
2013/14 Annual report to the
Department for Communities
and Local Government

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

June 2014

Executive Summary

The main findings of the report are as follows:

In 2013-14 we received 14,459 planning application consultations and 1,043 pre-application consultations (direct from developers and via Local Planning Authorities). The total volume of consultations recorded has increased in comparison to the 2012-13 reporting year (13,030). We responded to 98.85% of consultations within 21 days or otherwise agreed deadline. This figure represents a slight improvement of 0.85% on the previous year's performance.

The increase in the amount of consultations recorded in part reflects the changing economic and planning context and improvements in the accuracy of how our data is collected.

We requested an extension for 1,004 consultations (6.94%). This figure is slightly higher than the 2012/3 figure (892 consultations or 6.8%), but set in the context of increased workload, this is also consistent with our previous performance.

The average time taken to respond to planning application consultations was 11.91 days.

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 is a consultee on a range of planning proposals, as set out in the table at the link below.

http://www.naturalengland.org.uk/Images/lpa-consultation-table_tcm6-36596.pdf

Natural England has a statutory duty to respond to consultations specified in Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) (DMPO). This requires a substantive response¹ 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

¹ Article 20 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 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.

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 21 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—

(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;

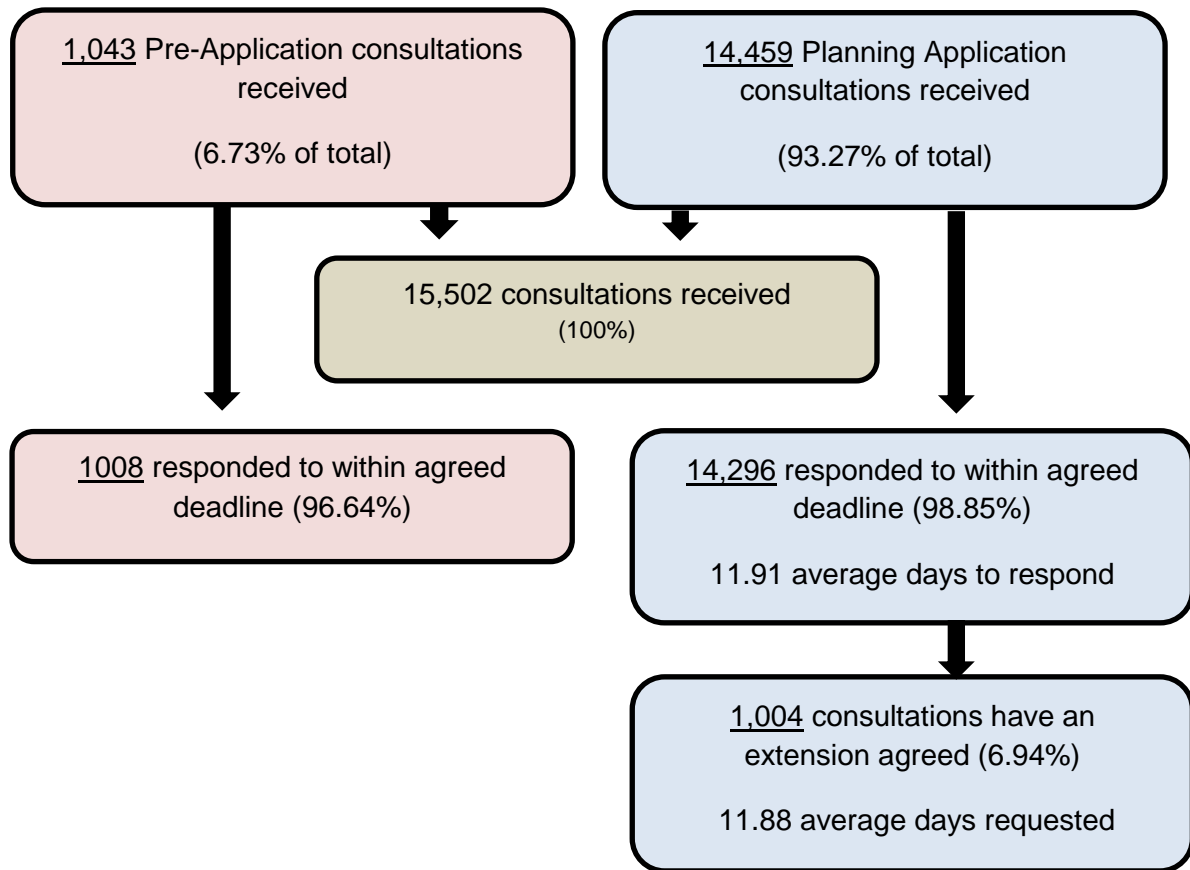
(d) a statement as to the number of occasions on which a substantive response was given to a local planning authority within the period referred to in section 54(4) of the 2004 Act; and

