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2019-20 Annual report to  
the Ministry of Housing,  
Communities and Local  
Government

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

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June 2020

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## **Executive Summary**

The main findings of the report are as follows:

In 2019-20 Natural England received 15,692 planning application consultations. We responded to 93.74% of these consultations within 21 days or otherwise agreed deadlines. The overall percentage is below that of the previous year (96.76%) as a result of resourcing challenges.

We requested an extension for 552 planning application consultations (3.52%). This figure is consistent with previous years.

The average time taken to respond to planning application consultations was 13.73 days. This is consistent with performance in 2018-9.

In addition, Natural England received 1,106 pre-application consultations, either direct from developers or via local planning authorities, responding to 74.77% within 21 days or otherwise agreed deadlines. This percentage is below that achieved in previous years, with resourcing challenges significantly affecting performance.

Natural England deals with a high proportion of complex cases, mostly relating to impacts on designated sites. We are working with local planning authorities in several areas to develop strategic mitigation approaches to enable sustainable development to proceed in compliance with environmental legislation.

A business improvement programme is currently underway to improve the effectiveness of our planning advice, focus on strategic level engagement and solutions and deliver environmental opportunities.

## 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 required<sup>1</sup> 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 response<sup>2</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> 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.

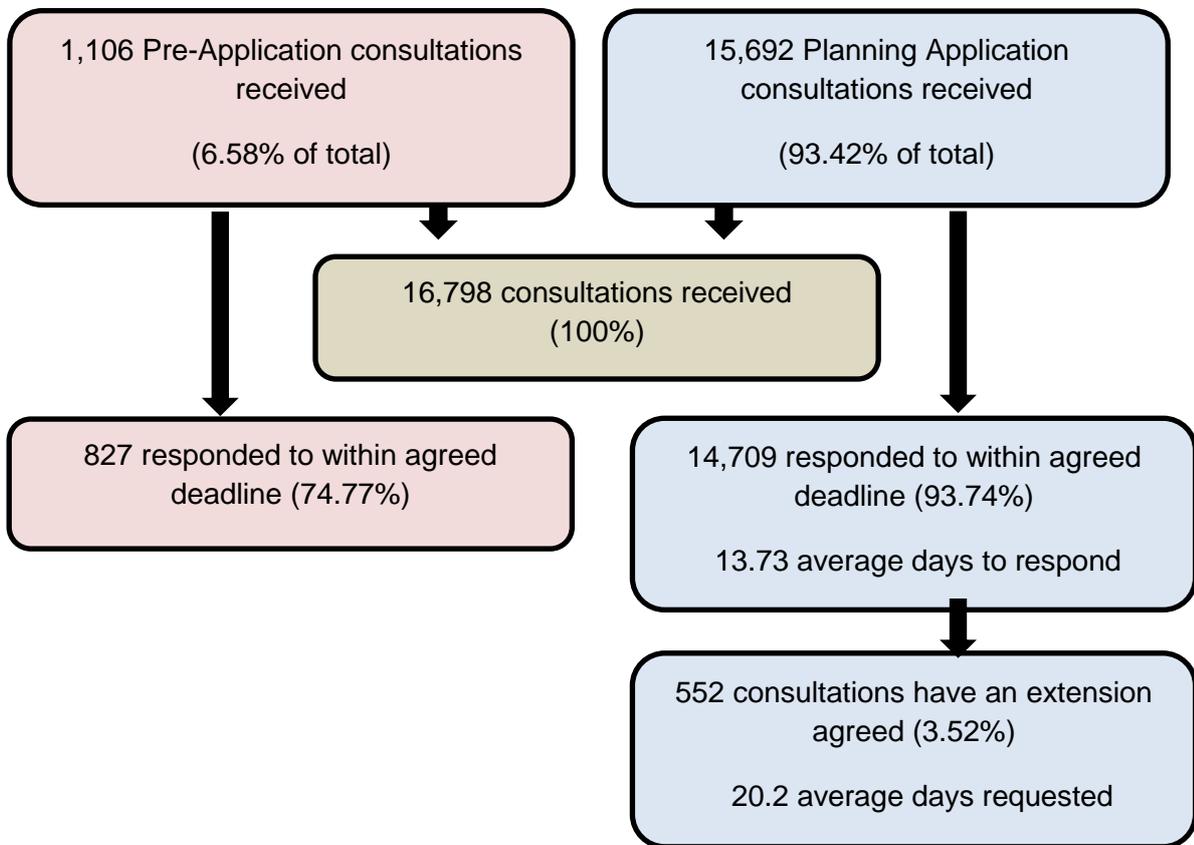
Natural England takes a proportionate, risk and opportunity based and solutions focussed approach to its planning advice. Natural England seeks to enable sustainable development by advising on the avoidance, mitigation or, as a last resort, compensation for impacts on the natural environment through the use of planning conditions or obligations, and on appropriate enhancement measures. Natural England is increasingly focussing its engagement on strategic plans and projects in order to maximise opportunities to deliver gains for the natural environment.

