

Enabling sustainable growth

Improvement plan for planning and permitting October 2013

At the Environment Agency we help new development and growth which protects and enhances the environment. Our ‘yes, if’ approach focuses on working with you to find constructive solutions, for people and the environment.

Our improvement plan sets out what we are doing to support growth, both through the way we work with you and the advice we provide. We give advice on **applications for new development, local plans** and other strategic documents. We also assess and issue **environmental permits**. See [Appendix 1](#) for more details on our role in planning and permitting.

To enable development we work closely with a range of organisations, including [home builders, infrastructure and retail developers](#), [local enterprise partnerships and city deals](#), and [local authorities](#). The actions we are taking to improve our planning and permitting service are summarised below. We value your [feedback](#) on this document.

Who should read this?

If you are a house builder, infrastructure or retail developer, local enterprise partnership, city deal or local authority, then the actions we are taking will help sustainable development in your area.

Why an improvement plan?

Government has implemented a series of reforms to enable economic growth and reduce red-tape. These include spatial planning reforms, the Red Tape Challenge, the Penfold Review of non planning consents as well as the Triennial Review of the Environment Agency and Natural England. As a government agency with a role in planning and permitting, we are enhancing our service to reflect the outcomes of these reviews.

What you’ve told us you want

We know you want the best possible support from us, from providing early advice on local plans and development applications to the permits you might need from us. Speaking to us early on will mean we can help you with your application as efficiently as possible.

Whether you are a developer, local authority or partnership overseeing growth, we know from our conversations with you that, alongside our technical expertise, you value:

Consistency

- In the advice we give you, both across different locations and between other government agencies

Certainty

- Around the service we provide, and likely outcomes, minimising costs and reducing wasted effort

Pace

- Timely, flexible input, enabling development to progress without delay

Developers, we are enhancing our service to you by:

Providing an enhanced pre-application service. By talking to us before you formally submit a planning application (at the pre-application stage) we can work with you to identify solutions to environmental concerns early. In 2012/13, we responded to 5,267 planning pre-application enquiries from developers and we provided this advice in 93% of cases in 21 days or an agreed time extension.

We want to continue to work with you to help get your application as right as possible first time. We will provide a free, standard level of pre-application advice on planning and permitting issues to you, regardless of the scale of your development. For more complex projects or where you want further detailed advice, we will offer an enhanced service which we will charge for. We are piloting this new approach in our Midlands Region until the end of October 2013, after which we will use the lessons learnt to finalise the service before it is extended nationally in early 2014.

Expanding our senior account manager meetings with you. Following a successful pilot, we have assigned senior managers to lead accounts with 18 major developers.

These on-going meetings have improved our strategic relationships at a senior level and enabled us to gain feedback on what you value and how we can improve our service. It complements already well established local relationships with developers on site specific issues throughout England that are led by our Area teams.

We are also meeting with key developer bodies, including the British Property Federation and Homes Builders Federation, to understand the experience of their members.

Better aligning our [planning and permitting advice](#) to help avoid any potential delays to non-planning consents. Where complex permitting issues exist we believe that joint working between developers, operators, planning decision makers and ourselves will be of benefit. We can provide advice at an early stage to give a quicker, more reliable indication of the likely outcome of planning and permitting applications. Where appropriate, we will work positively with developers to parallel track planning and permitting applications. Better aligning our planning and permitting advice should help to reduce the costs and administrative burdens on developers and planning decision-makers by increasing certainty over planning and permitting decisions.

Providing a swifter and slicker permitting service. We continue to work hard with you to ensure you receive the right level of support during the pre-application phase. Helping our customers submit sufficient information helps streamline the permitting process. We are responding effectively to the **Penfold Review requirement to determine our consents within 13 weeks or less.** Between

April 2012 and April 2013, we issued 225,294 non-planning consents. In only 7 cases was the 13 week government target exceeded. To speed up the determination of lower risk permits and to reduce the costs to you, we operate 'standard rule' permits. Last year, we introduced five new standard rule permits for waste activities subject to the Industrial Emissions Directive - two for composting activities, two for anaerobic digestion and one for the treatment of incinerator bottom ash.