(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 has been agreed by the key statutory consultees and the Department for Communities and Local Government for the 2013-2014 annual report, which incorporates the above measures and additional information. Natural England's report follows the agreed format.

2. Analysis of our performance

Summary Schematic: Planning application and pre-application deadlines²



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 pre-application requests received via Local Planning Authorities.

² Excluding EIA scoping and screening consultations

Planning Applications

Stage	Measure	Description of measure	Number	Percentage	
Application Stage	1	Number of consultation requests	14459		
	2	Number of substantive responses made within 21 days or otherwise agreed date	14296		
	3	Percentage of substantive responses made within 21 days or otherwise agreed date		98.85%	
	4	Breakdown of the reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	5	3.07%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	82	50.31%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	47	28.83%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	29	17.79%
	5	Number of cases where extension to 21 day timescale is agreed (or holding directions issued by the Highways Agency)	1004		
	6	Percentage of cases where extension to 21 day timescale is agreed (or holding directions issued by the Highways Agency)		6.94%	
	7	Average number of days of agreed extension to 21 day timescale (or holding directions issued by the Highways Agency)	11.88		
	8	Breakdown of the reasons why extensions to the 21 day timescale have been agreed	Further information needs to be provided (from LPA/developer)	274	27.29%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	307	30.58%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	418	41.63%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	5	0.50%
9	Average number of days to provide a substantive response to all consultation requests	11.91			

