

# Natural England Advice on Development Strategic Standard



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## 1:0 About this standard

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### Introduction

This standard sets out our role as an adviser in the development process on land and at sea, and the key principles that we will follow to provide our planning advice to a consistent standard of quality and help deliver sustainable development. The standard does not cover our role as a regulator<sup>1</sup>. It covers Natural England's advice relating to plans and proposals for development on land and at sea. It includes the statutory and discretionary advice that we provide to decision-makers as well as to developers. Natural England's advice will follow the principles set out in this strategic standard, which in turn inform the content of the more detailed and complementary operational standard.

### 1.1 What we do and where we are going

Our purpose is "to conserve and enhance the natural environment for the benefit of present and future generations, thereby contributing to sustainable development"<sup>2</sup>.

Defra's ambition, in its strategy to 2020, is to develop a long term plan for the environment. Our Conservation Strategy sets out our thinking in this area and recognises three priorities:

- creating resilient landscapes and seas,
- putting people at the heart of the environment
- growing natural capital, by restoring ecosystems and ecosystem services.

This standard reflects these challenges by outlining how Natural England interacts with and influences the land use and marine planning systems to deliver sustainable development. We are consulted and provide advice on certain types of development plans and proposals, and associated environmental assessments on land and at sea up to the 12 nautical mile limit and beyond in the case of marine renewable energy schemes. We advise on the natural environment, in line with our statutory purpose, to deliver beneficial environmental outcomes and contribute to economic and social benefits for people and places. Our advice on how to protect and enhance the natural environment enables others to take decisions and actions that comply with Government policy and legislation for development and the natural environment. We are looking for outcomes that work for people, places and the environment and ensure that development which takes place is truly sustainable in the longer term.

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<sup>1</sup> Natural England is the regulator for protected species licences on land, activities on SSSIs that may not require a planning permission or a marine licence.

<sup>2</sup> Section 2 (1) Natural Environment and Rural Communities Act 2006.  
Strategic Standard

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## 1.2 How we do it

We focus our engagement at the strategic planning level. This means developing area- wide solutions to address environmental issues and providing advice on development plans, marine plans and other land use plans and strategies to deliver positive environmental outcomes. We take a risk based approach to consultations on development proposals and prioritise those, such as Nationally Significant Infrastructure Projects, which significantly affect internationally, and nationally protected landscapes, sites and species.

Our advice is informed by the risks and opportunities development poses for the natural environment. Our advice is framed within relevant EU and UK environmental legislation and policy and seeks to apply government planning policy related to the natural environment as set out in the National Planning Policy Framework, Marine Policy Statement and National Policy Statements for infrastructure as well as local policies. The scope and content of our advice will reflect the legislation or policies under which we are consulted.

Our advice is provided in the context of transforming service delivery, and reducing regulatory burden. A key objective for Natural England is to shift effort away from reactive casework to focusing on strategic engagement, such as development plans.

The "outcomes approach" is at the heart of what we do; working with others to identify and deliver joint outcomes. While our advice will always be based on government policy, the law and evidence, we will, wherever possible, work with developers and decision-makers to reach solutions which enable sustainable development to proceed.

### **Our approach will be based on environmental outcomes and be risk based and proportionate:**

The principles of our outcomes approach are:

- Engaging early to listen to what people want and to help them achieve their aims in a way that benefits the environment.
- Building a common understanding of what we are trying to achieve on the ground. Be it in, an urban extension, a port development or a road proposal, we will focus on long term environmental outcomes that take into account the needs of decision makers, developers, and local communities.
- Being completely transparent and answering questions in a way people can understand.
- Providing timely, clear and objective advice based on an even-handed view of the best available evidence.

We see Local Plans and Marine Plans as an opportunity to embed the outcomes approach at an early stage, when strategic choices are being made. Our area teams may prioritise those local areas where there are significant environmental risks and/ or opportunities. We use these same principles to provide early advice to developers on development proposals under our Discretionary Advice Service.

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## 2:0 The standard

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### Principles for our advice on development

We will apply the following principles which complement the outcomes approach:

#### 1 Protect designated sites, habitats, species, landscapes and geology

England's most important and valued terrestrial and marine habitats, species, landscapes and geological sites and soils play a key role in securing a healthy and diverse natural environment both now and for the long term.

We will prioritise consultations significantly affecting international and national designations, explaining the importance of these sites and features, how development proposals may affect them, and how good siting and design might avoid or mitigate these impacts.

#### 2 Seek opportunities for positive environmental outcomes

Positive land use and marine decisions and policies can make a significant contribution to delivering [Biodiversity 2020](#), the European Landscape Convention, Good Environmental Status under the Marine Strategy Framework Directive, and improving the management of Marine Protected Areas in line with the government's commitment to put in place an ecologically coherent network of well managed Marine Protected Areas.

England's natural capital – of landscapes, habitats, species, and ecosystem services - provides a range of outcomes and benefits for people and places. For example, safeguarding best and most versatile agricultural land can secure this finite resource as an asset for future generations and the provision of green infrastructure can deliver enhanced biodiversity and greater flood resilience. We aim to help decision makers to better understand and value the benefits derived from the natural environment and may advise on opportunities to secure positive environmental benefits from development. Priorities include delivering high quality green infrastructure, establishing more coherent and resilient ecological networks and providing and enhancing habitats for protected species.

