
2014/15 Annual report to the
Department for Communities
and Local Government

Natural England's timeliness on
responses to planning
consultations in England

June 2015

Executive Summary

The main findings of the report are as follows:

In 2014-15 Natural England received 12,882 planning application consultations. We responded to 98.86% of these consultations within 21 days or otherwise agreed deadline. This figure represents a slight improvement on the previous year's performance. The number of recorded consultations is lower than the 2013-14 figure of 14,459¹ due to improvements to methodology and recording systems.

We requested an extension for 693 planning application consultations (5.38%). This figure is lower than the 2013/14 figure (6.94%).

The average time taken to respond to planning application consultations was 11.48 days.

In addition, Natural England received 1,316 pre-application consultations, either direct from developers or via Local Planning Authorities. We responded to 96.58% of these consultations to within 21 days or otherwise agreed deadlines.

¹ For this year's report the methodology was adjusted to exclude holding responses and applications relating to conditions which do not fall within the definition of a substantive response under the DMPO.

1. Introduction

Overview

This report details Natural England's performance as a consultee in the planning system against the statutory duty ('the 21 day duty') to respond to planning application consultations from local authorities and pre-application enquiries from developers within a set time period.

Natural England's purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has responsibility for ensuring that England's unique natural environment including its flora and fauna, land and seascapes, geology and soils are protected and improved. Natural England is a statutory consultee in the planning system for development plans, Environmental Impact Assessments, Strategic Environmental Assessment, Habitats Regulations Assessments, Local Development Orders and for certain planning applications relating to Sites of Special Scientific Interest (SSSI) and best and most versatile agricultural land. We may also be consulted on a range of other development proposals. Natural England is also a competent authority, issuing consents where there will be impacts on protected species and sites.

Natural England takes a proportionate, risk based and solutions focussed approach to our planning advice. We seek to enable sustainable development by advising on the avoidance, mitigation or, as a last resort, compensation for impacts on the natural environment through the use of planning conditions or obligations, and on appropriate enhancement measures.

Natural England's statutory duty to respond to consultations

Natural England has a statutory duty to respond to consultations specified in Article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO). This requires a substantive response² to consultations from local planning authorities on planning applications and to pre-application consultations from developers within 21 days of receipt or such longer period as may be specified in other legislation (e.g. consultations under the Wildlife and Countryside Act as amended) or within any other period agreed in writing between both parties. The 21 day period does not begin until Natural England has sufficient information to enable a substantive response.

Article 23 of the DMPO requires all statutory consultees to report annually on their performance against the duty to respond not later than 1st July. This prescribes that:

(3) The report shall contain, in respect of the relevant report year—

² Article 22 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines a substantive response as one which (a) states that the consultee has no comment to make; (b) states that, on the basis of the information available, the consultee is content with the development proposal; (c) refers the consultor to current standing advice by the consultee on the subject of the consultation; or (d) provides advice to the consultor.

(a) a statement as to the number of occasions on which the consultee was consulted by a person other than a local planning authority;

(b) a statement as to the number of occasions on which a substantive response was given to a person other than a local planning authority within the period referred to in section 54(4) of the 2004 Act;

(c) a statement as to the number of occasions on which the consultee was consulted by a local planning authority;