Working with the Major Infrastructure and Environment Unit (MIEU) which was set up by Defra in April 2012 following the Habitats and Wild Birds Directives Implementation Review. Alongside other Defra network agencies we are working collaboratively with the MIEU to support resolution of specific Habitats and Wild Birds Directives issues related to

Nationally Significant Infrastructure Projects (NSIPs) at the pre-application stage of the planning process to help avoid unnecessary costs and delays to you.

Supporting the Consents Service Unit (CSU) in the Planning Inspectorate which offers a bespoke consent management service to support developers of NSIPs in coordinating and aligning multiple applications to consenting bodies. Alongside Natural England, we are providing a full time secondee to the CSU.

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Working with Natural England, we are taking forward the outcomes of Defra's **Triennial Review**, identifying options for consolidating our planning advice processes in the best way possible in order to provide a seamless planning advice service to developers on environmental issues. We will also work together proactively to communicate a coherent offer to developers and government organisations so that they are better aware of the full range of services offered through our planning functions.

For example, in 2013 we **published [Building a Better Environment](#), joint advice with Natural England and the Forestry Commission**, outlining our roles in development and how we can help you.

Local Enterprise Partnerships and City Deals, we are enhancing our service to you by:

Working closely with **Local Enterprise Partnerships (LEPs)** and **City Deals** around the country to help to identify strategic opportunities for environmental protection to enhance economic growth. We are also working with **Enterprise Zones (EZs)** to avoid blockages, delays and any unnecessary extra work or investigations.

For example, working with the Tees Valley Unlimited LEP, Defra network partners and the Tees Valley Nature Partnership, we have piloted our 'Growth Ready' project, providing bespoke evidence on environmental risks and opportunities for growth sites. The pilot was successful so we intend to roll it out to further sites.

We are also working with the West of England LEP to help enable development at Bath Riverside. The site is a priority for development to enable 9,000 jobs and 3,000 new dwellings, but it is at flood risk from the River Avon. We have jointly funded a study with the local authority to identify how new development could be protected over its lifetime while not increasing flood risk elsewhere. The local authority have secured £5.1m from the LEPs Revolving Infrastructure Fund to bring forward the first phases of the scheme, with payback via a community infrastructure levy. The scheme could also qualify for up to £1m flood defence government funding due to benefits to existing property and infrastructure.

Working with LEPs as you prepare your **EU Structural and Investment Fund**

Strategies and **Strategic Economic Plans**. We are providing information and advice on the links between the local environment and economy, and to explain our role as a partner and potential source of match funding. We have had the opportunity to input into strategies both through direct engagement and through work with partners, including Local Nature Partnerships.

Publishing a toolkit for LEPs to help you assess environmental risks and opportunities to economic growth plans. The Defra network has published a [Local Environment and Economic Development](#) (LEED) toolkit developed jointly with several LEPs and local authorities. The toolkit can help understanding of the relationship between economic plans and the environment.

Taking part in both 'Single Conversation' pilots to support growth at priority sites in the Humber and the West Midlands. For instance, we are working with the Humber LEP and Humber local authorities to pilot more joined up working across all government agencies,

Single Voice [Defra Network Offer](#) to LEPs and City Deals

Working with Natural England, the Marine Management Organisation and the Forestry Commission, we provide a **co-ordinated offer to LEPs** setting out how we can facilitate and support sustainable growth. This includes:

- **Being easy to do business with:** including providing prompt responses, account managers and joined up advice for complex projects.
- **Actively facilitating sustainable growth:** including through our work on flood risk and coastal erosion and the sustainable management of water and land.
- **Using our evidence and knowledge to help businesses grow:** including mapping environmental assets and issues and supporting LEPs to understand the relationship between the local economy and environment.

including the Highways Agency and English Heritage. Through the Single Conversation pilot we are helping to work with local partners to develop the Humber's strategy for growth.

Working more closely with the wider Defra network to provide joined up advice. For example, in the Atlantic Gateway we are working with wider partners including the three Atlantic Gateway LEPs and Local Nature Partnerships to advise on environmental improvement as an integral dimension of sustainable economic growth. We have provided a single point of contact for the Atlantic Gateway Board to access Defra network advice and services. This approach enables us to provide joined up advice on how best to take forward Atlantic Gateway priorities, including the integrated delivery of infrastructure to protect and improve the environment. To enable partners to access services within each organisation, the Environment Agency, Natural England and the Marine Management Organisation have also each provided local environmental account managers to work with the City Regions and to support the delivery of key sites such as the Port Salford scheme and the North Liverpool 'Green Print for Growth' initiative.

