
2016-17 Annual report to the
Department for Communities
and Local Government

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

June 2017



Executive Summary

The main findings of the report are as follows:

Natural England provided excellent service in 2016-17, whilst continuing to invest in transforming our approach to benefit customers and the environment. In 2016-17 Natural England received 12,852 planning application consultations. We responded to 96.73% of these consultations within 21 days or otherwise agreed deadlines. The overall percentage is slightly below the level achieved in 2015-16 (98.6%) as a result of resource pressures.

We requested an extension for 624 planning application consultations (4.86%). This percentage is consistent with the performance in previous years.

The average time taken to respond to planning application consultations was 12.44 days.

In addition, Natural England received 1,280 pre-application consultations, either direct from developers or via Local Planning Authorities. We responded to 90.94% of these consultations within 21 days or otherwise agreed deadlines. This figure is also slightly below the levels achieved in previous years, with resourcing challenges affecting performance.

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;

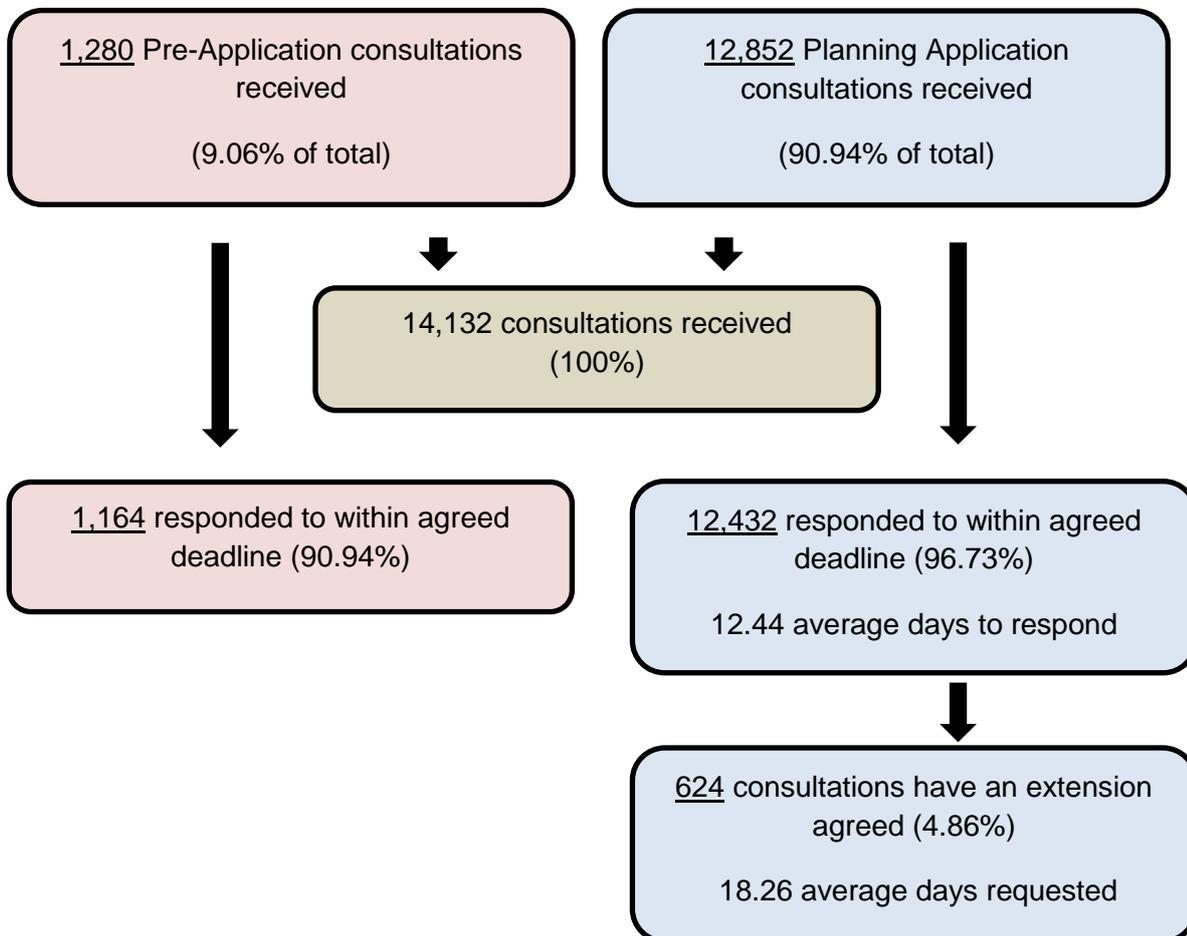
(d) a statement as to the number of occasions on which a substantive response was given to a local planning authority within the period referred to in section 54(4) of the 2004 Act; and

