
2015-16 Annual report to the
Department for Communities
and Local Government

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

June 2016

The logo for Natural England, featuring the words "NATURAL" and "ENGLAND" stacked vertically in a white, sans-serif font. The text is set against a solid green square background.

NATURAL
ENGLAND

Executive Summary

The main findings of the report are as follows:

In 2015-16 Natural England received 12,842 planning application consultations. We responded to 98.07% of these consultations within 21 days or otherwise agreed deadlines. This figure represents a slight reduction on the previous year's performance but is broadly consistent with performance in previous years.

We requested an extension for 609 planning application consultations (4.74%). This percentage is lower than the 2014-15 figure (5.38%).

The average time taken to respond to planning application consultations was 11.58 days.

In addition, Natural England received 1,374 pre-application consultations, either direct from developers or via Local Planning Authorities, an increase on the previous year. We responded to 93.6% of these consultations within 21 days or otherwise agreed deadlines.

1. Introduction

Overview

This report details Natural England's performance as a consultee in the planning system against the statutory duty to respond to planning application consultations from local authorities and pre-application enquiries from developers within 21 days or otherwise agreed deadlines.

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 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 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—

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

¹ 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.

(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;

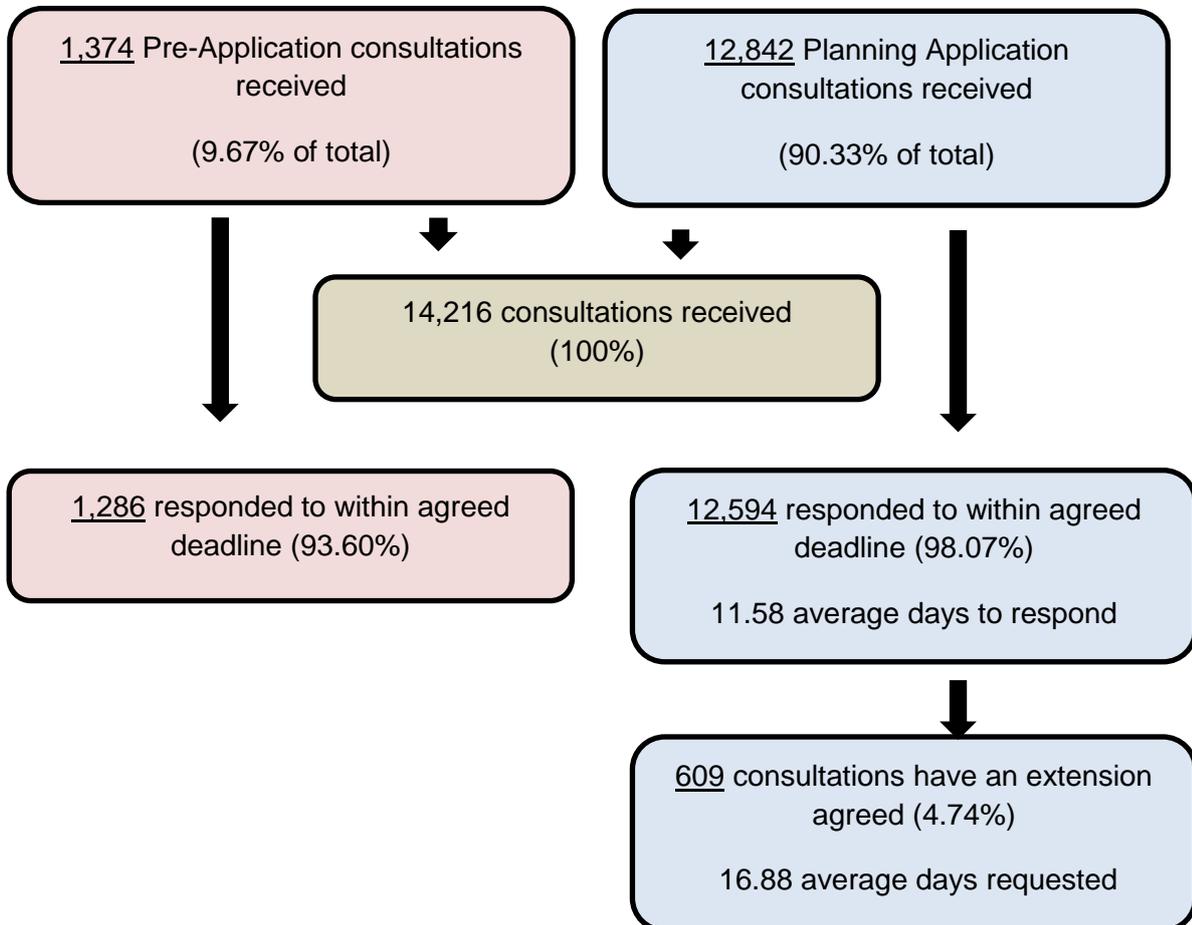
(d) a statement as to the number of occasions on which a substantive response was given to a local planning authority within the period referred to in section 54(4) of the 2004 Act; and