Developing a Coastal Concordat to more easily enable appropriate development along the coast. We are working with government, Natural England, the Marine Management Organisation and the Local Government Association to develop a concordat covering the consenting of coastal developments. It will provide a better service by improving co-operation between regulatory bodies and advisors, reduce unnecessary regulatory duplication, provide better signposting, streamline assessments and increase the consistency of advice. This follows the Better Regulation Executive's review into the impacts of regulation and enforcement on coastal projects and development.

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Local authorities, we are enhancing our service to you by:

Working with Natural England, the Forestry Commission and the Marine Management Organisation to develop our '**Single Voice**' approach to working with local government and strategic partnerships. Through this initiative we are improving our customer service by agreeing shared local priorities, common messages and single points of contact for the Defra network.

Publishing [updated guidance](#) to help you implement the National Planning Policy Framework policies and practice guidance on flood risk. To help you use the government's new web-based practice guidance, we've produced guidance on:

- Climate change and flooding, relevant to Local Plans and development management.
- Carrying out Strategic Flood Risk Assessments which support Local Plans.
- Flood Risk Standing Advice, including information about applying the sequential test (steering new development to lower risk locations) and flood resilience and resistance for new buildings.

Seeking and acting on feedback. Towards the end of 2012, we commissioned Ipsos MORI to survey 150 Local Authority Directors and 110 Councillors to understand their [levels of satisfaction](#) with our service and partnership working. 73% of Directors and 63% of Councillors are fairly or very satisfied with the quality of our service. 78% of Directors and 65% of Councillors are fairly or very satisfied with the quality of our working relationship. Ipsos MORI also interviewed 30 Directors of Planning. The feedback was very positive on both the timeliness and quality of our planning responses.

Providing timely responses. In 2012/13 we responded to 30,251 planning applications and pre-planning enquires in England, taking a 'yes, if' approach in the advice we give. We responded to 95% of planning applications within 21 days or an agreed time extension – and our average response time was 19 days.

Taking a 'yes, if' approach. We avoid objecting where we can. However, where we raise an initial objection, we continue to work to resolve the problem by seeking more detailed information, engaging in dialogue and proposing potential solutions, with the aim of removing the objection if at all possible. In 2012/13 we received 8,760 planning consultations which required detailed flood risk consideration, of which we initially objected to 2,638. However, through on-going dialogue with developers we only sustained 618 (7%).

Working with Local Planning Authorities (LPAs) to provide advice and support on adapting to a changing climate. We are supporting the Local Government Association's 'Climate Local' initiative which aims to inspire and support councils to take action on climate change. Through our Climate Ready Support Service we are also working with partners in the local government and built environment sectors to help them adapt to climate change and severe weather events. As part of this service, we are working with the Local Adaptation Advisory Panel which brings together a range of Local Authority representatives working on adaptation to understand what practical tools and support councils' need to consider future climate change in their local services.

Supporting Lead Local Flood Authorities (LLFAs) by providing guidance and training sessions to support the transfer of powers to them for ordinary watercourse consenting, working with them on their local strategies and forthcoming flood risk management plans, and providing

mapping assistance for surface water flooding. We are also helping LLFAs to coordinate and receive funding under the new partnership funding regime and supporting them in their new duties, including helping with their duty to investigate flooding and maintaining a register of flood risk assets.

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Appendix 1: Environment Agency's role and performance

Spatial planning

We are a statutory consultee to LPAs for [several types of planning application](#) related to our statutory duties on flood risk, protection of land and water quality, waste regulation and fisheries. We are a 'specific consultation body' for the preparation of development plan documents. We are a statutory consultation body for Strategic Environmental Assessments and Environmental Impact Assessments. We also advise government departments on National Policy Statements and accompanying Appraisals of Sustainability. We are a statutory consultee for applications for development consent for Nationally Significant Infrastructure Projects.

Environmental permitting

We are the principal environmental regulator for England. We determine applications from developers for a wide range of [environmental permits](#), including those under the Environmental Permitting Regulations 2010. These regulations already cover a wide range of environmental regimes including industrial emissions, discharges to water, waste and radioactive substances; and are to be expanded to bring in water abstraction and impoundment, flood defence consents and fish pass approvals.

