
2017-18 Annual report to
the Ministry of Housing,
Communities and Local
Government

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

June 2018



Executive Summary

The main findings of the report are as follows:

Natural England provided excellent service in 2017-18, whilst continuing to invest in transforming our approach to benefit customers and the environment. In 2017-18 Natural England received 13,659 planning application consultations, an increase on the previous year (12,852). We responded to 95.94% of these consultations within 21 days or otherwise agreed deadlines. The overall percentage is slightly below the level achieved in 2016-7 (96.73%).

We requested an extension for 535 planning application consultations (3.92%). This figure is slightly lower than in previous years.

The average time taken to respond to planning application consultations was 14.61 days, a small increase on 2016-7 (12.44 days).

In addition, Natural England received 1,276 pre-application consultations, either direct from developers or via Local Planning Authorities. We responded to 82.13% of these consultations within 21 days or otherwise agreed deadlines.

Issues affecting performance include resourcing challenges as well as increasing prioritisation on strategic engagement in plans and projects. Natural England is looking to improve processes and increase levels of cost recovery from planning and species licensing casework in order to invest in staff to help local planning authorities deliver a net gain for the environment, alongside a continued timely service.

Overview

Introduction and purpose of report

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 is required¹ to report annually to the Secretary of State for Housing, Communities and Local Government on its performance against the statutory duty. This report fulfils that requirement.

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's role in the planning system

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 has a statutory duty to respond to certain consultations specified in Article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) (as amended). 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.

Natural England takes a proportionate, risk based and solutions focussed approach to its planning advice. Natural England seeks 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 is increasingly focussing its engagement on strategic plans and projects and the provision

¹ Under Article 23 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), consultees must submit a report on compliance against the statutory duty to respond to consultations no later than 1 July each 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.

of pre-application advice to developers in order to maximise opportunities to deliver gains for the natural environment.

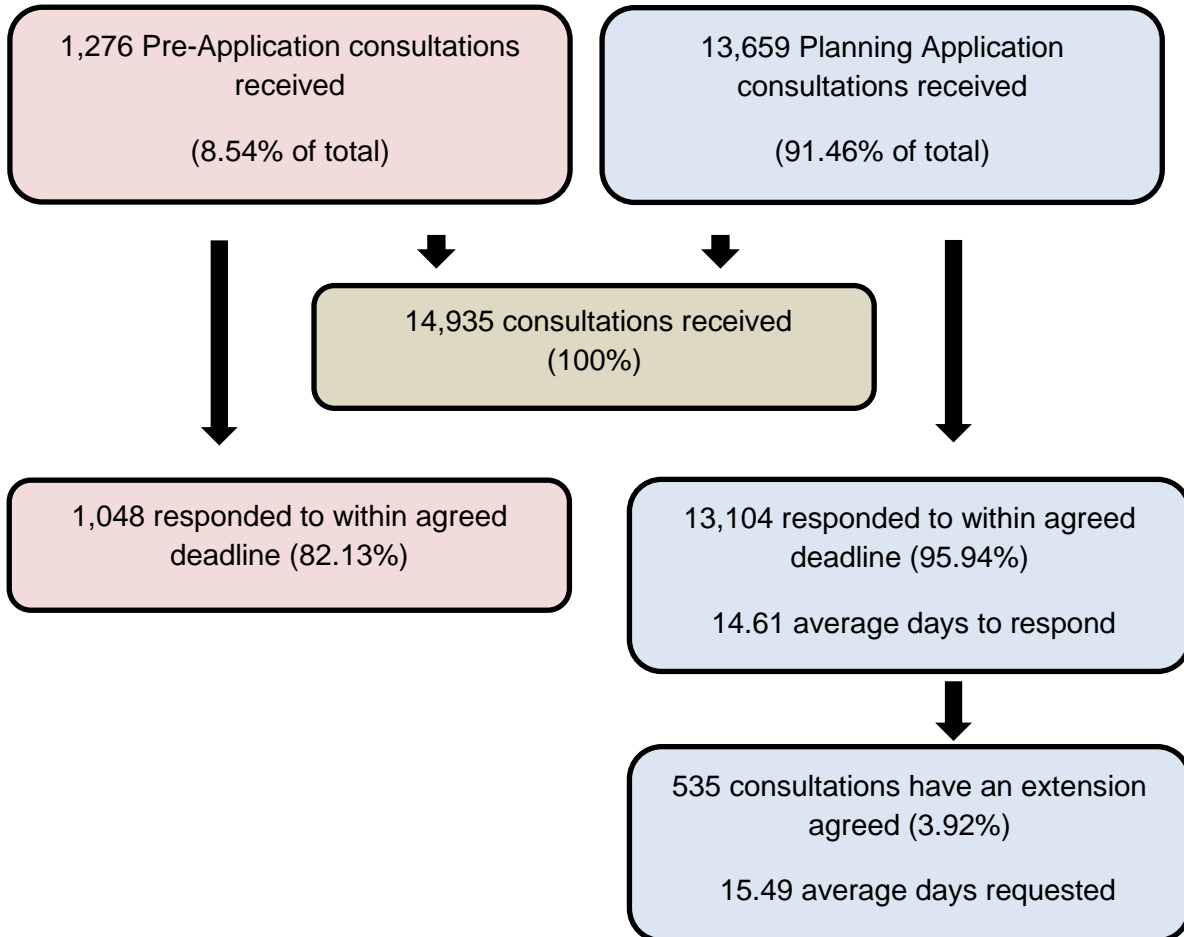
Natural England responded to a total of 25,000 terrestrial and marine planning related consultations in 2017-18. This included early advice to developers under the Discretionary Advice Service, as well as around 2,600 consultations on development plans.

