
2022-23 Annual report to
the Department of Levelling
Up, Housing and
Communities

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

June 2023



Executive Summary

The main findings of the report are as follows:

In 2022-23 Natural England received 17,761 planning application consultations, a slight increase on the previous year. We responded to 86.80% of these consultations within 21 days or otherwise agreed deadlines. The overall percentage was lower than the previous year (90.37%) due to workload and resourcing issues, with higher than normal levels of staff churn and the need to upskill new staff meaning that performance improvements are not immediate.

We requested an extension for 756 planning application consultations (4.26%). This represents a moderate increase when compared to recent years.

The average time taken to respond to planning application consultations was 12.38 days. This is an improvement on 2021-22 (13.69 days).

In addition, Natural England received 1,109 pre-application consultations, either direct from developers or via local planning authorities, responding to 76.74% within 21 days or otherwise agreed deadlines. This percentage is a small improvement on the previous year (75.69%).

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 business improvement programme is currently ongoing to improve the effectiveness of our planning advice. Priority is given to strategic plan level engagement and solutions to deliver environmental opportunities, including biodiversity net gain, and advice on high risk and high opportunity development proposals.

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 approach to its planning advice, based on risk and opportunity, and with a focus on finding solutions. 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

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.

appropriate enhancement measures. Natural England is increasingly focussing its engagement on strategic plans and 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. Various reforms to both planning and wildlife licensing work are ongoing to improve effectiveness and focus effort on strategic level engagement to deliver greater environmental gains. This includes increased resource and more targeted engagement in strategic plans and projects to deliver environmental opportunities such as biodiversity net gain and nature recovery; developing strategic solutions to address complex environmental challenges such as nitrates issues impacting on designated wildlife sites; a digital improvement project, including piloting the use of Impact Risk Zones around Sites of Special Scientific Interest to provide automated advice to planning authorities, and working with the Planning Advisory Service to help local planning authorities get ready to deliver Environment Act requirements, in particular on biodiversity net gain and Local Nature Recovery Strategies.

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. This includes working with our customers so that they consult Natural England early and provide all the information needed to inform our responses, avoiding the need for further consultations.

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	17,761		
	2	Number of substantive responses made within 21 days or otherwise agreed date	15,417		
	3	Percentage of substantive responses made within 21 days or otherwise agreed date		86.80%	
	4	Breakdown of the reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	55	2.35%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	278	11.86%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	1,952	83.28%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	59	2.52%
	5	Number of cases where extension to 21 day timescale is agreed	756		
	6	Percentage of cases where extension to 21 day timescale is agreed		4.26%	
	7	Average number of days of agreed extension to 21 day timescale	15.26		
	8	Breakdown of the reasons why extensions to the 21 day timescale have been agreed	Further information needs to be provided (from LPA/developer)	71	9.39%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	106	14.02%
			Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)	556	73.54%
			(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)	23	3.04%
9	Average number of days to provide a substantive response to all consultation requests	12.38			

Pre-Application Consultations

Stage	Measure	Description of measure	Number	Percentage	
Pre-application stage	10	Number of consultation requests	1,109		
	11	Number of responses made within 21 days or otherwise agreed date	851		
	12	Percentage of responses made within 21 days or otherwise agreed date		76.74%	
	13	Breakdown of reasons for failure to meet 21 day or otherwise agreed timescale	Further information needs to be provided (from LPA/developer)	0	0.00%
			Complex proposal (e.g. need for site visits/meetings, ongoing negotiations, specialist input)	3	1.16%
Agency resourcing (e.g. workload issues, staff absences, availability of specialist expertise)			252	97.67%	
(Internal) Process error (e.g. incorrectly assigned deadlines, IT issues)			3	1.16%	

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

Commentary

Planning Application Consultations

During 2022-23, Natural England responded to 17,761 planning applications, this is a slight (0.20%) increase in the volume of consultations from 2021-22 (17,725). The number of consultations has increased year on year (with a 38% increase from 2016-17 when 12,852 cases were dealt with).

Responses within 21 days or other agreed deadlines decreased from 90.37% in 2021-22 to 86.80% in 2022-23. The number of missed deadlines increased from 1,707 to 2,344.

The number of consultations where an extension to deadline was agreed increased by 60% (285) this year, with a total of 756 extensions,

Resourcing and workload issues accounted for the majority of missed or extended deadlines, with higher than normal levels of staff churn and the need to upskill new staff a key factor.

Response times improved with the average number of days for a planning application response (12.38 days) decreasing compared to the previous year (13.69 days).

Pre-application consultations

During 2022-23, Natural England responded to 1,109 pre-application consultations. This is an 8.7% increase on the previous year (1,020 consultations).

76.74% of pre-application consultations were handled within agreed deadlines, a slight increase on the previous year (75.69%). The number of pre-application consultations received via local planning authorities in 2022-23 was 558, an increase of 31 from the previous year (527).

Natural England's wider planning role

Natural England's planning and marine teams handled around 31,500 consultations during 2022-23 in total, this figure is similar to 2021-2. This includes around 900 consultations from other agencies, 184 consultations relating to Nationally Significant Infrastructure Projects and 63 relating to Environmental Impact Assessment Environmental Statements.

Natural England also received around 1,600 development plan related consultations, a decrease on the previous year.