(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 2016-17 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	12,852		
	2	Number of substantive responses made within 21 days or otherwise agreed date	12,432		
	3	Percentage of substantive responses made within 21 days or otherwise agreed date		96.73%	
	4	Breakdown of the reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	9	2.14%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	67	15.95%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	308	73.33%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	36	8.57%
	5	Number of cases where extension to 21 day timescale is agreed	624		
	6	Percentage of cases where extension to 21 day timescale is agreed		4.86%	
	7	Average number of days of agreed extension to 21 day timescale	18.26		
	8	Breakdown of the reasons why extensions to the 21 day timescale have been agreed	Further information needs to be provided (from LPA/developer)	135	21.63%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	210	33.65%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	269	43.11%
(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)			10	1.60%	
9	Average number of days to provide a substantive response to all consultation requests	12.44			

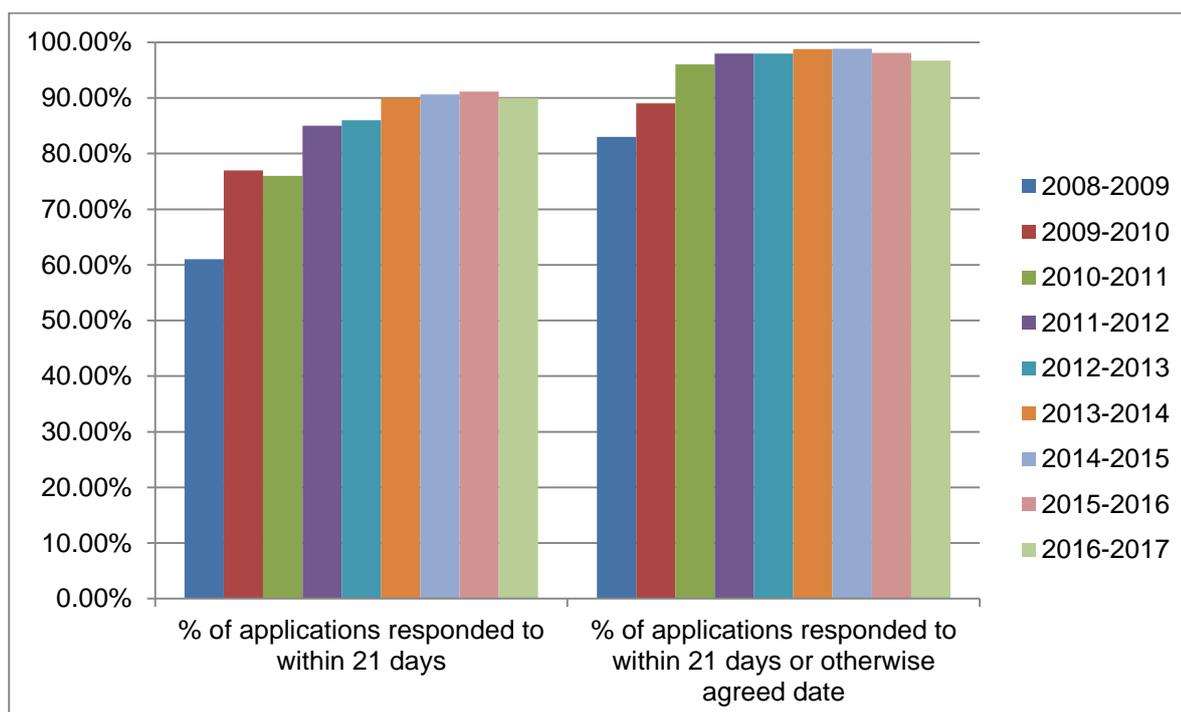
Pre-Application

Stage	Measure	Description of measure	Number	Percentage	
Pre-application stage	10	Number of consultation requests	1280		
	11	Number of substantive responses made within 21 days or otherwise agreed date	1164		
	12	Percentage of substantive responses made within 21 days or otherwise agreed date		90.94%	
	13	Breakdown of reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	6	5.17%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	13	11.21%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	94	81.03%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	3	2.59%

Analysis of overall performance

Comparison with 2015-16 and previous years

Performance for planning applications across the past 9 years is outlined in the chart below.



Our figures demonstrated that for 2015-16, 98.07% of 12,842 planning application consultations were responded to within 21 days or otherwise agreed deadline. For 2016-17 the figure has decreased slightly to 96.73% of 12,852 consultations, with Natural England missing the deadline for 420 consultations. The proportion of deadlines missed as a result of 'Agency Resourcing' has increased from 61.29% to 73.33%, with significant resourcing challenges in certain area teams during quarters 1 and 2 having an impact on delivery in the remainder of the year.