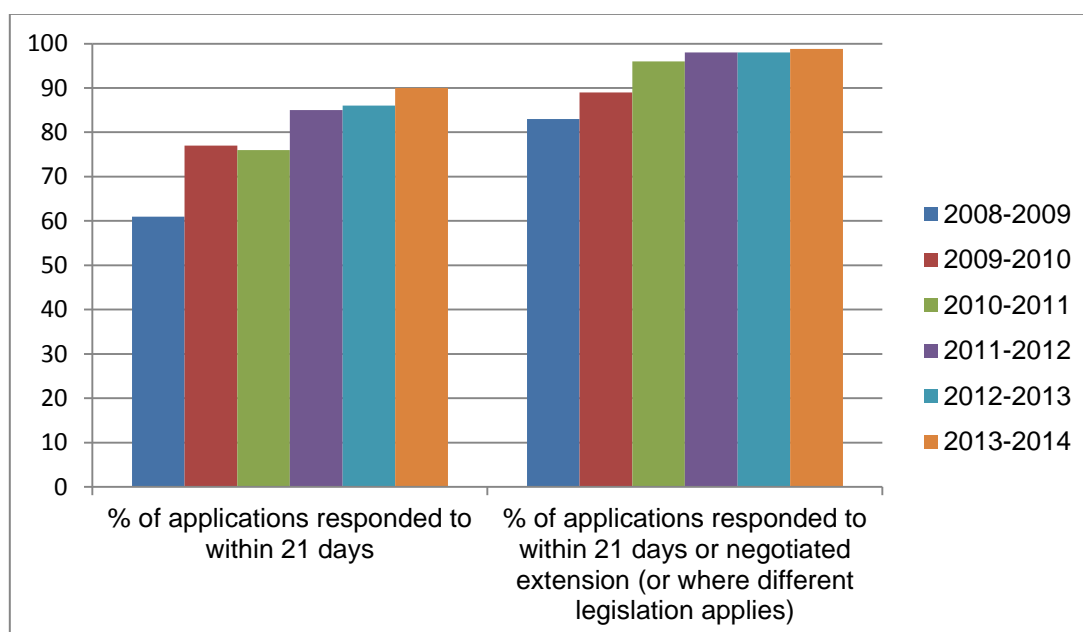
Pre-Application

Stage	Measure	Description of measure	Number	Percentage	
Pre-application stage	10	Number of consultation requests	1043		
	11	Number of substantive responses made within 21 days or otherwise agreed date	1008		
	12	Percentage of substantive responses made within 21 days or otherwise agreed date		96.64%	
	13	Breakdown of reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	1	2.86%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	12	34.29%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	4	11.43%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	18	51.43%

Analysis of overall performance

Comparison with 2012-13

Performance for planning applications across the past 6 years is outlined in the table below.



Our figures demonstrate that for 2012-13, 98% of consultations were responded to within 21 days or otherwise agreed deadline. For 2013-14 the figure has increased to 98.85%.

Our figures also indicate that 89.99% of all consultations were responded to within 21 days, for the previous reporting year (2012-13) this figure was 86%, this represents an improvement of nearly 4%.

This increase in efficiency is due to a number of factors including revisions to how protected species consultations are handled (e.g. updated Standing Advice for European Protected Species) and our wider system and process improvements as outlined below.

For the previous reporting year we responded to 39% of consultations within 7 days, and 62% of consultations within 14 days. The average time for a response for 2012-13 was 13.21 days.

Our data for 2013-14 has indicated that we responded to 43.98% of consultations within seven days and 67.98% of all consultations within 14 days. The average time taken to respond was 11.91 days. This also represents an improvement in terms of overall efficiency.

For 2012-13, 'Agency Resourcing' related factors were the primary reasons for agreeing an extension (equating to ~34.64%). For 2013-14 the figure is 41.63%, this figure is slightly higher (reflecting changes to overall workloads), but is also captured more accurately in comparison with previous years as a result of changes introduced to our casework tracking system.

Factors related to the provision of additional information from developers or Local Planning Authorities accounted for 24.33% of extensions agreed in 2012-13 and 27.29% of extensions agreed in 2013-14. The percentage of extensions attributed to complexity has also increased, from 18.16% to 30.58% for 2013-14. The increases may again relate to wider changes in volume and workloads, and improvements in terms of how the change to deadlines is recorded.

For 2013-14, Natural England missed 163 deadlines for planning applications (1.15%), and 35 deadlines for pre-application consultations relating to planning proposals (3.36%).

Pre Application work

Our figures for last year highlighted that 439 pre-application consultations were received directly from developers. For 2013-14, 607 pre-application consultations were recorded as received directly from developers. In total we received 1,043 pre-application consultations (including 368 pre-application consultations via Local Planning Authorities). 1,008 (96.64%) were dealt with inside 21 days and 35 (3.36%) of the deadlines were missed. The data indicates that there has been an increase in the amount of pre-application engagement, reflecting the emphasis Natural England is placing on its Discretionary Advice Service (see below).

Our wider planning role

Natural England's planning and marine teams handled over 25,000 consultations over 2013-14 in total, including; over 1,500 consultations from other agencies and over 1,000 non-statutory information requests.

Environmental Impact Assessment (EIA)

1,261 consultations or requests relating to Environmental Impact Assessment (EIA) scoping or screening were received, of which 98.33% were responded to within 21 days or other agreed deadline.

Our data also indicates that for 2013-14, 306 consultations received from Local Planning Authorities were accompanied by an Environmental Statement, or information relating to an EIA.

