
2018-19 Annual report to
the Ministry of Housing,
Communities and Local
Government

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

June 2019



Executive Summary

The main findings of the report are as follows:

Natural England provided a high level of service in the context of higher volume and resourcing challenges, whilst continuing to invest in transforming our approach to benefit customers and the environment. In 2018-19 Natural England received 15,688 planning application consultations, a significant increase in volume over the previous year. We responded to 96.76% of these consultations within 21 days or otherwise agreed deadlines. The overall percentage is a slight increase on the 95.94% achieved for the previous year.

Extensions to deadlines were requested for 556 planning application consultations (3.54%). This percentage is consistent with the performance in previous years.

The average time taken to respond to planning application consultations was 13.53 days, a reduction on the previous year.

In addition, Natural England received 1,121 pre-application consultations, either direct from developers or via Local Planning Authorities. 81.45% of these consultations were responded to within 21 days or otherwise agreed deadlines. This figure is below the level achieved in previous years, with resourcing challenges affecting performance.

Work is ongoing to move towards a funding model that enables investment in staff capacity to improve the effectiveness of Natural England's engagement with the planning system in order to deliver greater environmental outcomes.

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

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.

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 and opportunity 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 environmental gains. Natural England is increasingly focussing its engagement on strategic plans and projects in order to maximise opportunities to deliver positive outcomes for the natural environment.

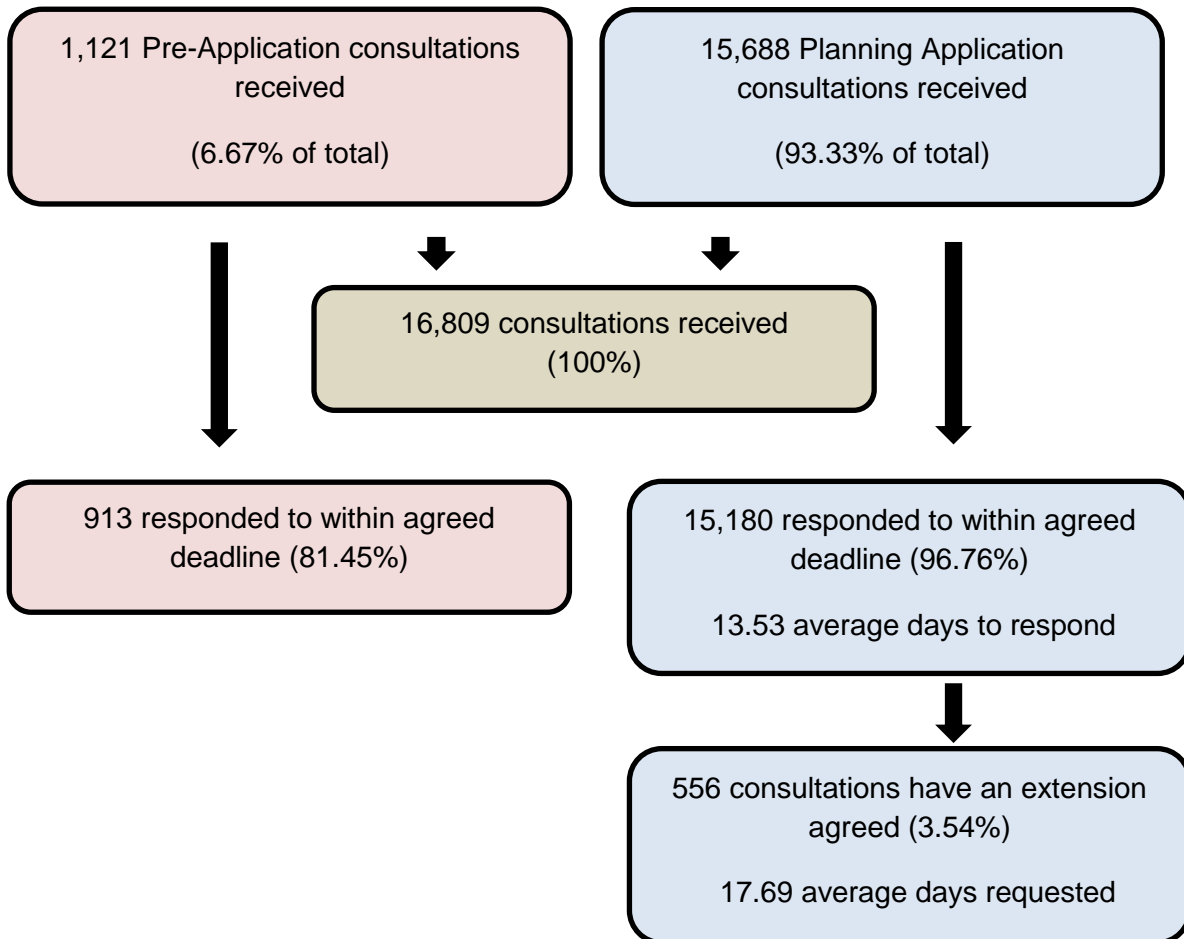
Measures to improve planning performance

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 in order to focus effort on delivering environmental gains in line with the Government's 25 Year Environment Plan. This includes greater emphasis in proactive engagement in strategic plans and projects to deliver environmental opportunities; work to take forward approaches for securing biodiversity net gain from development and nature recovery networks; further 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 streamlining the handling of lower and medium risk consultations.