Measures to improve planning performance

Natural England seeks feedback from its local planning authority and developer customers on its planning service using various mechanisms, including the joint Natural England and Environment Agency Development Industry Group. This information is used to continuously improve Natural England's planning advisory service. Various improvements are ongoing via Natural England's Planning and Licensing change and reform programme. This includes proactive engagement in strategic plans and projects to deliver environmental opportunities; work to develop approaches for securing biodiversity net gain from development; the roll out of district licensing approaches for great crested newts; further development of Impact Risk Zones as a tool to help planning authorities reduce unnecessary consultations; expansion of Natural England chargeable advice services; and a review of the use of standard responses to planning consultations to improve their usefulness and impact.

Analysis of Natural England's performance

Summary Schematic: Planning application and pre-application responses



Performance Tables

The Performance Tables below provide a more detailed breakdown of Natural England's responses to planning application and pre-application consultations.

Planning Applications

Stage	Measure	Description of measure	Number	Percentage	
Application Stage	1	Number of consultation requests	13,659		
	2	Number of substantive responses made within 21 days or otherwise agreed date	13,104		
	3	Percentage of substantive responses made within 21 days or otherwise agreed date		95.94%	
	4	Breakdown of the reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	14	2.52%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	65	11.71%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	441	79.46%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	35	6.31%
	5	Number of cases where extension to 21 day timescale is agreed	535		
	6	Percentage of cases where extension to 21 day timescale is agreed		3.92%	
	7	Average number of days of agreed extension to 21 day timescale	15.49		
	8	Breakdown of the reasons why extensions to the 21 day timescale have been agreed	Further information needs to be provided (from LPA/developer)	94	17.57%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	159	29.72%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	267	49.91%
(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)			15	2.80%	
9	Average number of days to provide a substantive response to all consultation requests	14.61			

Pre-Application Consultations

Stage	Measure	Description of measure	Number	Percentage	
Pre-application stage	10	Number of consultation requests	1,276		
	11	Number of substantive responses made within 21 days or otherwise agreed date	1,048		
	12	Percentage of substantive responses made within 21 days or otherwise agreed date		82.13%	
	13	Breakdown of reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	10	4.39%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	20	8.77%
Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)			190	83.33%	
(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)			8	3.51%	

NB. Pre-application consultations included both consultations received directly from developers, and consultants as well as pre-application requests received direct from local planning authorities.

Commentary

Planning Application Consultations

During 2017-18, Natural England responded to 13,659 planning application consultations, a higher total than in 2016-17 (12,852) and previous years. Changes to consultation arrangements with some planning authorities resulted in more consultations being handled. Response rates have decreased slightly from 96.73% in 2016-17 to 95.94% in 2017-18. This is a result of resourcing challenges across Natural England teams, with increased workloads affecting triage processes and the ease of managing deadlines.

The number of missed deadlines is broadly similar to 2016-7 (441 compared with 420 cases). The number of missed deadlines resulting from resourcing issues has increased (from 308 in 2016-7 to 441 in 2017-8) whilst late responses due to other reasons (process error, complexity and need for further information) have remained static.

The number of consultations with an agreed extension to deadline has fallen to 535, and as a percentage of the overall total received, has reduced slightly to 3.92%.

The average number of days taken for a planning application response has increased slightly to 14.61 days (from 12.44 days in 2016-7). This relates to challenges with staff resourcing and the impact on workload management.

Pre-application consultations

During 2017-18 Natural England responded to 1,276 pre-application consultations. This is a similar total to the number handled in 2016-17 (1,280). Due to resourcing challenges, the percentage of casework items handled within agreed deadlines has fallen from 90.94% in 2016-17 to 82.13% in 2017-18. The number of pre-application consultations received direct from local planning authorities in 2017-18 was 454, slightly higher than in in 2016-17 (403).