Transport

Natural England responded to 777 consultations from the Highways Agency, Consultants and local planning authorities on transport proposals in 2013-14 under the Highways Act, Planning Acts, and the Transport and Works Act and dealt with 28 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 2013-4, our staff responded to 1,199 marine consultations of which 98% were responded to within an agreed deadline.

Development Plans

Natural England responded to over 2000 development plan consultations in 2013-4. These included consultations on Local Plans (1,599), Neighbourhood Development Plans (306) 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 is providing advice in relation to a wide range of major energy, transport and water related infrastructure development. In 2013-4 we responded to 86 NSIP consultations.

Growth Initiatives

Natural England, together with the Defra network, is working to support Local Economic Partnerships, City Deals and Enterprise Zones in promoting sustainable growth. We have provided advice on strategic economic plans, investment strategies and local development orders and are working with partners to develop sustainable solutions to issues to enable growth, including by establishing virtual teams in several City Deal areas.

3. Measures to maintain and improve future performance

Improvement plan

Over the last few years, Natural England has worked through a programme of improvement, working with stakeholders and Government to ensure that our advisory, consenting and licensing services are more efficient and customer-orientated. Key projects are outlined below.

Our updated Improvement Plan can be found at the link below:

<http://www.naturalengland.org.uk/ourwork/regulation/betterregulation/improvementplanrefreshfeature.aspx>

Triennial Review

The outcome of the Triennial Review of Natural England and the Environment Agency was published on 27 June 2013. A joint action plan promoting closer co-operation between the two agencies, which includes planning work, was agreed to drive further efficiencies in service delivery. Natural England introduced a new staff and team structure on 1 April 2014 to support a renewed focus on local delivery.

Details of the Triennial Review and Joint Action Plan can be found at the link below:

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

Discretionary Advice Service (DAS)

The DAS, launched over 2012-13, provides pre-application and post-consent advice to developers on planning and licensing proposals with initial free advice supplemented by chargeable advice where requested by developers. In 2013-4, advice was given on 168 DAS cases. The expansion of the Discretionary Advice Service in 2013 has enabled the income generated to be re-invested in staff capacity, and is also helping to further improve advice given at the pre-application stage.

Standing Advice for Protected Species and Ancient Woodland

The introduction of revised Standing Advice for protected species in October 2013 and Ancient Woodland and Veteran Trees in April 2014 is helping planning authorities and other stakeholders to understand the potential impacts and survey requirements without the necessity to consult Natural England. The advice is a material consideration and should be taken into account during the determination of a planning application.

Casework Recording Systems

Minor revisions to the Casework Tracker system used to log consultations received during the year resulted in an increase in the accuracy and level of data collated. Work to replace the Casework Tracker system is underway and it is envisaged that a new system will further enable detail about planning consultations and customer interactions to be collected.

Impact Risk Zones

Impact Risk Zones around Sites of Special Scientific Interest (SSSIs) have been published on the Natural England website, to assist planning authorities and developers in understanding when development might impact on SSSIs and consultation with Natural England is necessary. These should reduce the amount of unnecessary consultations and allow advisers to focus on higher risk consultations.

Customer Service Excellence

Over 2013-14, Natural England made changes which improved the ease of contact with our customers (e.g. identification of planning leads and improved systems for handling enquiries). Systems for recording complaints and feedback were also improved. Natural England is working towards Customer Service Excellence reaccreditation and it is hoped that this will be achieved in autumn 2014.

Staff Interchange

The Staff Interchange program is allowing Natural England's advisers to shadow staff in a range of development sectors, giving insights into the needs of our customers.

Planning-Licensing interface project

This project is further improving the consistency of protected species advice at all stages of development (pre and post-application), saving time and costs for developers

4. Customer Feedback

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. We have introduced senior developer relationship managers for our key industry customers to improve partnership working. Natural England uses the feedback gained to make continuous improvements to our planning and licensing services. Further detail on the feedback obtained in 2013-4 is set out in the attached annex.