(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 2015-6 report follows the 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	12842		
	2	Number of substantive responses made within 21 days or otherwise agreed date	12594		
	3	Percentage of substantive responses made within 21 days or otherwise agreed date		98.07%	
	4	Breakdown of the reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	21	8.47%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	40	16.13%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	152	61.29%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	35	14.11%
	5	Number of cases where extension to 21 day timescale is agreed	609		
	6	Percentage of cases where extension to 21 day timescale is agreed		4.74%	
	7	Average number of days of agreed extension to 21 day timescale	16.88		
	8	Breakdown of the reasons why extensions to the 21 day timescale have been agreed	Further information needs to be provided (from LPA/developer)	151	24.79%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	169	27.75%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	268	44.01%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	21	3.45%
9	Average number of days to provide a substantive response to all consultation requests	11.58			

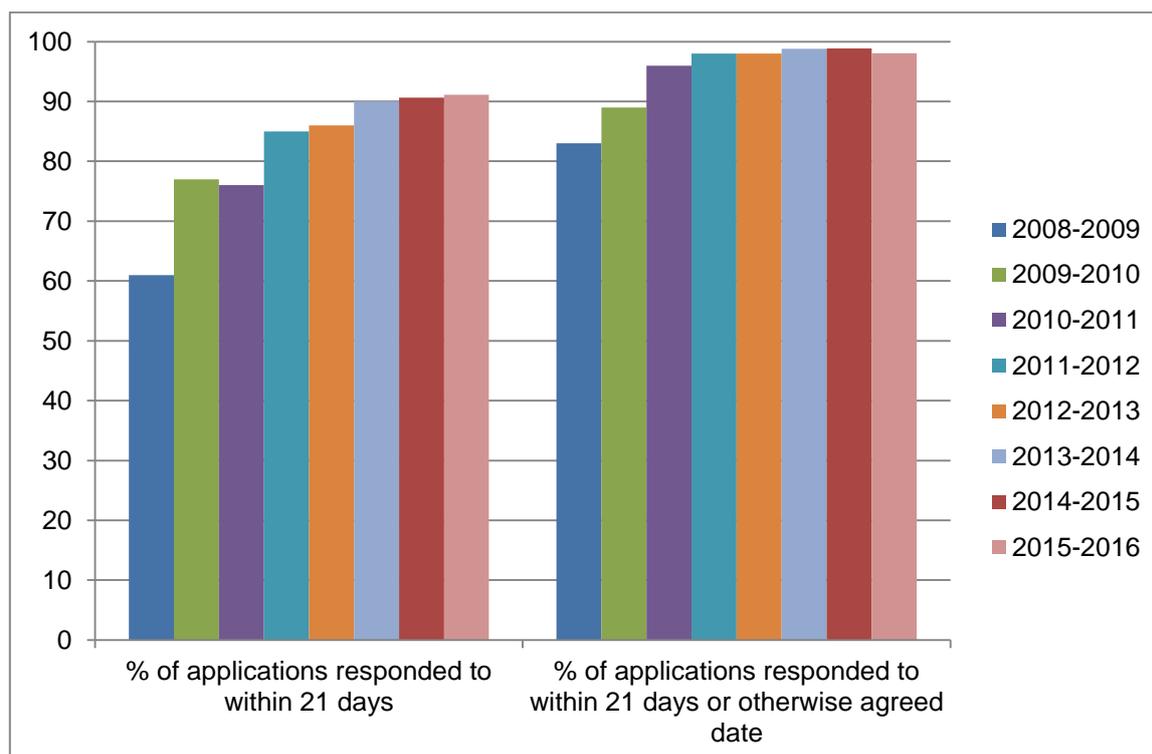
Pre-Application

Stage	Measure	Description of measure	Number	Percentage	
Pre-application stage	10	Number of consultation requests	1374		
	11	Number of substantive responses made within 21 days or otherwise agreed date	1286		
	12	Percentage of substantive responses made within 21 days or otherwise agreed date		93.60%	
	13	Breakdown of reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	7	7.95%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	11	12.50%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	63	71.59%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	7	7.95%

Analysis of overall performance

Comparison with 2014/2015

Performance for planning applications across the past 8 years is outlined in the chart below.



Our figures demonstrated that for 2014-15, 98.86% of planning application consultations were responded to within 21 days or otherwise agreed deadline. For 2015-16 the figure has slightly decreased to 98.07%.

For the previous reporting year, we responded to 47.05% of consultations within 7 days, and 68.12% of consultations within 14 days. The average time for a response for 2014-15 was 11.48 days.

