

Natural England Operational Standard Responding to Consultations on Development

October 2023



1:0 About this standard

Who is this standard for?

The aim of this standard is to ensure Natural England staff understand how we will discharge our role as a statutory consultee by providing advice through the planning process to protect and enhance the natural environment and deliver benefits for people, places and nature. It will also help our customers and partners understand our approach. It sets out areas where Natural England's Area Teams should be consistent in their approach and where there are areas of discretion. This standard should be read in parallel with our Strategic Standard on Advice on Development which sets out the overarching principles that apply to our operational response.

Introduction

Natural England is a statutory consultee on strategic plans including Marine Plans, Development Plans, (Local Plans and Neighbourhood Development Plans), as well as related Habitats Regulations Assessments (HRA) and Sustainability Appraisal/Strategic Environmental Assessments¹. Natural England is also a statutory consultee for Development Management Consultations including development consent orders for nationally significant infrastructure projects, marine licenses, certain planning applications, local development orders and associated Environmental Impact Assessments (EIA), Habitats Regulations Assessments and Marine Conservation Zone Assessments. For certain consultations, Natural England has a duty to respond² and decisions makers must take our advice into account.

Natural England's planning advice service is a key part of our sustainable development programme, helping to deliver Natural England's vision of thriving nature for people and planet. It complements our wider work with national and local partners to provide strategic level evidence and advice and develop approaches and tools to improve the environmental quality of development and deliver nature's recovery. Further information on our sustainable development work is set out in [Building](#)

¹ Natural England is also a statutory consultee on certain water related plans which are not covered by this standard

² Those set out in schedule 4w), zb) and y) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended); Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended); or where we are requested to give advice relating to National Parks and AONBs (under the National Parks and Access to the Countryside Act 1949 (as amended) and Countryside and Rights of Way Act 2000 (as amended) or Marine Conservation Zones (under the Marine and Coastal Access Act 2009)

[Partnerships for Nature's Recovery](#) and within our [Action Plan](#).

For some types of consultation Natural England has a duty to provide a substantive response while for others there is discretion. This standard sets out how we will respond to consultations to ensure a consistent England-wide approach, whilst providing flexibility for our area teams to provide advice in line with identified local priorities, opportunities, and available resources.

This standard sets out:

- What issues we will engage with in the preparation of Development Plans, other land based spatial plans and Marine Plans.
- What issues we will consider when responding to consultations on development and infrastructure proposals.
- How we will prioritise consultation responses effectively, in accordance with environmental risk and opportunity.
- Our approach to the type of response we will provide.

2:0 The Standard

Our approach

We will apply the principles in our strategic standard to our advice on development. Specifically, we will:

- base our approach on environmental outcomes
- protect designated sites, habitats, species, landscapes and geology
- seek opportunities for environmental gains and nature recovery
- prioritise our advice to plans and high environmental risk and/or high opportunity development management casework, including nationally significant infrastructure projects
- reform our approach to lower risk casework, enabling more decisions without our input
- develop strategic approaches with partners to address development pressures and prevent breaches of environmental limits
- engage early and work collaboratively to discuss evidence needs, resolve issues and help find solutions
- apply the 'avoid, mitigate, compensate' hierarchy
- provide clear, proportionate, evidence-based and timely advice

We want to move consideration of the environment to earlier in the decision-making process, engaging in plans and strategies and with developers at the pre-application stage of development proposals (through our chargeable advice service). This approach will deliver outcomes that better meet the needs of people and the environment and reduce the need for detailed engagement at later stages in the planning process.

Our advice on development will be in line with relevant environmental legislation and policy, including the Environment Act 2021 and the [Environmental Improvement Plan](#) and with national planning policy as set out in the National Planning Policy Framework (NPPF), the Marine Policy

Statement and National Policy Statements.

We will consider whether plans and development proposals are based on robust, up to date environmental evidence and will advise on the need for further evidence or surveys as appropriate. Our advice will be based on transparent and objective assessment of the available evidence and will highlight any areas of uncertainty. We will encourage the use of relevant approaches and tools to help decision making.

Seeking environmental opportunities

Nature is integral to sustainable development and can be designed into development and infrastructure proposals to deliver benefits for people, places and nature. We will provide plan level advice to deliver high environmental quality development that incorporates biodiversity net gain and enhances green and blue infrastructure provision, as well as seeking other opportunities for nature recovery, wider environmental gains and nature-based solutions. We will advise how Local Nature Recovery Strategies can inform plans and encourage use of our framework of [Green Infrastructure Standards](#) and [Environmental Benefits for Nature tool](#). Our area teams will provide advice on identified high opportunity development proposals to secure gains for nature.