Timeliness on responses to planning applications

In 2012/13 we made 30,251 consultation responses on planning applications and pre-application enquiries, down from 31,431 in 2011/12. Of these, 83% (24,984) were on planning applications and 17% (5,267) were on pre-application enquiries.

We publish an [annual report](#) on our performance as a statutory consultee in responding to planning application consultations in England. We continually seek to improve our performance and in 2012/13 our response rate for all consultations (pre-application enquiries and planning applications) was 95% within 21 days or such other period as was agreed in writing. On average we responded to these consultations within 19 days. About 9% of planning applications were responded to within an agreed time extension, granted by the LPA. The average length of an extension was 7 days, compared with 8 days in 2011/12.

Timeliness on responses to permitting applications

Between April 2012 and April 2013, we issued 225,294 non-planning consents. In only 7 cases was the 13 week government target exceeded.

Working with local development plans

Local Environment Agency teams work with LPAs to advise on the environmental aspects of local development frameworks, from draft through to adopted plans. In 2012/13, we provided advice to 304 strategic plan documents across England. This advice has helped to inform the plans for localities, identifying opportunities for environmental protection and enhancements.

Working with Nationally Significant Infrastructure Projects

As a statutory consultee for key stages of the Development Consent Order (DCO) we are actively engaged in 60 ongoing NSIPs in England. For the 11 DCOs that have already been determined we provided practical advice and guidance when consulted, applying our 'yes, if' approach to enable development proposals to proceed.

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Appendix 2. Work plan status, October 2013

Complete

On-going

Title	Description and progress	Timetable and status
Responding to planning reforms		
Supporting the National Planning Policy Framework	We published a suite of Quick Guides for Environment Agency staff advising on development planning changes following the publication of the NPPF.	Issued May 2012 on the EA website .
	Following the Lord Taylor Review of planning practice guidance, we helped the government produce streamlined technical guidance to support the NPPF.	Issued August 2013 on the EA website .
	We continue to support our operational staff in the use of planning practice guidance, and keep our technical support guidance up to date.	On-going
Neighbourhood Planning advice	We are a statutory consultee for neighbourhood plans and neighbourhood development orders. With Natural England, Forestry Commission and English Heritage, we have produced an on-line advice note to help parish councils and neighbourhood forums interested in producing a neighbourhood plan.	Issued March 2012 on the EA website .
Enhancing our performance reporting		
Increase the transparency of our reporting	We enhanced our annual 21 day report to include information on the number of planning application consultations that exceed 21 days, the length of time taken to resolve such extensions, and qualitative and quantitative information on the reasons why such negotiations are extended.	Annual reporting requirement. Latest 21-day report issued June 2013 on the EA website .
	Our 'Managing flood and coastal erosion risks in England' report highlights the number of planning applications on which we were consulted for detailed flood risk advice during each year, and the outcomes of these.	Annual reporting requirement. Latest report issued May 2013 on the EA website .
	Review the reporting capability of our planning software to enable improved reporting of our performance and the environmental outcomes resulting from our planning advice to LPAs.	Further enhance our 2013/14 21-day performance report
Improving our development management work		
External checklist for Local Planning	Disseminate an external checklist for LPAs, to ensure they only pass to us the planning applications on which we need to be consulted.	Issued November 2011 on the EA website .

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Authorities		
Standing advice	<p>We updated our web based flood risk standing advice following the publication of the NPPF.</p> <p>We have added information to our web based flood risk standing advice to support the government's new planning practice guidance website. We have provided complementary supporting guidance on flood risk standing advice, climate change allowances and carrying out strategic flood risk assessments.</p> <p>We will develop more standing advice for lower priority applications so that LPAs can progress planning applications without consulting us and can determine the outcome more swiftly.</p>	<p>Issued April 2012.</p> <p>Issued August 2013 on the EA website.</p> <p>Over 2013/14.</p>
Enhancing our work with LPAs, developers and LEPS		
Implementing the Triennial Review findings	Working with Natural England, we are taking forward the outcomes of Defra's Triennial Review, identifying options for consolidating our planning advice processes in the best way possible in order to provide a seamless planning advice service to developers.	On-going.
Understanding the views of Local Planning Authorities	In late 2012 we commissioned Ipsos MORI to survey 150 Local Authority Directors and 110 Councillors to understand their levels of satisfaction with our service and partnership working. This built on our 2011 survey.	Issued May 2013 on the EA website .
Improved ways of working with Local Planning Authorities and developers	We promote our advice to LPAs to ensure developers get their planning application right first time, helping them to understand the key issues to consider. We published jointly with Natural England and the Forestry Commission 'Building a Better Environment', a single set of Defra network advice for developers.	Published May 2013 on the EA website.
Developing a chargeable pre-applications service for significant, complex development proposals	We are piloting a chargeable service for significant and complex new development proposals in addition to the existing pre-application service we provide. We will continue to offer a non chargeable service for all planning pre-applications.	Midlands pilot running to October 2013. National roll-out from early 2014.
Supporting environmental infrastructure studies	We are updating our Water Cycle Study advice to help LPAs, water companies and developers to plan for timely and proportionate investment in water infrastructure to support growth and environmental protection.	Publication being considered as part of the Smarter Environmental Regulation Review of guidance.

