 4 for protecting the legitimate interests of local authorities as airport owners and for safeguards where mayors hold interests in airports. Where a development corporation area includes or adjoins an airport, the airport operator and any local authority owner should continue to be consulted.

Question 9

Do you have any suggestions for minor and/or technical changes to the PSI (potential strategic importance) application procedure? Please provide details.

SASIG response: Yes

SASIG suggests the following:

- **Aerodrome safeguarding**: where the mayor calls in an application, the mayor should be bound by the same aerodrome safeguarding requirements as the LPA, including consultation with safeguarding consultees and the requirement to notify the aerodrome operator, the CAA or the Ministry of Defence (as appropriate) before granting permission contrary to their advice. The LPA's referral should include all safeguarding consultation responses.
- **Consultation responses**: the referral of an airport application should include the responses of neighbouring authorities and the airport consultative committee.
- **Conflicts of interest**: the provisions set out in paragraph 4.9 should be included.

- **Timescales**: the 14-day intervention period should be extendable by agreement for complex applications.
- **Reasons**: the mayor should publish reasons for call-in decisions, not only for directions to refuse.
- **Post-decision functions**: where an application is called in, it should be clear that the discharge of conditions, monitoring and enforcement revert to the LPA, with the LPA a party to any section 106 agreement, and that the LPA's costs of these functions and of preparing its assessment for the mayor are recoverable.
- **Linked applications**: mayors and LPAs should be required to consider the cumulative impacts of linked airport applications (terminals, hotels, cargo, warehousing, car parking, roads, public transport, energy and ancillary development), rather than assessing them in isolation.

Part 2: Mayoral Development Orders

Question 10

> *Do you agree that Mayoral Developments Orders cannot be used for Schedule 1 EIA Development? Please provide reasons why.*
>
> **SASIG response: Strongly agree, with additional safeguards for airport-related Schedule 2 development**

SASIG strongly agrees that MDOs should not be capable of granting permission for Schedule 1 EIA development, which includes the construction of airports with a basic runway length of 2,100 metres or more. This is consistent with LDOs and other permission routes.

However, most airport development, including extensions and changes to existing airports, falls within Schedule 2 and would therefore remain within the scope of MDOs. The concern is broader than whether an MDO could permit a runway: an airport MDO could facilitate associated development, such as terminals, commercial uses, logistics and access infrastructure, without each element being determined through the conventional planning application process.

SASIG therefore recommends that airport-related MDOs should be made only where:

- the adopted SDS contains an evidence-based airport and aviation policy;
- the cumulative environmental and community impacts have been properly assessed;
- the MDO would not increase permitted capacity or air transport movements, or relax operating or noise controls, which should remain matters for a planning application; and
- the relevant LPA and any local authority owner of the airport or its land have consented, and the conflict of interest provisions in paragraph 4.9 are met.

Question 11

Do you agree that Mayoral Development Orders cannot be used for minerals development? Please provide reasons why.

SASIG response: Not relevant to SASIG's interests – no comment

Question 12

Do you agree with the proposed approach to preparing a Mayoral Development Order? Please provide reasons why.

SASIG response: Partially agree

The requirement for a draft order, a statement of reasons and a plan is appropriate. SASIG recommends that:

- where an MDO would affect an airport or land within an aerodrome safeguarding area, the statement of reasons should assess the effects on aerodrome safeguarding, aircraft noise exposure (particularly for residential development), surface access and consistency with national aviation policy;
- the statement of reasons should include a declaration of any interest of the mayor or strategic authority in the land or development;
- the mayor should engage with the relevant LPA, and with any local authority landowner or shareholder, before the draft order is prepared; and
- the consent of any local authority that owns the land, or owns the airport within whose operational boundary it lies, should be required (see paragraph 4.4).

Question 13

Do you agree with the proposed approach to publicity and consultation of a Mayoral Development Order? Please provide reasons why.

SASIG response: Partially agree

SASIG supports the proposed publicity requirements and the requirement to consult relevant LPAs and statutory consultees. For airport-related MDOs, and MDOs affecting land near airports, SASIG recommends enhanced consultation, including:

- the aerodrome operator and aerodrome safeguarding consultees (including NATS, the CAA and the Ministry of Defence where relevant) as mandatory consultees where the land falls within a safeguarding area;
- any local authority that owns, part-owns, operates or is landlord of the airport;
- the airport consultative committee;
- neighbouring authorities within the airport's noise contours or beneath its flight paths, including those outside the strategic authority area; and
- the Department for Transport where the MDO relates to airport development.

The minimum consultation period for airport-related MDOs should be extended to at least six weeks.

Question 14

Do you agree with the proposed arrangements for making a Mayoral Development Order? Please provide reasons why.