Our data for 2015-16 has indicated that we responded to 43.79% of consultations within 7 days and 71.92% of all consultations within 14 days. The average time taken to respond was 11.58 days. These figures are broadly consistent with previous performance.

Factors related to the provision of additional information from developers or Local Planning Authorities accounted for 20.35% of extensions agreed in 2014-15 and 24.79% of extensions agreed in 2015-16. The percentage of extensions attributed to complexity has increased slightly, from 27.71% to 27.75% for 2015-16.

For 2014-15, 'Agency Resourcing' related factors were the primary reasons for requesting an extension to deadlines (equating to 49.49 %). For 2015-16 the figure is 44.01%.

For 2015-16, Natural England missed 248 deadlines (1.93%) for planning application responses. This represents the first drop (0.79%) in performance since 2010-11, and has largely resulted from resourcing pressures in the second half of the year.

For pre-application consultation responses, our figures for last year highlighted that 838 consultations were received directly from developers. For 2015-16, 955 consultations were received directly from developers. In total we received 1,374 pre-application consultations (including 419 pre-application consultations via Local Planning Authorities). 1,286 (93.60%) were dealt with inside 21 days or otherwise agreed deadlines and 88 (6.40%) of the deadlines were missed.

Our wider planning role

Natural England's planning and marine teams handled over 25,000 consultations over 2015-16 in total, including over 1,200 consultations from other agencies and nearly 1,500 non-statutory information requests.

Environmental Impact Assessment (EIA)

1,042 consultations or requests relating to Environmental Impact Assessment (EIA) scoping or screening were received, of which 96.16% were responded to within the agreed deadline.

Our data also indicates that for 2015-16, 233 consultations received from Local Planning Authorities were accompanied by an Environmental Statement or information relating to an EIA.

Development Plans

Natural England received over 2,800 development plan related consultations in 2015-16. These included consultations on Local Plans (1,381), Neighbourhood Plans (1,024) 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 2015-16 we responded to 147 NSIP consultations.

