

Thursday 22nd August 2024

BY EMAIL ONLY



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Dear Chief Executive/Leader,

Improving our service to Local Planning Authorities for nature, people and climate

I am writing to update you on some key operational changes being made within Natural England. The purpose of the letter is to set out Natural England's shift to focusing on high risk and high opportunity casework, with an emphasis on strategic engagement and delivering solutions upfront. We also want to emphasise the importance of high-quality applications, as well as the need to reduce the levels of unnecessary consultations we receive, by signposting Local Planning Authorities to Natural England's new Impact Risk Zones delivery advice service. These changes are being implemented to enable Natural England to maximise environmental outcomes, respond more effectively to the government's ambition for growth through planning reforms, and improve the service we provide to Local Planning Authorities.

Natural England appreciates that there are delivery challenges across the sector, and we have also felt this squeeze in recent years. These challenges, coupled with the need to do more to tackle environmental pressures, including the climate crisis and decline in nature, mean we need to change the way we work.

Natural England has a clear ambition, set out within our [Action Plan](#) and [Operational Standard](#) to make a **substantive shift in our planning advice work into a more strategic space**. This is where we believe we can make the biggest impact for nature recovery, recognising that nature and economic growth need to coexist and thrive together.

We have seen the benefits of up-front pre-application engagement and recognise the importance of **securing opportunities and mitigation for nature within development plan policies**. Examples of this are our work on green infrastructure standards, biodiversity net gain, recreational disturbance and more recently with nutrient mitigation. Our goal is to focus our efforts where the opportunity is greatest, as well as address significant environmental risks. This means having as much time as possible to advise on **high risk and high opportunity casework**, and through this approach, secure lasting environmental outcomes and create wider economic and social benefits for communities.

We will look in particular for opportunities for **early engagement with development proposals** where there is the potential for significant risks to the environment, or where there are plans/projects that offer benefits for nature at scale. Examples of these types of cases include **nationally significant infrastructure projects, local plans, and large housing schemes**, as well as environmental issues that require strategic approaches to avoid and mitigate impacts. For any scheme coming forward, we will request details on why Natural England's input is required so

that we can focus our resources quickly. We will also provide you with early indication as to whether we can provide bespoke advice, and on the scope of that advice. We will focus our discretionary pre-application work under our [Discretionary Advice Service \(DAS\)](#) on cases that are complex, as set out in our [gov.uk guidance](#).

Alongside Natural England's focus on providing bespoke advice on high risk and high opportunity casework, **we will be providing more standard responses for lower risk work**. We are also unlikely to offer DAS for this type of casework. Lower risk cases are more likely to have clear standards and guidelines that can be easily followed to ensure there is no significant risk to the natural environment. They may also include cases where we have already developed a strategic solution or advised on a local plan policy to mitigate issues. To support this approach, we ask that you please provide as much detail as possible on the reason(s) you require our advice and ensure that any relevant surveys and assessments are provided upfront (for example Habitats Regulations Assessments). Where the reason for a consultation is unclear or there is insufficient information, this will affect Natural England's ability to provide advice.

Finally, there is more we can do together to **speed-up decision making in relation to casework where there is low risk to the natural environment**. Nearly 47% of the c. 34,000 consultations we receive annually are low risk cases where there is no statutory remit for our involvement. You will be aware of our [Impact Risk Zones \(IRZs\)](#), a tool provided by Natural England to help Local Planning Authorities (LPAs) decide quickly and simply when to consult Natural England on development proposals that might affect a terrestrial Site of Special Scientific Interest (SSSI). The IRZ tool has been upgraded into an innovative digital service, providing automated planning advice to LPAs, and avoiding the need for a formal consultation for some lower risk consultations. We are also looking to increase the future scope of IRZs to cover other types of casework. By reducing the demand of lower risk casework we will be able to invest more of our resources into priority cases and areas that offer more for nature recovery.

The **new IRZ delivery advice service was released in July 2024**. It gives users a more user-friendly experience, provides more information and guidance, and delivers instant formal consultation responses from Natural England for many lower risk consultations. This will help LPAs save time when seeking our advice for these cases. We welcome your feedback on the new service, which you can send to us at neirzs@naturalengland.org.uk. We are also investigating options for how this service can be integrated with the planning software used by LPAs to help streamline the use of the IRZ tool.