Annex: 2013-2014 Customer Feedback

Customer feedback postcards - 295 customer feedback postcards were returned between 1st April 2013 and 31st March 2014 from Local Planning Authorities (LPAs) who had received a consultation response from Natural England, providing scores and comments to 12 questions. These responses indicated an overall satisfaction of 90%. Many comments were received, ranging from generic and specific compliments to staff to suggestions on improvements to letters and guidance. As a result of this feedback, improvements have been made to our website, making it easier for customers to contact the right person. Standard letters and internal staff guidance have also been improved.

Development Industry Group - DIG is a senior level strategic group (Chaired by our Chief Executive) involving representatives of businesses and professional bodies with an interest in development (house builders, energy companies, minerals companies) together with decision makers (some LPAs, Government Departments including DECC, DCLG and Defra) and other statutory consultees including the Environment Agency. There are usually 20-25 attendees at the meetings. The group meets three/four times per year and looks at the big challenges for developers and their implications for integrating business and environmental objectives. The group is a key way for Natural England to listen to our customers and partners, share lessons learnt from key cases and to explore ways to improve our products and services and find better ways of working together. Recent discussions have focussed on our pre-application advice and engagement.

Developer Relationship Managers – Developer Relationship Management (DRM) provides one to one senior level relationships for key industry customers, with the aim of improving partnership working.

- 8 DRM relationships were established in the pilot phase with major customers in house-building, energy and transport sectors.
- The approach was well received by all companies involved, receiving comments such as “a breath of fresh air” and “by far the best thing that Natural England has done recently”.
- Enabled better understanding of each other’s business, identification of positive case stories, improved strategic work planning and raised awareness of other Natural England initiatives such as DAS, staff interchange programme and solutions focus.
- DRM to be mainstreamed, with 4 of last year’s relationships likely to continue and a minimum of 2 new relationships to be established.

Developer Customer Panel - The customer panel includes representatives of the development sector - both developers and ecological consultants – and acts as a sounding board in relation to aspects of Natural England’s regulatory role in respect of wildlife licensing and its role as statutory consultee in the planning process. Panel members have been selected as representative of the industry (development and ecological consultancy), for their level of knowledge of Natural England’s role and for their capacity to act as a critical friend. The Panel has a more operational focus, complementing the higher level strategic issues approach of the DIG.

The Panel generally meets two to three times per year. Meetings provide an opportunity for Natural England to update and seek feedback on specific initiatives and to listen to what our

customers want and need. Recent discussion has focussed on improvements to the licensing process.

Customer Surveys

Our year-end live customer point of service feedback data for our Wildlife Licensing and Land Use Planning customer groups is:

Percentage satisfied or very satisfied

Wildlife Licensing: 96 per cent

Land Use Planning: 92 per cent

Our weighted average performance is 92 per cent across our main customer base and we have therefore met our annual target which is 88 per cent. The public sector benchmark for similar organisations is 83 per cent. With our new organisational structure now in place, we will restart our programme of Customer Service Excellence accreditation in July with the objective of maintaining our organisational accredited status.

The results of our annual customer surveys below have given us renewed food for thought and we are currently developing our detailed action plans in response to this useful insight.

Our Land Use Planning Customers

2012/13 MORI telephone survey 74 per cent

2013/14 In-house online survey 58 per cent

Our Wildlife Licensing Customers

2012/13 MORI telephone survey 68 per cent

2013/14 In-house online survey 49 per cent

This year we used an online survey approach as part of our efficiency measures rather than working with MORI using a telephone survey. MORI advised that online surveys can result in lower overall satisfaction figures than telephone surveys.

Local Planning Authority (LPA) Panel - In the last year, LPA feedback has been largely collected via feedback on individual cases using our customer feedback postcards and our customer survey and the LPA panel has not met. We are also working with other "Big Five" statutory consultee partners on a forthcoming joint local authority survey later in 2014 which will enable further LPA feedback on our services to be collected. With our new locally focussed structure now in place, Area teams are considering establishing local LPA panels to obtain feedback on key local issues on the breadth of Natural England's business.