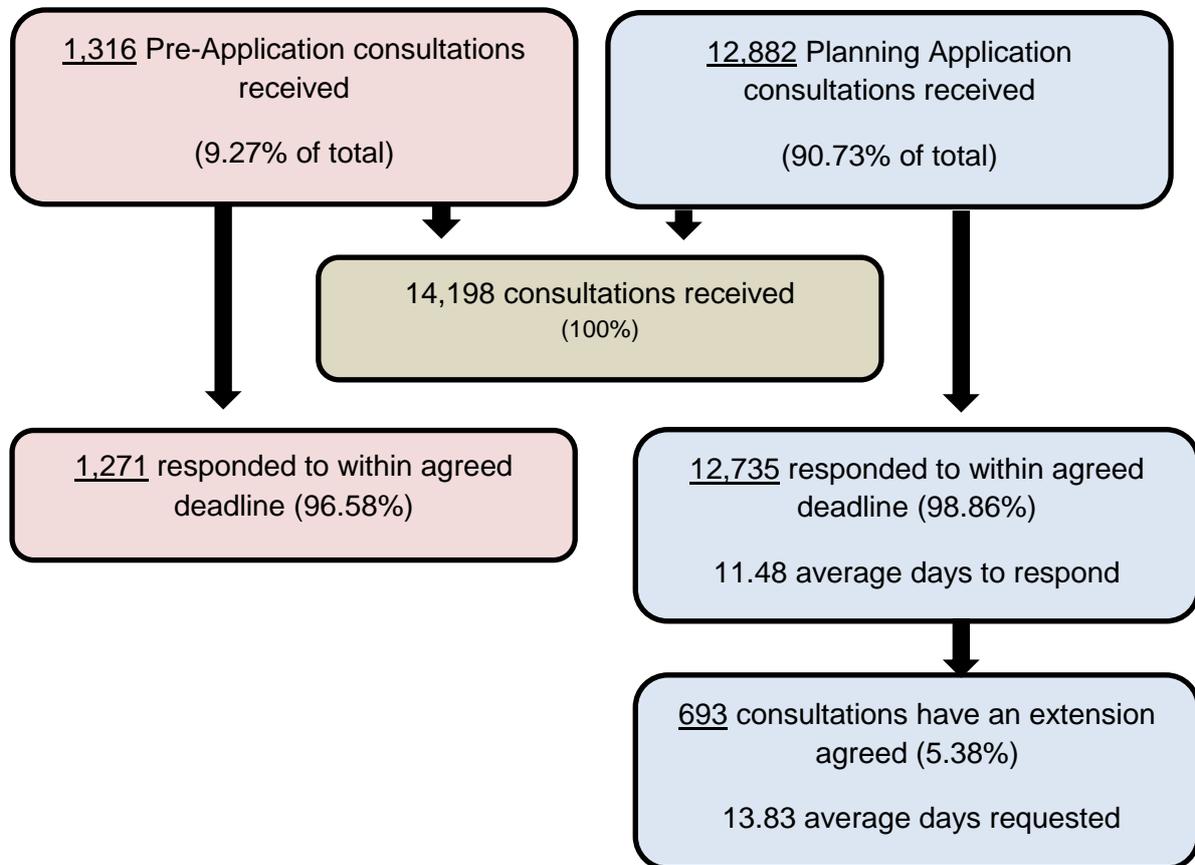
(d) a statement as to the number of occasions on which a substantive response was given to a local planning authority within the period referred to in section 54(4) of the 2004 Act; and

(e) in relation to occasions on which the consultee has given a substantive response outside the period referred to in section 54(4) of the 2004 Act, a summary of the reasons why the consultee failed to comply with the duty to respond within that period.

A common reporting framework was agreed by the key statutory consultees and the Department for Communities and Local Government for the 2013-2014 annual report, which incorporated the above measures and additional information. Natural England's report follows this agreed format.

2. Analysis of our performance

Summary Schematic: Planning application and pre-application responses



Performance Tables

The Performance Tables below provide a more detailed breakdown of the consultations received and the reasons for requesting extension/missing deadlines.

For the pre-application consultation data, consultations received directly from developers, and consultants are counted alongside all pre-application requests received via Local Planning Authorities.

Planning Applications

Stage	Measure	Description of measure	Number	Percentage	
Application Stage	1	Number of consultation requests	12882		
	2	Number of substantive responses made within 21 days or otherwise agreed date	12735		
	3	Percentage of substantive responses made within 21 days or otherwise agreed date		98.86%	
	4	Breakdown of the reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	17	11.56%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	25	17.01%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	64	43.54%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	41	27.89%
	5	Number of cases where extension to 21 day timescale is agreed	693		
	6	Percentage of cases where extension to 21 day timescale is agreed		5.38%	
	7	Average number of days of agreed extension to 21 day timescale	13.83		
	8	Breakdown of the reasons why extensions to the 21 day timescale have been agreed	Further information needs to be provided (from LPA/developer)	141	20.35%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	192	27.71%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	343	49.49%
(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)			17	2.45%	
9	Average number of days to provide a substantive response to all consultation requests	11.48			

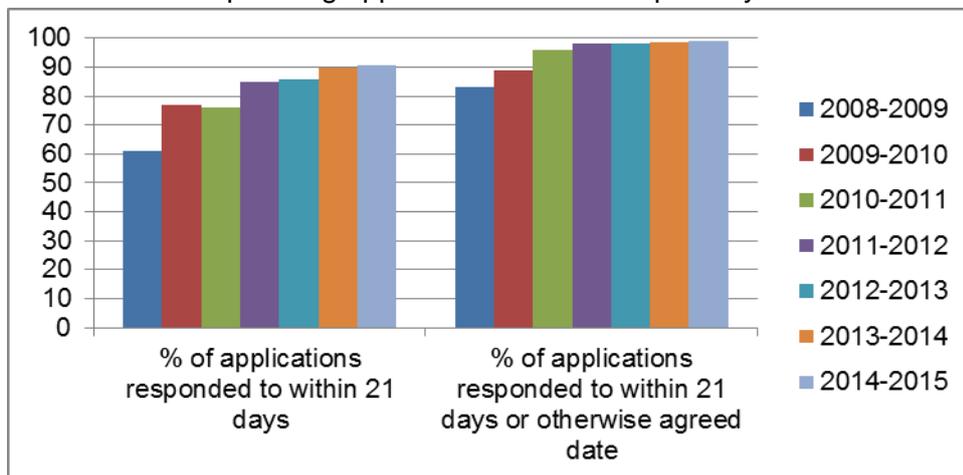
Pre-Application

Stage	Measure	Description of measure	Number	Percentage	
Pre-application stage	10	Number of consultation requests	1316		
	11	Number of substantive responses made within 21 days or otherwise agreed date	1271		
	12	Percentage of substantive responses made within 21 days or otherwise agreed date		96.58%	
	13	Breakdown of reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	3	6.67%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	6	13.33%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	18	40.00%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	18	40.00%