Developing strategic approaches

We will focus on working with partners to develop strategic approaches to address pressures from development on the natural environment and reduce the need for our advice on individual development proposals. This includes developing strategic mitigation solutions to address nutrients, recreational disturbance and other emerging cumulative impacts on designated nature conservation sites, as well as strategic licensing approaches such as district level licensing for great crested newts. We will encourage Local Plans to embed strategic approaches and protect areas identified for mitigation and enhancement such as newt ponds.

Prioritising our responses to consultations

Decision makers and developers choose to consult Natural England, or have statutory duties to do so³, on a wide range of development related consultations including plans, proposals and environmental assessments.

Natural England provides advice on over 30,000 per year. Approximately 1000 proposals are considered to be high risk and/or high opportunity proposals, where we will focus most effort to reduce risk and support nature recovery.

We want to reduce unnecessary consultations where Natural England does not have a statutory role. We encourage local planning authorities, other decision makers and developers to use Impact Risk Zones (see [impact risk zone data](#)) which clearly set out when we need to be consulted on development proposals that might impact on protected sites to avoid unnecessary consultations.

³ For land use planning consultations see <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>, <https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>, <https://www.gov.uk/guidance/consulting-on-neighbourhood-plans-and-development-orders>

To maximise resource effectiveness and deliver the best possible environmental outcomes, Natural England will target our planning advice to plans, strategic approaches and high environmental risk and opportunity development and infrastructure proposals on land and sea. This means that:

- Our consultation hubs will triage all consultations to decide the appropriate type and level of response
- We will not respond to consultations which are sent to us in error and/or do not relate to Natural England's remit or those that do not include sufficient information on impacts on the natural environment
- Our area teams will prioritise plan level engagement to those Local Plans and other spatial plans that present the greatest risks and opportunities for nature
- Our area teams will prioritise project level advice to identified high risk and high opportunity development and infrastructure proposals (around 1000 cases or 5% of the total consultations)
- The majority of consultations, those that present lower environmental risks, will receive standard responses from our consultation hubs, signposting to relevant environmental information.
- We will provide early advice to developers on casework via our [chargeable services](#) as resources permit
- For proposals impacting on protected species or ancient woodland we will refer developers and decision-makers to standing advice on [protected species](#) and [ancient woodland](#) on GOV.UK
- We may not be able to respond to enquiries from the public or other bodies relating to our advice on development proposals

Our area teams will provide detailed, tailored advice to decision-makers in response to consultations on:

- Marine Plans, Local Plans, Neighbourhood Plans and other spatial plans that have potential for significant impacts on international and habitats sites⁴, Sites of Special Scientific Interest, National Nature Reserves, Marine Conservation Zones, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts or Best and Most Versatile agricultural land.
- Nationally Significant Infrastructure Projects, major housing developments and other types of development proposal that have potential for significant impacts on international and habitats sites, Sites of Special Scientific Interest, Marine Conservation Zones, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Best and Most Versatile Agricultural Land⁵ and minerals and waste development where significant areas are being restored to agricultural use.

Our responses will, where appropriate, incorporate advice on environmental assessment (strategic environmental assessment, habitats regulations assessment and/or environmental impact assessment) of plans and projects. We aim is to ensure that relevant legislation and guidance is

⁴ See definition in the glossary to the [National Planning Policy Framework](#)

⁵ Where this impacts on 20ha or more of Best and Most Versatile Agricultural Land

followed, public body duties for nature conservation are upheld⁶, the direct, indirect and cumulative impacts of development on the natural environment are addressed and opportunities for nature recovery are realised.

Where an agreed strategic mitigation approach is in place to address recreational disturbance, nutrients or other impacts on designated sites and the appropriate mitigation measures have been secured, we will not provide detailed advice.

We will engage with and provide advice to developers and decision-makers to ensure decisions are based on the best available evidence on the natural environment, that environmental impacts are addressed, and sustainable development can proceed. Poor quality or incomplete applications can lead to delays in providing our advice and we will therefore expect all consultations to include appropriate information and evidence on impacts on and opportunities for the natural environment.