For the previous reporting year, we responded to 43.79% of planning application consultations within 7 days, and 71.92% of consultations within 14 days. The average time for a response for 2015-16 was 11.58 days.

Our data for 2016-17 has indicated that we responded to 36.25% of planning application consultations within 7 days and 69.13% of consultations within 14 days. The average time taken to respond was 12.44 days. This performance is broadly consistent with previous years.

Factors related to requesting additional information from developers or Local Planning Authorities accounted for 21.63% of extensions agreed in 2016-17 compared with 24.79% of extensions agreed in 2015-16. The percentage of extensions attributed to complexity has increased from 27.75% in 2015-16 to 33.65% for 2016-17.

The proportion of extensions sought because of 'Agency Resourcing' issues has remained stable. The figure for 2015-16 was 44.01 % and in 2016-17 the figure is 43.11%.

In total we received 1,280 pre-application consultations (including 403 pre-application consultations via Local Planning Authorities). 1,164 (90.94%) were dealt with inside 21 days or otherwise agreed deadlines and 116 (9.06%) of the deadlines were missed. Issues relating to resourcing were the main reasons for the proportion of missed deadlines being higher than in previous years.

Our wider planning role

Natural England's planning and marine teams handled over 24,000 consultations over 2016-17 in total, including over 1,300 consultations from other agencies and over 1,400 non-statutory information requests.

Environmental Impact Assessment (EIA)

920 consultations or requests relating to Environmental Impact Assessment (EIA) scoping or screening were received, of which 94.78% were responded to within the agreed deadline.

Our data also indicates that for 2016-17, 236 consultations received from Local Planning Authorities were accompanied by an Environmental Statement or information relating to an EIA.

Development Plans

Natural England received over 2,600 development plan related consultations in 2016-17. These included consultations on Local Plans (1,422), Neighbourhood Plans (1,050) and their related Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessments.

Nationally Significant Infrastructure Projects

As a 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 2016-17 we responded to 194 NSIP consultations.

Transport

Natural England responded to 851 consultations from Highways England, consultants and local planning authorities on transport proposals in 2016-17 under the Highways Act, Planning Acts and the Transport and Works Act, and dealt with 44 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 2016-17, our staff responded to 1,108 marine consultations of which 96.12% 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. Several meetings of these groups took place over the year with discussions focussing on biodiversity net gain, new licensing policies and improvements, and the house building Cutting Red Tape Review.

Natural England continues to work closely with the other main statutory consultees – Environment Agency, Health and Safety Executive, Highways England and Historic England through the DCLG Statutory Consultee Initiative to exchange information and discuss improved ways of delivering our planning advisory services. A statutory consultee housing workshop was held in May 2016, attended by around 25 house builders, development sector bodies and government bodies to discuss improved ways of working with the statutory consultees on housing development issues.

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. 177 planning authorities have downloaded the IRZs dataset to date with fewer unnecessary 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 2016-2017, advice was given on 553 DAS planning cases, an increase of 69 cases (14%) 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 Standards and Guidance

Natural England has published revised standards setting out our approach to responding to development consultations. The [Advice on Development Strategic Standard](#) sets out our overall approach with the operational standard [Responding to Consultations on Development](#) setting out more detail.

Guidance for local planning authorities, neighbourhood planning bodies and developers on how to obtain advice from Natural England on development plans and planning proposals has been published on GOV.UK at:

<https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

<https://www.gov.uk/guidance/consulting-on-neighbourhood-plans-and-development-orders>

In addition, we have improved the format of our standard response letters for development management consultations to improve clarity of our advice to planning authorities and consistency in approach.

Planning Change programme

Natural England published its Conservation Strategy for the 21st Century, [Conservation 21](#), which sets out what we need to do differently and how we need to work with others to better deliver the Government's ambition for England to be a great place to live, with a healthy natural environment on land and sea that benefits people and the economy. We are currently undertaking a planning change programme to support implementation of the Conservation Strategy and deliver a net gain for people and nature through our planning work. This will shift our approach away from interventions in low value planning casework towards more strategic, proactive engagement with planning authorities, new Combined Authorities, LEPs, developers and infrastructure providers on plans, strategies and significant growth opportunities. We will prioritise our engagement based on opportunity and delivering value rather than just avoiding risk to the natural environment.

We are also delivering a major reform programme for our protected species licensing work. This includes:

- A nationwide rollout of the district level licensing approach to Great Crested Newts conservation, announced in the Housing White Paper. The approach, which was piloted with Woking Borough Council, involves habitat enhancement or creation prior to any development taking place, saving developers time and money by avoiding the need for bespoke species licences and making newt populations more healthy and resilient.
- The introduction of new 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.
- Rollout of a low impact class licence for bats and one for great crested newts (GCN).