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Working with developers on Nationally Significant Infrastructure Projects (NSIPs), including the Major Infrastructure and Environment Unit (MIEU) and Consent Service Unit (CSU)	We are supporting the work of the CSU for non-planning consents for NSIPs. We have provided an Environment Agency secondee to the CSU. We are also working closely with the MIEU to support resolution of specific Habitats and Wild Birds Directives issues related to NSIPs at the pre-application stage of the planning process, helping to avoid unnecessary costs and delays.	Work with the CSU and MIEU is on-going.
	We have worked with the Planning Inspectorate to produce an Advice Note for developers so that they are aware of our planning and permitting roles in relation to NSIPs.	Advice note (11) published by the Planning Inspectorate in April 2012.
Local Enterprise Partnerships (LEPs)	We are working closely with LEPs to help facilitate sustainable development and to identify strategic opportunities for environmental protection to enhance economic growth, for example through publication of our joint Defra network LEP offer, working with LEPs as they prepare EU Structural and Investment Fund Strategies and Strategic Economic Plans and publishing the local environment and economic development (LEED) toolkit.	On-going
		Defra network offer published May 2013. LEED toolkit published July 2013.
Enterprise Zones (EZs) and Local Development Orders (LDOs)	We are proactively working with EZs to avoid blockages, delays and any unnecessary extra work or investigations. We are working with EZs to progress LDOs as part of our 'yes, if' approach to enabling growth. We have also advised government on the development of the EZ Action Plans.	On-going.
Climate Ready	As part of our Climate Ready service, we are working with the Local Adaptation Advisory Panel which brings together a range of Local Authority representatives on adaptation to understand what practical tools and support councils' need to consider future climate change in their local services.	On-going.
Red Tape Challenge	We are actively supporting government in identifying regulatory improvements which will reduce red-tape.	On-going.
Providing greater certainty on planning and permitting		
Provide developers with opportunities to parallel track complex planning and permitting applications	We have developed new advice on developments requiring planning permission and environmental permits to provide greater flexibility and choice to developers and to reduce delays.	Final advice issued in Sept 2012.
Determine development consent applications in a maximum of 13 weeks	The Penfold Review requires us to determine permits within 13 weeks or less. Between April 2012 and April 2013, we issued 225,294 non-planning consents. In only 7 cases was the 13 week government target exceeded.	Achieved March 2012. Compliance on-going.

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Environmental Account Manager consultation and pilot	We have worked with Defra and partner organisations (Natural England, Forestry Commission and Marine Management Organisation) to pilot Environmental Account Managers to explore the concept of Environmental Account Managers for providing a single point of contact for developers in relation to consenting issues.	Pilot now complete. Defra evaluation report concluded not to be taken further whilst other similar initiatives are being trialled.
Single Conversation pilots	We are supporting Single Conversation pilots in the Humber and West Midlands which involve collaborative working between key statutory consultees, LEPs and government departments to address underlying issues and specific barriers in order to accelerate delivery of local important strategic projects. The other agencies involved include Natural England, the Marine Management Organisation, Highways Agency, Health and Safety Executive and English Heritage.	On-going.
Coastal Concordat	We are working with government, Natural England, the Marine Management Organisation and the Local Government Association to develop a Coastal Concordat covering the consenting of coastal developments. The concordat is due to be finalised and launched this Autumn.	On-going.

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