Transport

Natural England responded to 865 consultations from Highways England, consultants and local planning authorities on transport proposals in 2015-16 under the Highways Act, Planning Acts and the Transport and Works Act, and dealt with 47 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 2015-16, our staff responded to 1,172 marine consultations of which 97.27% were responded to within an agreed deadline.

3. Measures to maintain and improve future performance

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 and customer panels.

The customer groups provide a valuable source of feedback to Natural England and we held seven separate meetings over the last year. Key areas where we sought their input included our strategic approaches to wildlife licensing, cumulative approach to landscape change and our regulatory reform work.

Natural England continues to work closely with the other main statutory consultees – Environment Agency, Health and Safety Executive, Highways England and Historic England. In support of the Government's priority to increase and speed up housing delivery, we arranged a workshop (held in May 2016) to obtain feedback direct from housing developers and other key stakeholders on our recent service improvements and explore what more statutory consultees can do to facilitate sustainable housing growth.

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. The IRZ data, which is publically available online on 'MAGIC' and as a downloadable GIS database, is designed to reduce the amount of unnecessary consultations and allow Natural England advisers to focus on higher risk development proposals. 150 planning authorities have downloaded the IRZs dataset to date with fewer consultations received from those using IRZ in their validation processes. Updates to the data are made every two months and Natural England continues to explore opportunities to further refine the data and expand the use of IRZ for other environmental assets.

Discretionary Advice Service (DAS)

The chargeable service for discretionary advice has continued to expand since it was launched in 2012. This service is delivered by Natural England's Area Teams, supporting local delivery and enabling investment in staff capacity where it is most needed. In 2015-2016, advice was given on 501 DAS cases, an increase of 63 % 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.

Updated Guidance on GOV.UK

Natural England has made further changes to the suite of guidance on GOV.UK to ensure it meets 'smarter guidance' principles to reduce the volume and improve the quality, consistency and accessibility of all guidance.

An updated version of the standing advice on [protected species](#) and the final joint Natural England/Forestry Commission standing advice on [ancient woodland and veteran trees](#) are now on GOV.UK. Beta versions of guidance for local planning authorities, neighbourhood planning bodies and developers on getting advice from Natural England's advice on development plans and proposals are also available.

Improvement programme

Natural England's ongoing programme of improvement is focused on ensuring our advisory, consenting and licensing services are customer-orientated. In 2015/6 we made the following improvements:

- Improvements to the protected species licensing process saved customers over £1.18m in 2015/16 and over £1.84m over the past three years with further improvements ongoing.
- Improved internal training and processes for protected species licensing and a greater focus on customer service has significantly increased performance (from 54% licences processed on time in June 2015 to 91% in February 2016).
- Natural England is leading a pilot project with Woking Borough Council to develop a new approach to the provision of strategic mitigation for great crested newts and avoid the need for bespoke species licences by developers. An 'organisational licence' has been granted to the Council which authorises them to approve operations which may affect great crested newts on development sites at the same time as they grant planning permission. Developers can 'buy into' scheme, providing greater certainty over costs and timescales and dispensing with the need for usual survey, assessment and bespoke on site mitigation for newts at individual site level. Natural England is proposing to rollout this approach to other areas.
- Natural England consulted on Proposed Licensing Policies for European Protected Species licensing to take forward a more proportionate approach to meeting legal requirements. These aim to provide greater flexibility for developers and a more risk based approach.
- The use of 'class licences' has been expanded with the 'earned recognition' process enabling licensable but low impact activities to be carried out by qualified consultants without requiring a separate species licence from Natural England.

Alignment of Natural England and Environment Agency Boundaries

Natural England and the Environment Agency continue to work closely and in 2015/16 agreed to align area team boundaries. These new boundaries are aligned to counties, with a handful of

exceptions, but focused on river catchments. Full implementation will take place by April 2017, and each organisation will have an Area Manager providing consistent geography for customers, stakeholders, partners and the public to interact with both organisations. This is the first step towards developing joint locally based plans for the delivery of long term environmental objectives on the ground.