#### Measures to improve planning performance

Natural England gives high priority to its planning work, which sits within the wider Sustainable Development programme. Various reforms to both planning and licensing work are ongoing and proposed in order to improve effectiveness and focus effort on strategic level engagement to deliver greater environmental gains. This includes more targeted engagement in strategic plans and projects to deliver environmental opportunities such as biodiversity net gain and address complex environmental challenges such as nitrates issues impacting on designated sites in the Solent; further roll out of district level licensing approaches for great crested newts and further development of digital tools, including Impact Risk Zones, to reduce unnecessary consultations. Local planning authority and developer customer feedback is obtained via the joint Natural England and Environment Agency Development Industry Group and other ways, and is used to continuously improve the planning advisory service.

## 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	15,692		
	2	Number of substantive responses made within 21 days or otherwise agreed date	14,709		
	3	Percentage of substantive responses made within 21 days or otherwise agreed date		93.74%	
	4	Breakdown of the reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	25	2.54%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	118	12%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	798	81.18%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	42	4.27%
	5	Number of cases where extension to 21 day timescale is agreed	552		
	6	Percentage of cases where extension to 21 day timescale is agreed		3.52%	
	7	Average number of days of agreed extension to 21 day timescale	20.2		
	8	Breakdown of the reasons why extensions to the 21 day timescale have been agreed	Further information needs to be provided (from LPA/developer)	115	20.83%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	131	23.73%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	285	51.63%
(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)			21	3.80%	
9	Average number of days to provide a substantive response to all consultation requests	13.73			

## Pre-Application Consultations

Stage	Measure	Description of measure	Number	Percentage	
Pre-application stage	10	Number of consultation requests	1,106		
	11	Number of substantive responses made within 21 days or otherwise agreed date	827		
	12	Percentage of substantive responses made within 21 days or otherwise agreed date		74.77%	
	13	Breakdown of reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	9	3.23%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	26	9.32%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	237	84.95%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	7	2.51%

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

### Commentary

#### Planning Application Consultations

During 2019-20, Natural England responded to 15,692 planning applications, this is a similar volume of consultations as 2018-19 (15,688).

The rate of on-time response decreased from 96.76% in 2018-19 to 93.74% in 2019-20. The dip in performance is a result of continuing resourcing challenges, including staff turnover across operations teams. The number of missed deadlines increased from 508 to 983, with resourcing challenges accounting for 81.02% of missed deadlines.

The number of consultations requiring an extension to deadline remained similar to the previous year at 552.

The average number of days for a planning application response also remained similar to the previous year at 13.73 days.

#### Pre-application consultations

During 2019-20, Natural England responded to 1,106 pre-application consultations. This is a slight reduction in volume compared to the previous year (1,121).

Ongoing resourcing challenges have impacted on the percentage of pre-application consultations handled within deadline. This decreased from 81.45% in 2018-19 to 74.77% in 2019-20. The number of pre-application consultations received via local planning authorities in 2019-20 was 452, slightly above the previous year (415).

#### Natural England's wider planning role

Natural England's planning and marine teams handled over 28,000 consultations during 2019-20 in total, including over 1,200 consultations from other agencies. Natural England also received around 2,250 development plan related consultations, a slightly lower volume than 2018-19.