Analysis of overall performance

Comparison with 2013/14

Performance for planning applications across the past 7 years is outlined in the chart below.



Our figures demonstrated that for 2013-14, 98.85% of planning application consultations were responded to within 21 days or otherwise agreed deadline. For 2014-15 the figure has increased very slightly to 98.86%.

For the previous reporting year, we responded to 43.98% of consultations within 7 days, and 67.98% of consultations within 14 days. The average time for a response for 2013-14 was 11.91 days.

Our data for 2014-15 has indicated that we responded to 47.05% of consultations within seven days and 68.12% of all consultations within 14 days. The average time taken to respond was 11.48 days. This also represents a slight improvement in terms of overall efficiency.

Factors related to the provision of additional information from developers or Local Planning Authorities accounted for 27.29% of extensions agreed in 2013-14 and 20.35% of extensions agreed in 2014-15. The percentage of extensions attributed to complexity has decreased, from 30.58% to 27.71% for 2014-15. The fluctuations may relate to wider changes in volume and workloads.

For 2013-14, 'Agency Resourcing' related factors were the primary reasons for agreeing an extension to deadline (equating to 41.63%). For 2014-15 the figure is 49.49%. This is slightly higher than the previous year, again reflecting changes to overall workloads.

For 2014-15, Natural England missed 147 deadlines for planning application responses (1.14%), a lower percentage than in 2013-4 (1.15%).

Overall performance is broadly consistent with previous years, and our continuous improvements to systems and casework handling processes have sustained performance at over 95% since 2010-11.

For pre-application consultation responses, our figures for last year highlighted that 607 consultations were received directly from developers. For 2014-15, 838 pre-application consultations were received directly from developers. In total we received 1,316 pre-application consultations (including 478 pre-application consultations via Local Planning Authorities). 1,271 (96.58%) were dealt with inside 21 days or otherwise agreed deadlines and 45 (3.42%) of the deadlines were missed. The data indicates a further rise in the amount of pre-application engagement under Natural England's chargeable Discretionary Advice Service.

Our wider planning role

Natural England's planning and marine teams handled over 26,000 consultations over 2014-15 in total, including over 1,300 consultations from other agencies and over 1,500 non-statutory information requests.

Environmental Impact Assessment (EIA)

1,243 consultations or requests relating to Environmental Impact Assessment (EIA) scoping or screening were received, of which 97.99% were responded to within the agreed deadline.

Our data also indicates that for 2014-15, 266 consultations received from Local Planning Authorities were accompanied by an Environmental Statement, or information relating to an EIA.

Development Plans

Natural England received over 3,000 development plan related consultations in 2014-15. These included consultations on Local plans (1,455), Neighbourhood Plans (816) and their related Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessments.

Nationally Significant Infrastructure Projects

As statutory consultee on Nationally Significant Infrastructure Projects (NSIPs), Natural England provides advice in relation to a wide range of major energy, transport and water related infrastructure development. In 2014-15 we responded to 131 NSIP consultations.

Transport

Natural England responded to 925 consultations from the Highways Agency, Consultants and local planning authorities on transport proposals in 2014-15 under the Highways Act, Planning Acts and the Transport and Works Act, and dealt with 29 Local Transport Plan consultations.

Marine work

Natural England has a vital role in ensuring that our seas are sustained and biodiversity is recovered for future generations. We provide advice to the Marine Management Organisation and other bodies on a variety of marine development related consultations. In 2014-15, our staff responded to 1,178 marine consultations of which 98.22% were responded to within an agreed deadline.

Growth Initiatives

Natural England continues to work closely with Defra network partners to support the Government's local growth programme including supporting Local Enterprise Partnerships (LEPs) in the delivery of relevant Growth Deal commitments, DCLG and local ESIF committees in their work to make best use of European Growth Fund allocations and local authorities in the delivery of Enterprise Zones and Garden City ambitions. This year we have strengthened our joint working across the Defra network by sharing case studies and good practice. We have also conducted a survey of customer satisfaction among LEPs and reviewed and prioritised our engagement with them.