We will make a strategic choice when considering whether or not to give specific advice on enhancement and on other environmental benefits. This will take into account local and national priorities and the scale of the opportunity to achieve significant and lasting improvements.

#### 3 Engage early to find solutions

The earlier the natural environment is considered in development plans and proposals, the greater the opportunity to find favourable outcomes.

For development proposals, early engagement can make a real difference. It can ensure any surveys or assessments needed are done at an appropriate time, increases the chances of finding a solution that is legally compliant, delivers positive environmental outcomes and avoids undue delay. Where there are likely to be significant environmental impacts or opportunities we

encourage developers of projects on land and sea and decision makers to seek our early advice.

Where there is no statutory obligation to consult or for Natural England to respond, our advice is discretionary. Our ability to provide additional early advice to developers is supported by the [Discretionary Advice Service](#) a chargeable service to provide discretionary pre-application and post-consent advice on planning and licensing proposals to developers and consultants, which can significantly reduce their risks and costs.

#### **4 Apply the ‘avoid, mitigate, compensate’ hierarchy**

Our advice will help decision-makers and developers to apply the ‘avoid, mitigate, compensate’ hierarchy in addressing environmental impacts. The hierarchy is a key principle of government policy on planning and development and of environmental assessment. Where significant adverse impacts are unavoidable we will advise on proposals for appropriate mitigation for such impacts and, as a last resort, on compensatory measures. Working through the hierarchy helps deliver the ‘outcomes approach’ by looking for options that meet multiple needs, deliver optimal outcomes and which make commercial sense for developers. We will support, wherever possible, attempts to assess alternative solutions and site suitability at a strategic level.

#### **5 Reach proportionate and evidence-based decisions**

We will be risk based and proportionate in the evidence that we request from others when giving advice. This will take account of the level of precaution that is required by different decision making processes. For large projects we may agree evidence plans setting out the evidence requirements that will be used to enable us to formulate our advice and support the decision maker in reaching an informed conclusion.

We will actively work with others to enhance the range and quality of evidence that underpins our advice and understanding of potential impacts on the natural environment. We will apply our Evidence Standards to ensure that our advice is impartial, objective and based on the information and evidence available to us. We will communicate as clearly as we can the level of certainty that we attach to the evidence and explain how this has influenced the view that we have reached.

#### **6 Respond to customer needs**

The ways of working in this standard all support Natural England’s [Customer Promise](#) to deliver excellent customer service.

Decision-makers and developers expect and value clear and timely advice. We will ensure that our advice is communicated in clear language, is easy to understand, and explains our reasoning. We will always aim to meet statutory consultation deadlines. We may request extensions to deadlines where we need more time to allow us to provide better quality advice that benefits the customer. If our advice needs to change to reflect project design changes or new evidence, then we will explain this clearly.

We will continue to seek and act upon feedback from our customers, particularly on finding ways of improving the effectiveness of our involvement in the development and environmental assessment process.

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### **3:0 Putting the principles into practice**

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In applying these principles, our Area Teams use evidence, expertise and experience to make our advice locally relevant and help deliver positive environmental outcomes. We work closely and constructively with local and Defra family partners on high risk cases.

Our advice on plans and proposals is delivered through a range of mechanisms including downloadable information tools such as the [Impact Risk Zones](#), standing advice<sup>3</sup> published on GOV.UK, standard letters and tailored responses and engagement to higher risk consultations.

Further details are available in the complementary Operational Standard- **Responding to Consultations on Development**.

#### **Further Information**

For additional information on the minimum requirements set across our work see [Natural England standards](#)

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<sup>3</sup> In some cases we may issue formal advice in the form of Standing Advice for [protected species](#) and [ancient woodland](#) which removes the need for planning authorities to consult Natural England on these issues in most cases and aims to enable planning authorities to make risk based decisions on proposals.

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**Quick reference****Type of Standard** Strategic standard.**Purpose:** To provide a clear and common approach for delivering quality advice on plans and proposals for development on land and at sea.**Owner(s):** Sustainable Development**Sign-off:** Ian Fugler**Publication:** 4<sup>th</sup> October 2016**Review date:****Issue number****Updated:**

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<b>Document Amendment Record</b>			
<b>Issue</b>	<b>Amendment detail</b>	<b>Author</b>	<b>Date</b>
V0.1	Skeleton Template	Jeanette Richardson	17/12/2016
V0.2	Edits following consultation with task and finish group	Jeanette Richardson	29/01/2016
V0.3	Edits following further consultation	Jeanette Richardson	05/02/2016
V0.4	Editing group changes	Mike Wilkinson and Jo Russell	13/05/2016
V0.5	Edits in response to AM feedback	Jo Russell	16/06/2016
V0.6	Edits in response to consultation feedback	Jo Russell	29/07/2016
V0.7	Further edits	Des O'Halloran	01/08/2016
V0.8	Further revisions following SD and area team feedback	Jo Russell	15/08/2016
V0.9	Further minor revisions following area manager feedback	Jo Russell	01/09/2016
V1.0	Signed off for immediate use	Ian Fugler	04/10/2016