SASIG response: Partially agree

SASIG supports the requirement to publish a summary of representations and how they have informed modifications. It recommends that the mayor should also be required to publish a specific response to any objection from the relevant LPA, a local authority landowner or shareholder, or a statutory or aerodrome safeguarding consultee. Where such an objection is maintained, the MDO should be subject to independent examination or notified to the Secretary of State with an opportunity to intervene. An MDO in which the strategic authority has a direct interest should not be made without the safeguards in paragraph 4.9.

Question 15

Do you agree with the proposed approach to approval of conditions following the grant of permission through a Mayoral Development Order? Please provide reasons why.

SASIG response: Partially agree

Conditions on airport-related development, for example on noise, operating hours, monitoring and surface access, are specialist matters which host LPAs, with their environmental health expertise and local knowledge, are best placed to discharge and enforce. SASIG supports the alignment with the existing discharge of conditions process.

SASIG has reservations about the proposal that an applicant could apply to the mayor where the LPA has not determined an application to approve a condition, particularly where the mayor or strategic authority is promoter of or partner in the development. In such cases, the conflict of interest provisions in paragraph 4.9 should apply and the remedy should be an appeal to the Secretary of State.

Where planning obligations are secured through an ‘Arsenal condition’, the host LPA, and any local authority owner of the land, should be parties to the section 106 agreement, and obligations relating to surface access and noise mitigation should be secured from the outset. LPAs should be properly resourced for these functions.

Question 16

Do you agree with the proposed approach to revisions and revocations of a Mayoral Development Order? Please provide reasons why.

SASIG response: Partially agree

SASIG welcomes the requirement for the mayor to give each relevant LPA no less than 30 days to provide its approval to a revision or revocation. The notification requirements should extend to any local authority owner of the land or of an affected airport, the aerodrome operator and safeguarding consultees. A revision that would relax environmental or operational controls should be subject to the same publicity, consultation and safeguards as the original order.

Part 3: Mayoral Community Infrastructure Levy

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?*
>
> **SASIG response: SDS evidence should inform MCIL, including airport-specific evidence**

Transport modelling, infrastructure delivery planning and viability evidence prepared for an SDS can clearly inform a charging schedule. In areas containing airports, the SDS evidence base should draw on airport master plans, Airport Surface Access Strategies and the work of Airport Transport Forums and should distinguish between infrastructure of genuinely strategic benefit and mitigation generated directly by airport development, which should remain the responsibility of the airport or developer.

Airport development has distinctive economics: it is capital intensive, long-term, cyclical and exposed to external shocks. Viability evidence should therefore treat airport development specifically and be prepared in consultation with airport operators and any local authority owners or shareholders.

Question 18

> *Should SDS (Spatial Development Strategy) examination generally take place at the same time as CIL charging schedule examination, and where would greater flexibility be justified?*
>
> **SASIG response: Yes, generally**

Concurrent examination would be efficient and make the link between strategy, infrastructure and charging transparent. Flexibility would be justified where infrastructure or viability evidence is not sufficiently advanced at the time of SDS examination, or where market conditions have changed materially. In either case, the examination should consider properly the viability of airport and airport-related development.

Question 19

> *How might the requirements for updating a MCIL (Mayoral Community Infrastructure Levy) charging schedule best ensure mayors of strategic authorities can keep rates reflective of market conditions?*
>
> **SASIG response: Limited direct relevance; mechanisms for rapid review are needed**

Aviation is particularly exposed to external shocks, as the 2008 financial crisis and the COVID-19 pandemic demonstrated. SASIG's current research into the resilience of airports and their local economies highlights how quickly airport-related investment can be put at risk. MCIL charging schedules should include a mechanism for prompt review, or temporary suspension or reduction of rates, in response to significant economic shocks, and should allow differential or nil rates for airport operational development where viability is marginal, particularly at smaller regional airports and general aviation airfields.

Question 20

> *Should the CIL regulations require mayors to take account of local tier authority CIL rates when setting their own rates?*
>
> **SASIG response: Yes**

This is essential to avoid double charging and to protect viability. Mayors should also be required to take account of existing planning obligations and airport-specific contributions, such as sustainable transport funds secured through airport planning permissions, and to be transparent about how MCIL receipts are spent. There should be a mechanism ensuring that a reasonable proportion of strategic infrastructure funding benefits the airport-hosting communities that experience the greatest impacts.

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?*
>
> **SASIG response: Yes**

SASIG suggests that, before charging MCIL, mayors should be required to:

- have an adopted SDS which, where relevant, contains an airport and aviation policy;
- publish an infrastructure delivery plan identifying the strategic infrastructure to be funded;
- engage constituent and collecting authorities and infrastructure providers, including airport operators and any local authority owners, on rates and priorities;
- agree collection arrangements and administrative funding with collecting authorities;
- establish transparent governance and annual reporting of receipts and spending;
- set out how MCIL will be distinguished from mitigation that should be funded by the development that generates it; and
- declare any interest of the strategic authority in chargeable development or in assets that would benefit from MCIL-funded infrastructure.