We will only object to land and marine based development proposals where there are significant risks to the natural environment and appropriate avoidance, mitigation and, as a last resort, compensation measures are not, or cannot be put, in place.

In those cases where we would normally provide detailed advice but are unable to do in the short term for resourcing reasons, we will provide a response explaining this.

Additionally, our area teams will identify high opportunity cases with the greatest potential for delivering gains for nature for more detailed engagement. This will include providing advice on biodiversity and wider environmental gains, green infrastructure and nature-based solutions.

Our approach to prioritisation means that we are likely to get involved in significantly fewer individual cases at development management stage. Our lack of involvement does not necessarily mean that there will be no natural environment impacts or opportunities and other bodies may choose to engage where we are unable to.

Key considerations for our advice

The following section sets out Natural England's approach to the advice we will provide on our range of natural environment interests where we respond in detail to consultations on plans and development and infrastructure proposals. Further information on Natural England's role in infrastructure planning is set out [here](#).

Natural Environment

We will consider whether Local Plans⁷ and other plans and strategies (as appropriate):

⁶ See <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>

⁷ References to Local Plans include Spatial Development Strategies, Minerals and Waste Plans and other Development Plan Documents

- recognise the value of natural capital and deliver benefits for nature and people
- set out a clear strategy for the protection and enhancement of the natural environment and nature's recovery, including delivering biodiversity and wider environmental gains
- include policies to address the impacts of climate change on the natural environment and on nature-based solutions
- propose sites for development with the least environmental or amenity value

We will consider whether Neighbourhood Plans:

- propose sites or targets for development that avoid adverse impacts on designated sites, protected landscapes and best and most versatile agricultural land

We will not usually advise on other policies or proposals in Neighbourhood plans.

Climate Change

We will consider whether Local Plans incorporate policies on climate change mitigation and adaptation that address impacts on the natural environment and increase resilience by restoring natural processes and habitats. Our advice will focus on addressing climate impacts through green infrastructure and nature-based solutions such as tree planting, peatland restoration and natural flood management, including Sustainable Urban Drainage Systems. Where appropriate, we will refer to our advice on water sector and flood management plans, including water efficiency measures needed to aid nature's recovery and resilience. We may provide detailed advice on nature-based solutions on identified high opportunity development and infrastructure proposals.

Biodiversity and Geodiversity – terrestrial

We will work closely with the local planning authority to ensure that the Local Plan and associated local design codes or supplementary plans:

- Minimises impacts on biodiversity (including clearly promoting the mitigation hierarchy⁸), delivers biodiversity net gain and seeks opportunities for wider environmental gains
- Sets out the biodiversity net gain strategy for the plan area, including habitat and spatial priorities and approach to on and off-site provision
- Incorporates a landscape-scale approach to planning for the conservation and enhancement of biodiversity, addressing cross-boundary issues and opportunities where appropriate
- Identifies, creates, protects, enhances and manages coherent ecological networks to contribute to the Nature Recovery Network
- Identifies proposals for habitat restoration, creation or enhancement in line with (forthcoming) Local Nature Recovery Strategies and Protected Sites Strategies
- Considers opportunities for nature recovery and nature-based solutions
- Incorporates policies for geological conservation, which conserve, interpret and manage geological sites and features in the wider environment
- Includes appropriate policies and proposals to help secure favourable conservation status for

⁸ See paragraph 19 of the Planning Practice Guidance- [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/natural-environment)

legally protected species. This includes strategic, plan-level approaches (in line with forthcoming Species Conservation Strategies) as well as specific measures for the preservation, maintenance and re-establishment of sufficient diversity and area of habitat for wild birds⁹ and other species

- Includes appropriate policies to promote the conservation, restoration and re-creation of priority habitats and the protection and recovery of priority species populations, linked to national and local targets. This includes policies to protect irreplaceable habitats, such as ancient woodland.
- Includes suitable indicators for monitoring biodiversity
- Where appropriate, incorporates strategic mitigation solutions to address identified impacts on designated sites such as recreational disturbance or nutrients

Biodiversity and geodiversity - marine

We will work closely with the Marine Management Organisation (MMO) to ensure that Marine Plans:

- Recognise and protect natural capital in the marine environment
- Embed the ecosystem approach within marine planning and management
- Protect and, wherever possible, enhance the marine protected area network
- Include appropriate policies and proposals to help secure favourable conservation status for legally protected species and habitats (in line with forthcoming Protected Sites Strategies and Species Conservation Strategies), including specific measures for the preservation, maintenance and re-establishment of sufficient diversity and area of habitat for wild birds⁷
- Include appropriate policies to promote the conservation, restoration and re-creation of priority habitats and the protection and recovery of priority species populations throughout the wider seas
- Minimise impacts on biodiversity (including clearly promoting the mitigation hierarchy) and seek opportunities for net gains in biodiversity
- Incorporate policies for geological conservation, which conserve, interpret and manage geological sites and features in the marine environment

We may also consider if the marine plans of the devolved administrations that are adjacent to English marine plan areas include appropriate policies and proposals to protect and enhance biodiversity and address any cross-boundary impacts, including issues relating to onshore development.

Designated sites

International Sites

We will advise on the direct and indirect impacts of plans and development proposals on the following internationally designated sites of nature conservation importance and habitats sites¹⁰. Our advice will aim to ensure compliance with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations):

- Special Protection Areas (SPA) and Special Areas of Conservation (SAC)

⁹ See [Duty to provide and protect habitat for wild birds - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/duty-to-protect-habitat-for-wild-birds)

¹⁰ See paragraph 181 and definitions in glossary to [National Planning Policy Framework](#)

- Potential SPA and possible SAC
- Listed and proposed Ramsar Sites
- Sites identified or required as compensatory measures/habitat for adverse effects on habitats sites, potential SPAs, possible SACs and listed or proposed Ramsar sites

We will advise on plan policies and development proposals to ensure that any proposed development avoids significant impacts on these sites. We will advise on strategic approaches, which embed avoidance and mitigation measures to address impacts and ensure plan policies and proposals can be delivered. This will include supporting Competent Authorities to develop strategic solutions for nutrient neutrality, recreational disturbance and other cumulative impacts and embedding these in Local Plans, as well as providing advice on complex air and water quality or use impacts on nature. We will encourage enhancement measures to help secure favourable conservation status wherever possible.

We will advise Competent Authorities on Habitats Regulations Assessments where we consider the plan or project is likely to have a significant effect on a habitats site, either individually or in combination with other plans or projects. We will advise on any Appropriate Assessments (AA), including the measures proposed to avoid, mitigate or compensate for significant adverse effects. We will work closely with decision makers and developers to address adverse environmental impacts. We may, in the last resort, be obliged to object to plans or projects where:

- an AA does not incorporate sufficient information or necessary mitigation measures
- adverse effects on site integrity cannot be ruled out or
- where there are imperative reasons of overriding public interest to justify the development and the proposed compensatory measures are not sufficient to ensure the overall coherence of the national site network

Sites of Special Scientific Interest

We will work closely with decision makers and developers to ensure that plans and development proposals protect Sites of Special Scientific Interest from adverse impacts, either individually or in combination with other developments, and set out measures to enhance SSSIs wherever possible. We will advise on suitable measures to avoid or mitigate for damage to SSSI interest features and will consider objecting to development proposals where this has not been secured. We will advise on appropriate compensation measures as a last resort.

Marine Conservation Zones

We will work closely with the Marine Management Organisation and developers to further the conservation objectives of Marine Conservation Zones and protect them from adverse development impacts. We will advise on suitable measures to avoid or mitigate for unacceptable adverse impacts and on Measures of Equivalent Environmental Benefit where the decision maker decides to proceed with a damaging development.

Local Wildlife and Geological Sites

We will consider whether Local Plans incorporate appropriate policies for the conservation and enhancement of local wildlife and geological sites, recognising their important role in nature recovery. We will not provide advice on development proposals that may impact on local sites.

Protected Species¹¹

We will not assess land-based development proposals for impacts on protected species outside of designated sites or functionally linked land. We will instead refer developers and planning authorities to our [standing advice](#) on protected species.

We may provide detailed advice in exceptional cases where significant harm is likely (for example to an important but non-designated population) or on specific issues not covered by the standing advice.

Our advice on a planning proposal linked to a designated site will be clearly distinguished from any regulatory advice we may give on a species mitigation licence that may be required from Natural England. Advice on licensing can be obtained via our [Pre-Submission Screening service](#)

If requested, we may provide advice to the MMO on impacts, mitigation and need for marine protected species licenses.

