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2021-22 Annual report to  
the Department for Levelling  
Up, Housing and  
Communities

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

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June 2022

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## **Executive Summary**

The main findings of the report are as follows:

In 2021-22 Natural England received 17,725 planning application consultations. We responded to 90.37% of these consultations within 21 days or otherwise agreed deadlines. The overall percentage is lower than the previous year when 94.14% met the 21 day or otherwise agreed deadlines. However, the number of consultations has increased substantially from 16,028, a 10.6% increase.

We requested an extension for 471 planning application consultations (2.66%). This figure is slightly lower than previous years.

The average time taken to respond to planning application consultations was 13.69 days. This is slightly longer than in 2020-21 (11.92 days) but is consistent with the years prior to that.

In addition, Natural England received 1,020 pre-application consultations, either direct from developers or via local planning authorities, responding to 75.69% within 21 days or otherwise agreed deadlines. This percentage is consistent with the previous year (75.66%).

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 planning casework reform programme is ongoing to improve the effectiveness of our planning advice, alongside the recruitment of additional planning staff. Priority is given to strategic plan level engagement and high risk and high opportunity casework to maximise environmental gains, including biodiversity net gain and green infrastructure.

## 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 Levelling Up, Housing and Communities 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 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, evidenced, risk and opportunity-based 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.

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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.

Natural England is increasingly focussing its engagement on strategic plans and high risk and/or high opportunity projects to maximise opportunities to deliver gains for the natural environment.

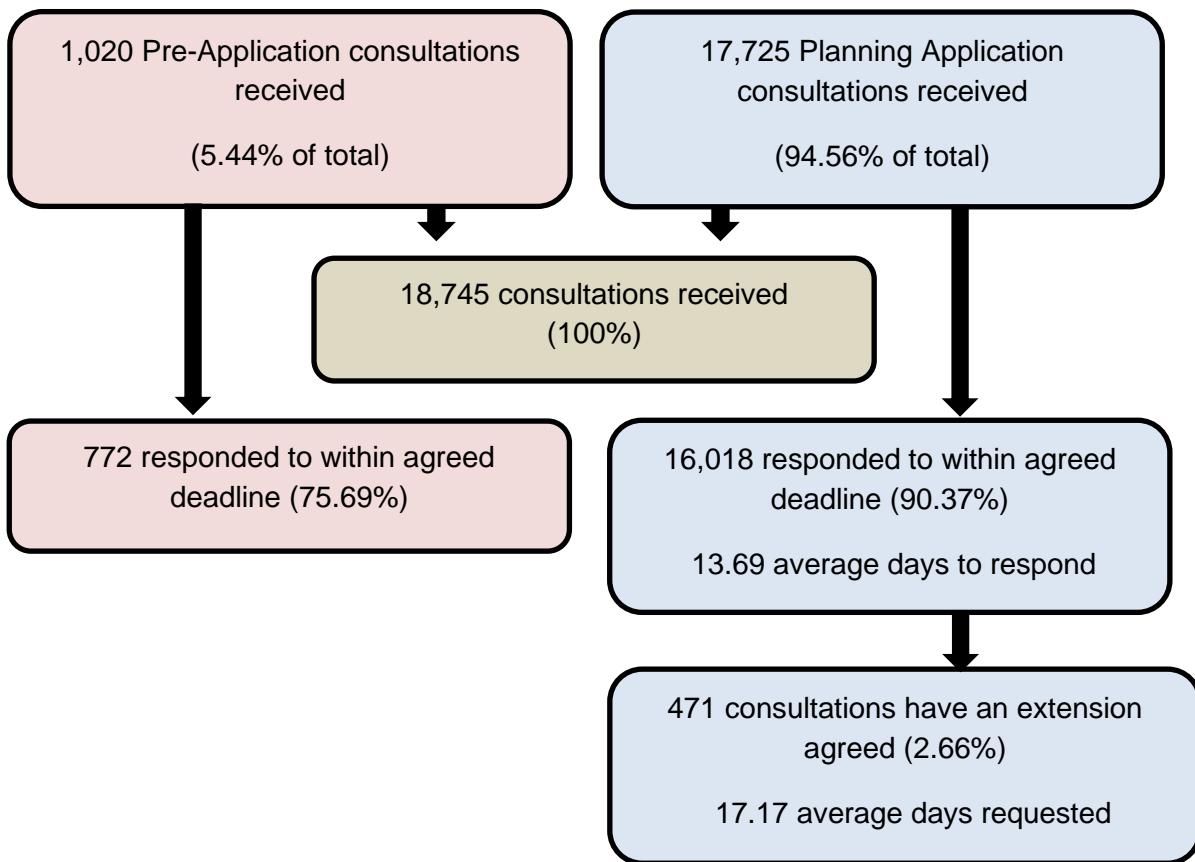
#### Measures to improve planning performance