3. Measures to maintain and improve future performance

Updated Guidance on GOV.UK

Natural England moved its web address to www.gov.uk/natural-england in October 2014. GOV.UK is part of the government's strategy to improve digital delivery of public services and to help people get the information they want more easily without having to search through multiple websites. Existing guidance has been updated and streamlined to meet 'smarter guidance' principles to reduce the volume and improve the quality, consistency and accessibility of all guidance.

Revised 'beta' versions of the standing advice on [protected species](#) and the joint Natural England/Forestry Commission standing advice on [ancient woodland and veteran trees](#) are now on GOV.UK. Natural England has not yet formally withdrawn the old standing advice

and will notify Local Planning Authorities (LPAs) of the new standing advice once it is published in its final form.

As part of the Smarter Guidance project, Defra sought input from customers and partners as they refreshed each guidance topic. We will continue to improve guidance to make sure content gives users what's needed from government, reviewing feedback on a continuous basis.

Impact Risk Zones

Natural England continues to publicise the Impact Risk Zones around Sites of Special Scientific Interest (SSSIs) and their benefits to planning authorities, developers and consultants. This GIS database, publically available online, is designed to reduce the amount of unnecessary consultations and allow Natural England advisers to focus on higher risk development proposals. To date, 109 planning authorities have downloaded the dataset. Natural England is proposing further updates to the IRZs dataset, including SSSI surface water catchments and sites which have been secured as compensation for impacts on Natura 2000/Ramsar sites.

Discretionary Advice Service (DAS)

The chargeable service for discretionary advice has continued to expand since it was launched in 2012. This service is now delivered by Natural England's Area Teams, supporting local delivery and enabling investment in staff capacity where it is most needed. In 2014-2015, advice was given on 307 DAS cases, an increase of 83% on the previous year. In most cases, advice was given at pre-application stage to developers and their consultants about the potential impacts on designated wildlife sites.

Engaging and understanding our customers

The feedback Natural England receives from our customers is extremely important and we use this to make continuous improvements to our planning and licensing services. Natural England obtains feedback on our planning advice service from our local planning authority and developer customers, using a variety of mechanisms including customer feedback postcards, our Development Industry Group, Customer Panels and customer surveys.

This year Natural England conducted a joint survey of LPA Heads of Planning with the other four major agencies who are statutory consultees in the planning system (Environment Agency, Highways Agency (now Highways England), Health and Safety Executive and English Heritage (now Historic England)). The overall objective was to "*identify the areas of importance to LPAs in driving satisfaction with service and highlight good practice in order to identify action points to improve the quality of service delivered*".

The overall satisfaction figures for Natural England are 65% satisfied. The feedback supports the view that we do provide a timely and quality service, whilst helping to pinpoint areas for improvement. The survey has produced valuable data on our planning performance and we are developing an action plan in response. It is planned to repeat the survey every two years to allow agencies to work on an action plan and put in place any improvements.

Natural England has recently undertaken research to evaluate whether the advice we provide on Development Plans (over 3,000 consultations last year) is effective in delivering

positive outcomes for the natural environment and valued by Local Planning Authorities (LPAs). The conclusions indicate that NE's engagement is generally highly valued by LPAs and they would welcome more early and informal engagement. We are keen to improve the service we offer to LPAs and will be using the results of the report to guide improvements.

Natural England has achieved Customer Service Excellence re-accreditation. This Cabinet Office Award drives, tests and recognises the ability to give efficient, effective and empowering customer service, where our customers are at the heart of our service and delivery. This is the second year the whole organisation has been assessed and is part of a rolling programme of assessments every 12-18 months.

Improvement plan

Natural England is committed to working with customers and stakeholders, to ensure that our services deliver efficiently and effectively. A programme of improvement, focused on ensuring our advisory, consenting and licensing services are customer-orientated, is ongoing.

Since introducing a programme of business improvements to licensing in April 2013, Natural England has saved an estimated £659,000 for customers mainly through the introduction of Annexed Licensing.

In March 2015, Natural England introduced the new Bat Low Impact Class Licence, which was successfully trialled in 2013/14, and where savings to developers were estimated to be almost £190,000 and 444 weeks in possible delays to development.

Triennial Review Action Plan

A joint action plan (December 2013) was developed between Natural England and the Environment Agency following the outcome of the Triennial Review (June 2013). The two organisations have now completed implementation of the action plan and a joint final report has been submitted to the Secretary of State for Defra. In total, there were 71 individual actions in the action plan. Of these:

- 45 are complete
- 17 are embedded in the business and 'business as usual'
- 9 have been taken over by new initiatives, and will continue under new governance after 31 March 2015.

Details of the Triennial Review can be found at the following link:

<https://www.gov.uk/government/publications/triennial-review-of-the-environment-agency-ea-and-natural-england-ne>