Priority species and priority habitats¹²

We will not advise on development proposals that might impact on priority species unless they are also a notified feature of a SSSI, MCZ or habitats site or there is a functional linkage. Priority species on land which are also protected species are covered by Natural England's [standing advice](#).

We will consider whether Local Plans incorporate appropriate policies to conserve, restore and enhance priority habitats but will only exceptionally provide advice on development proposals that might impact on priority habitats outside designated sites.

For development proposals impacting on ancient woodland and ancient or veteran trees, we refer developers and planning authorities to the joint Natural England/Forestry Commission [standing advice](#). We may exceptionally provide detailed advice on specific issues not covered by the standing advice or where we consider significant loss or harm is likely.

Biodiversity net gain

We may provide detailed advice on proposals for biodiversity net gain in nationally significant infrastructure projects and other high opportunity development and infrastructure proposals on land. This may include advice on use of the [biodiversity metric](#) and specific opportunities for on or offsite habitat creation, restoration or enhancement.

¹¹ European Protected Species and UK protected species are referred to as Protected Species in this document. They are the species that are afforded protection under both EU and UK law and include the species set out in Schedule 2 and 5 of the Habitats Regulations, Schedule 1, 5 and 8 of the Wildlife and Countryside Act 1981, and the Protection of Badgers Act 1992. There is a comprehensive list of Protected Species [here](#)

¹² Previously known as Biodiversity Action Plan (BAP) species, these are specified in Section 41 of the Natural Environment and Rural Communities (NERC) and listed [here](#)

Landscape and Seascape

Protected Landscapes

- Our advice on plans and development proposals will seek to ensure that the highest level of protection is given to the conservation of landscape and scenic beauty of National Parks, the Broads and Areas of Outstanding Natural Beauty (AONBs) and that appropriate development responds to and enhances their special qualities (as identified in Management Plans)
- We will provide detailed advice on NSIPs, development requiring Environmental Impact Assessment and exceptionally other development proposals that may have very significant adverse impacts on the statutory purposes of designation for National Parks, the Broads and Areas of Outstanding Natural Beauty, including proposals within the settings of designated landscapes
- We will provide detailed advice on NSIPs, development requiring Environmental Impact Assessment and exceptionally other development proposals with very significant adverse impacts on Heritage Coasts which are outside of National Parks or AONBs

Wider landscapes

- For other landscapes and seascapes, we may advise that plans (and associated local design codes) take account of the intrinsic character and beauty of the countryside, contain policies for protecting and enhancing the landscape and provide for development that responds to and, wherever possible, enhances local landscape character and distinctiveness
- Very exceptionally, we may provide detailed advice on development proposals outside protected landscapes where they relate to a novel or precedent setting type of development

Green infrastructure and access to natural environment

- We will consider whether Local Plans (and local design codes) set out a strategic approach to the creation, protection, enhancement and management of networks of green and blue infrastructure, to deliver a range of benefits for people, places and nature, including by embedding [green infrastructure standards](#). We may choose to provide advice on high opportunity development proposals that can enhance local green infrastructure provision
- We will consider whether Local Plans:
 - make appropriate provision for accessible greenspace to meet identified local needs and remedy deficiencies in provision
 - protect, and enhance National Trails, including the England Coast Path, rights of way and other access land, recognising the value to health and wellbeing, access to nature and the visitor economy
- We will provide detailed advice on development proposals with very significant impacts on National Trails

Soils

- We will consider whether Local Plans include appropriate policies to protect and sustainably manage soils as well as safeguarding the long-term capability of Best and Most Versatile agricultural land, by providing for development on lower quality agricultural land wherever possible

- We will provide advice on development proposals with significant impacts on Best and Most Versatile agricultural land¹³, including on the restoration and aftercare of minerals and waste sites where significant areas are being restored to agricultural use

Coast

We will consider whether Marine Plans, Local Plans and other spatial plans:

- include appropriate policies on coastal change and climate change adaptation, working with natural coastal processes
- protect and enhance the distinctive character of Heritage Coasts, seascapes and the undeveloped coast elsewhere
- include appropriate policies that work towards and with the UK Marine Strategy for achieving Good Environmental Status (GES) in our seas
- protect and enhance the England Coast Path and wider coastal access
- take a holistic approach to marine and terrestrial development and infrastructure

We will implement the [Coastal Concordat](#) in relation to coastal developments.

¹³ where this impacts on 20ha or more of best and most versatile agricultural land

Publication:

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