Question 22

> *Do you agree that MCIL (Mayoral Community Infrastructure Levy) 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)? Please provide reasons why.*
>
> **SASIG response: Partially agree**

SASIG agrees in principle that strategic authorities should have flexibility to fund their strategic infrastructure priorities. This is perhaps the most positive part of the proposals from the perspective of airport-hosting areas. SASIG's agreement is subject to: airport surface access and appropriate strategic environmental mitigation being eligible; the benefits being genuinely strategic; MCIL not substituting for mitigation that should be funded by the development that generates it; and transparency in prioritisation and spending.

Question 23

What type of strategic infrastructure do you think MCIL (Mayoral Community Infrastructure Levy) should be capable of being used to fund, and how might this affect rate-setting?

SASIG response: Sustainable airport surface access and strategic environmental mitigation should be explicitly included

MCIL should be capable of funding sustainable surface access to airports, consistent with SASIG's long-standing principle that good public transport links to airports should create integrated transport hubs. This includes:

- rail and light rail connections;
- bus rapid transit and bus services infrastructure;
- tram;
- interchange facilities;
- cycling and active travel infrastructure;
- road improvements where necessary; and
- strategic environmental mitigation and enabling infrastructure, such as energy network capacity to support the decarbonisation of airports and surface access, where the benefits extend beyond the immediate site.

Airport-related infrastructure needs should be explicitly considered when determining MCIL priorities. However, SASIG distinguishes between strategic infrastructure that benefits the wider region and mitigation or infrastructure directly generated by airport development. The latter, including noise insulation and site-specific access works, should remain the responsibility of the airport or developer through planning obligations and other mechanisms, reflecting SASIG's principle that the air transport sector rather than local communities should bear the costs of aviation's impacts. MCIL must not become a mechanism through which the wider community subsidises airport growth.

For rate-setting, this implies a clear list of projects to be funded, viability testing that reflects airport development economics, the potential for differential rates by use or zone, and avoidance of charging airport development for infrastructure it already funds directly.

Question 24

Could there be exceptional cases where it would be appropriate for MCIL (Mayoral Community Infrastructure Levy) to fund matters in an area that would usually sit within a single local tier authority's responsibility? Please provide more detail.

SASIG response: Yes, exceptionally

Airports provide a clear example. Infrastructure such as an airport rail station, interchange or access road may lie entirely within the host authority's area while serving a catchment, and mitigating impacts, across the wider strategic area and beyond. The host authority should not be expected to bear such costs alone. MCIL funding in such cases should be subject to demonstrable benefits beyond the local tier authority's area, the agreement of that authority and confirmation that the funding does not substitute for obligations properly falling on the developer.

Question 25

> *How can the collection of MCIL (Mayoral Community Infrastructure Levy) work simply and effectively in all circumstances, including when the local tier authority does not charge its own CIL?*
>
> **SASIG response: Collection should be properly resourced, with clear governance**

Local tier authorities acting as collecting authorities should be able to retain a proportion of receipts to cover their administrative costs, supported by clear data-sharing and reporting arrangements. Where a local tier authority does not charge its own CIL, default collection arrangements should be set out in regulations, with the option of direct collection by the strategic authority by agreement. Where the collecting authority is itself the owner or shareholder of a chargeable airport development, guidance should set out appropriate governance arrangements to avoid any conflict between its collecting and ownership roles.

Question 26

> *Do you have any other observations or comments on the expanded MCIL (Mayoral Community Infrastructure Levy) proposals, or anything related to them?*
>
> **SASIG response: Yes**

Airport-related development should contribute fairly towards the infrastructure and environmental mitigation costs it generates. SASIG asks that guidance clarify the relationship between MCIL, local CIL and planning obligations for airport development, so that the polluter pays principle is maintained and there is no double charging. Many airports lie close to strategic authority boundaries, and their surface access infrastructure often crosses them. Guidance should therefore provide for joint funding arrangements between strategic authorities, and with neighbouring authorities outside mayoral areas.

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? Please provide reasons why.*
>
> **SASIG response: Neither agree nor disagree – limited relevance to SASIG's interests**

SASIG has no objection in principle. Some aerodromes include listed buildings and historic airfield structures, and LDOs could support heritage-led regeneration at such sites, provided that the special regard duty and the requirement for listed building consent continue to apply.