We hope this letter provides a useful summary of Natural England's operational reforms. To help address specific queries Planning Officers may have regarding these changes, we have provided further detail in an Annex to this letter.

Should you have any further queries please do contact us at NESustainableDevelopment@naturalengland.org.uk and we will be happy to discuss further and direct you to the relevant team in Natural England. Any formal consultations can continue to be directed to consultations@naturalengland.org.uk.

Yours sincerely

Mike Burke



Director - Sustainable Development
Natural England

Annex – Natural England’s advice on these operational changes

Will Natural England take longer to respond to Planning Consultations?

Whilst Natural England will continue to respond to all statutory planning consultations, decision makers - Local Planning Authorities (LPAs), Marine Management Organisation (MMO), Planning Inspectorate - should expect more standardised responses for lower risk cases, with signposting to standing advice or other guidance. Our aim is to provide our consultation responses within our statutory deadlines; we may, however, need to seek extensions to deadlines in some cases. We understand the pressures on LPAs in relation to deadlines, especially with changes to the Planning Guarantee. We want to work with you to reduce unnecessary casework, via our IRZs, so that we can ensure as much resource as possible is focused on statutory work and allow you to receive immediate responses for low-risk casework via our new IRZ Delivery Advice Service. We will prioritise higher risk casework during workflow peaks to reduce the environmental risks where we are unable to provide advice on time.

What is covered under the definition of High Risk and High Opportunity Casework?

Natural England’s high-risk casework usually involves proposals where there is potential for significant impacts to designated sites¹ and landscapes, including marine designated sites. Such impacts mean there is a threat to the site’s conservation objectives (or special qualities in relation to landscape) or the condition of the site, or there is conflict with the purpose of designation, or policy objectives.

In terms of high opportunity casework, this will include cases which we consider have strong potential to support nature recovery at scale or via strategic means and increase peoples access to nature. These cases might include, for example, new large-scale housing proposals, or local plan engagement that has the potential to deliver Local Nature Recovery Strategy (LNRS) priorities.

Does a lack of comment from Natural England mean there is no environmental impact?

No, Natural England’s role is to provide advice to the planning authority or other decision maker (e.g. Secretary of State or MMO). Less detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority, as decision maker, to determine whether the proposal is consistent with national and local environmental policies.

My Local Planning Authority does not have ecological expertise, where do we obtain advice on lower risk cases if not from Natural England?

Natural England appreciates the capacity and capability issues within LPAs. However, we need to focus our own resources on issues where we can make the biggest impact to support you in the best way, which is why we are prioritising high risk and high opportunity casework.

In relation to SSSIs, the first step is to use our IRZ tool to determine if a proposed development is likely to affect a SSSI and you need to consult Natural England. Natural England have published the new IRZs as a downloadable shapefile and as a Web Map Service (WMS) for use on your own GIS mapping system on the [Natural England Open Data Geoportal](#). They will also continue to be available for use on the government’s interactive mapping website [Magic](#).

Please help make this tool a success by using it in your triage and validation processes. If you have any comments or feedback on the service, please contact neirzs@naturalengland.org.uk.

We also have standing advice for [protected species](#) and [ancient woodland](#) which may also remove the need for consultation in some cases. Standing advice is a material planning consideration and should be taken into account when making planning decisions that affect protected species or ancient woodland, ancient trees or veteran trees.

¹ Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Wetlands designated to be of international importance under the Ramsar Convention (or Ramsar sites).

Where a statutory response is required, this will be provided in the form of a standard letter or bespoke response, depending on the scale and nature of the issues. Our standard responses will signpost you to further information and guidance to enable you to assess the risks and to aid decision making, without the need for bespoke advice from Natural England.

Where issues are low risk, Natural England may provide a no comment response. However, the LPA should consider any locally specific issues in its decision making. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as a local records centre, wildlife trust, geo-conservation group or recording society.