Natural England gives high priority to its planning work, which sits within the wider Sustainable Development programme. There are ongoing reforms to both planning and wildlife licensing work to improve effectiveness and focus on strategic level engagement and high risk and high opportunity casework to deliver greater environmental gains. This is in line with the four shifts we are making to the way we work to take forward our vision of thriving nature for people and planet, as set out in our [Action Plan](#). Reforms include increased resource and changed ways of working to deliver more targeted engagement in strategic plans and projects to secure environmental opportunities such as biodiversity net gain and nature recovery; advice to local planning authorities on nutrient neutrality; a digital improvement project to improve digital services for planning and wildlife licensing; and working with the Planning Advisory Service to help local planning authorities get ready to deliver mandatory biodiversity net gain. We are recruiting additional staff to our planning advice service but recruitment challenges in the sector and a lack of suitable candidates mean it may be some time before improvements are realised. A training programme for staff is also underway.

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 our planning advice 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	17,725		
	2	Number of substantive responses made within 21 days or otherwise agreed date	16,018		
	3	Percentage of substantive responses made within 21 days or otherwise agreed date		90.37%	
	4	Breakdown of the reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	39	2.28%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	144	8.44%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	1,475	86.41%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	49	2.87%
	5	Number of cases where extension to 21 day timescale is agreed	471		
	6	Percentage of cases where extension to 21 day timescale is agreed		2.66%	
	7	Average number of days of agreed extension to 21 day timescale	17.17		
	8	Breakdown of the reasons why extensions to the 21 day timescale have been agreed	Further information needs to be provided (from LPA/developer)	75	15.92%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	105	22.29%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	283	60.08%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	8	1.70%
	9	Average number of days to provide a substantive response to all consultation requests	13.69		

## Pre-Application Consultations

Stage	Measure	Description of measure	Number	Percentage	
Pre-application stage	10	Number of consultation requests	1,020		
	11	Number of responses made within 21 days or otherwise agreed date	772		
	12	Percentage of responses made within 21 days or otherwise agreed date		75.69%	
	13	Breakdown of reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	1	0.40%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	10	4.03%
Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)			231	93.15%	
(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)			6	2.42%	

NB. Pre-application consultations include both consultations received directly from developers and consultants (493) as well as pre-application requests received from local planning authorities (527).

### Commentary

#### Planning Application Consultations

During 2021-22, Natural England responded to 17,725 planning applications. This is a substantial increase (10.6%) in the volume of consultations from 2020-21 (16,028). The number of consultations is a 37.9% increase from 5-years ago (2016-17) when there were only 12,852 cases, with an increase year on year.

Responses within 21 days or other agreed deadlines decreased from 94.14% in 2020-21 to 90.37% in 2021-22. The number of missed deadlines increased from 939 to 1,707. As with 2020-21 the majority of missed deadlines related to workload pressure. The proportion of missed deadlines due to internal process error has dropped annually to only 2.87% of cases from 4.27% in 2020-21.

The number of consultations where an extension to deadline was agreed fell by 16 this year, with a total of 471 extensions.

The average number of days for a planning application response (13.69 days) increased compared to the previous year (11.92 days), although this year's figure is in line with the previous 5 years.

#### Pre-application consultations

During 2021-22, Natural England responded to 1,020 pre-application consultations. This is a 10.7% decrease on the previous year (1,142 consultations).

75.69% of pre-application consultations were handled within agreed deadlines, consistent with the previous year. There was an increase in number of cases where the deadline was missed due to the complexity of the case to 10 (4.03%) from 2 (0.72%) in 2020-21.

The number of pre-application consultations received via local planning authorities in 2021-22 was 527, an increase of 8 from the previous year (519).

#### Natural England's wider planning role

Natural England's planning and marine teams handled around 31,600 consultations during 2021-22 in total, an increase of 9% from 2020-21. This included around 900 consultations from other agencies. Natural England also received around 1,800 development plan related consultations.