Question 28

> *Do you agree that Local Development Orders cannot be used for minerals development? Please provide reasons why.*
>
> **SASIG response: Not relevant to SASIG's interests – no comment**

Question 29

> *Do you have any further minor technical changes to the Local Development Order procedure? If yes, please provide more detail.*
>
> **SASIG response: Yes**

Several airport-hosting authorities have used LDOs to support airport-related enterprise zones and employment sites. The regulations should clarify the relationship between LDOs and MDOs covering the same land, so that an MDO cannot override or conflict with an LDO made by the host LPA for airport land without that authority's agreement.

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? If yes, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.*
>
> **SASIG response: Yes**

Aircraft noise, particularly at night, affects health, sleep and wellbeing, as the ANAS and ANNE studies have examined, and can affect children's learning. Its effects may fall disproportionately on children, older people, disabled people and those with existing health conditions. Moving decisions on major airport development further from affected communities, and determining them by written representations, could disadvantage those less able to participate in written or digital processes.

The proposals could also affect local authorities as airport owners and shareholders (Section 4), and aviation businesses including airport operators, general aviation operators, flying schools, air ambulance and other emergency services, and aviation small and medium-sized enterprises.

Question 31

> *Is there anything that could be done to mitigate any impact identified? If yes, please provide more detail.*
>
> **SASIG response: Yes**

The impacts could be mitigated by: a presumption in favour of locally held, accessible public hearings for major airport applications; plain-language and accessible consultation materials; equality impact assessment of airport-related PSI decisions and MDOs, drawing on the ANAS and ANNE evidence; full involvement of the host LPA and neighbouring authorities; and the safeguards for local authority airport interests and conflicts of interest set out in Section 4.

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?*
>
> **SASIG response: Yes**

The five environmental principles align closely with SASIG's policy principles and support the safeguards proposed in this response:

- **Integration**: environmental protection should be integrated into SDS aviation policies and into the criteria for mayoral intervention, rather than growth being the overriding test (Questions 5 and 6).
- **Prevention**: aircraft noise and other harms should be prevented through good planning, including aerodrome safeguarding and avoiding new housing in high-noise areas (Question 3).
- **Rectification at source**: aviation impacts should be controlled at source, through operating and noise controls, which should not be relaxed through MDOs (Question 10).
- **Polluter pays**: the air transport sector, not local communities, should bear the costs of its impacts, and MCIL should not shift those costs (Questions 23 and 26).
- **Precaution**: emerging evidence on night noise and health should be taken into account, and cumulative impacts of linked airport development assessed (Question 9).

7. Summary of recommendations

SASIG recommendation	Questions
Recognise the established roles of local authorities in relation to airports and aviation; the new mayoral provisions cannot set them to one side.	General; 6, 9
Protect local authorities' interests as airport owners, shareholders, operators and landlords, including direct consultation and landowner consent to MDOs.	2, 7, 10, 12–16
Introduce conflict of interest safeguards where a mayor or strategic authority has an interest in an airport or competing development: register of interests, exclusion from intervention, independent scrutiny of MDOs, functional separation.	5, 6, 9, 10, 14, 15, 21, 25
Add a specific PSI category for strategically significant airport and aerodrome development, based on operational and environmental significance.	1, 2
Protect general aviation airfields and residential refusals grounded in noise and safeguarding from being overridden.	3, 5
Require SDSs for areas containing significant airports to include an airport and aviation policy.	4, 10, 21
Ensure growth is not the overriding test for intervention; require balanced economic, social and environmental consideration.	5, 6, 32
Protect the role of the host LPA and neighbouring authorities in PSI decisions.	6, 9
Presumption in favour of a public hearing for major airport applications.	7, 31
Secure aerodrome safeguarding in all mayoral planning processes.	1, 9, 12, 13
Require cumulative impact assessment of linked airport applications.	9, 10, 32
Apply the polluter pays principle and avoid double charging; use MCIL to support sustainable airport surface access.	17, 20, 22–24, 26
Provide mechanisms for rapid review of MCIL rates in response to economic shocks.	19
Resource local authorities for their additional roles under the new system.	9, 15, 25

8. Conclusion

8.1 SASIG supports the strategic dimension of devolution and recognises that mayoral strategic planning could improve the coordination of airport development with the wider economy, transport network and environment. To achieve this, the powers must be accompanied by equally strong requirements to assess, mitigate and fund the environmental, social, transport and community impacts of aviation development; must respect the established roles and legitimate interests of local authorities, including as owners of airports from the largest to the smallest; and must be protected against conflicts of interest where mayors themselves have a stake in airports.

8.2 SASIG would welcome the opportunity to discuss this response with MHCLG officials, and to contribute, with the Department for Transport, to the preparation of the secondary legislation and guidance, particularly as it relates to airports, aerodrome safeguarding and conflicts of interest.

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