[What work is Natural England doing to increase the focus on strategic engagement?](#)

Natural England is working in partnership with LPAs to ensure nature is integral to strategic planning. For example, we are working with LPAs to develop LNRS, which set out nature outcomes for local places and act as a pipeline for attracting green finance and investment. We have played an important role in the world-leading initiative Biodiversity Net Gain (BNG) which gives LPAs the power to secure sites for BNG, and to pursue additional income streams, such as selling off-site biodiversity units from their own land. Working through the Planning Advisory Service (PAS) we have also helped design and deliver BNG training to LPA officers and members. We are also helping to unlock development and driving private funding through strategic approaches such as the Nutrient Mitigation Scheme and District Level Licensing and setting out what good place-making looks like in our [Green Infrastructure Standards](#) which can be used in local plan policies and design codes.

We are also working with partners and LPAs to speed up the assessment of individual projects via strategic approaches. A recent example of this is our work on the [Slurry Infrastructure Grant](#) scheme, where we collaborated with the Environment Agency to model environmental impacts across the scheme as a whole. As a result, for the majority of cases Natural England has been able to send standardised responses, advising that the environmental risks are low and that we consider further assessment will not be required.

[Is there any support for Local Authorities on how we integrate environmental initiatives, including Local Nature Recovery Strategies?](#)

We have recently consulted LPAs on the development of a 'Nature Recovery Toolkit' with the Planning Advisory Service (PAS). This is being designed to support LPAs in delivering for nature, with a focus on the integration of initiatives emerging because of the Environment Act, including the measures outlined above. Further information on the Toolkit is available [here](#).

We are also prioritising our engagement in high risk and high opportunity local plans as we recognise these offer huge potential to avoid and mitigate environmental issues, as well as important opportunities for nature recovery. Early sight of plan timescales helps Natural England understand where we can provide timely advice, and we will also prioritise our work on plans where this offers the most opportunity for policy solutions.

[Will Natural England be undertaking pre-application stage consultations?](#)

Natural England's Discretionary Advice Service (DAS) is provided on a cost recovery basis so that we can work with applicants, developers, and consultants to take appropriate account of environmental considerations at an early stage of the process to improve the quality of applications before they are submitted. Requests for DAS Pre-app consultations will be assessed on an individual basis. However, prioritisation will be given to schemes that are complex in nature, as set out within [gov.uk guidance](#) on our service offer.

We have pointed an applicant to your DAS because they have submitted a pre-application enquiry, but they do not wish to pay for this service, what should we do?

Our DAS is not compulsory for applicants, even if environmental issues are present. In such circumstances we would have to await the formal application and provide our advice in the normal way via the planning application process. We would highlight the importance of ensuring any application is submitted with the correct information, for example environmental assessments where necessary to avoid further information requests from Natural England. Information on gov.uk outlines when to consult Natural England and offers further information on key issues. Furthermore our new [IRZ tool](#) can be used when deciding when to consult.

How will Natural England proactively get involved with local plans?

Natural England's ambition is to be proactive and to provide early engagement in local plans. We support strategic approaches and policies that link to significant wider outcomes, such as LNRS, Net Gain and Green Infrastructure. We want to dedicate more resource into this area of planning to secure the long-term environmental benefits and safeguards that can be secured through strategic plans. For example, in relation to nutrient issues, we are seeking to support LPAs developing strategic catchment-scale approaches to mitigation, set out within policy.

Will Natural England provide members of the public with bespoke responses to queries?

A standard letter is now used which provides members of the public with the information they need to comment on a planning application. It covers topics such as designated sites, protected landscapes (National Landscapes and National Parks), protected species, and hedgerows at risk. It also outlines Natural England's statutory duties and is in line with our [published standards](#).

The letter clearly outlines that 'a lack of detailed advice' or 'no objection' from Natural England does not mean that there are no significant impacts on the natural environment, only that the proposed development is not likely to result in significant impacts on designated sites or landscapes.

The letter also states that a member of the public should contact their local planning authority if they wish to comment on a planning application, and if they consider that sites or habitats are being cleared prior to planning permission being granted, or breaches of planning permission are being carried out.

We have received a standard response from Natural England but are concerned this doesn't adequately address the environmental issues associated with the proposed development. What should we do?

Where there is an outstanding concern following our advice, we would ask the LPA to provide further details on the issue requiring Natural England's statutory input, with reference to relevant legislation. This will allow us to focus resource on the particular concern and provide follow-up advice as necessary.