Resourcing challenges are impacting on Natural England's ability to advise on medium risk development management casework and to engage at strategic level with local planning authorities and other partners. This is a reflection of declining grant-in-aid and an increase in the volume of planning application consultations. Work is ongoing to move to a funding model which enables Natural England to invest in the staff capacity and skills needed to engage effectively with the planning system to deliver environmental gains at strategic plan level and on high risk and opportunity development proposals.

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 | 15,688 | | |
| | 2 | Number of substantive responses made within 21 days or otherwise agreed date | 15,180 | | |
| | 3 | Percentage of substantive responses made within 21 days or otherwise agreed date | | 96.76% | |
| | 4 | Breakdown of the reasons for failure to meet 21 day or otherwise agreed timescale | Further information needs to be provided (from LPA/developer) | 13 | 2.56% |
| | | | Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input) | 73 | 14.37% |
| | | | Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise) | 397 | 78.15% |
| | | | (Internal) Process error (e.g. incorrectly assigned deadlines, IT issues) | 25 | 4.92% |
| | 5 | Number of cases where extension to 21 day timescale is agreed | 556 | | |
| | 6 | Percentage of cases where extension to 21 day timescale is agreed | | 3.54% | |
| | 7 | Average number of days of agreed extension to 21 day timescale | 17.69 | | |
| | 8 | Breakdown of the reasons why extensions to the 21 day timescale have been agreed | Further information needs to be provided (from LPA/developer) | 125 | 22.48% |
| | | | Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input) | 147 | 26.44% |
| | | | Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise) | 264 | 47.48% |
| | | | (Internal) Process error (e.g. incorrectly assigned deadlines, IT issues) | 20 | 3.60% |
| 9 | Average number of days to provide a substantive response to all consultation requests | 13.53 | | | |

Pre-Application Consultations

| Stage | Measure | Description of measure | Number | Percentage | |
|-----------------------|---------|--|--|------------|--------|
| Pre-application stage | 10 | Number of consultation requests | 1,121 | | |
| | 11 | Number of substantive responses made within 21 days or otherwise agreed date | 913 | | |
| | 12 | Percentage of substantive responses made within 21 days or otherwise agreed date | | 81.45% | |
| | 13 | Breakdown of reasons for failure to meet 21 day or otherwise agreed timescale | Further information needs to be provided (from LPA/developer) | 13 | 6.25% |
| | | | Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input) | 25 | 12.02% |
| | | | Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise) | 163 | 78.37% |
| | | | (Internal) Process error (e.g. incorrectly assigned deadlines, IT issues) | 7 | 3.37% |

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 2018-19, Natural England responded to 15,688 planning application consultations, this is a significantly higher total than in 2017-18 (13,659) and in previous years. Consultation rates (in particular re-consultations) increased as a result of planning authorities consulting Natural England on a greater number of Appropriate Assessments under the Habitats Regulations, following a recent legal judgement.

The rate of on-time responses increased from 95.94% in 2017-18 to 96.76% in 2018-19. The increase in percentage is largely a consequence of receiving higher numbers of consultations.

The average number of days to respond to a planning application has reduced slightly to 13.53 days. This figure is affected by the increased rates of lower risk consultations during 2018-19.

The overall number of missed deadlines decreased from 555 to 508, with resourcing challenges accounting for 78.15% of missed deadlines reported (79.46% for the previous year). Factors such as complexity, process error and the need to seek further information all remain similar to 2017-18.

The number of consultations with an extension to deadline has increased slightly to 556. As a percentage of consultations, this has reduced to 3.54% (3.92% for 2017-18) as a result of higher volumes of consultations received overall. The average number of days by which the deadline was

extended was 17.69 days (an increase from 15.49 days in 2017-8 due to challenges with workloads).

Pre-application consultations

During 2018-19 Natural England responded to 1,121 pre-application consultations from developers and local planning authorities. This is a slight reduction compared to the previous year (1,276), partly due to use of a different reporting methodology. As a result of resourcing challenges across all teams, the percentage of casework items handled within deadline has fallen from 82.13% in 2017-18 to 81.45% in 2018-19. Revisions to processes and further stabilisation in resourcing will help return performance upwards above 90% and to the levels achieved in previous years. The number of pre-application consultations received via local planning authorities in 2018-19 was 415, slightly below the previous year (454).

Natural England's wider planning role

Natural England's planning and marine teams handled just under 28,000 consultations over 2018-19 in total. Natural England also received around 2,500 development plan related consultations, this is a similar total to 2017-18.