

This was a response received by a resident of Wealden

Thank you for contacting the consultations@naturalengland.org.uk mailbox. Due to the current Covid-19 pandemic, Natural England is working with reduced staffing who are working remotely to provide our services and support our customers and stakeholders. I'm sorry for any delays or inconvenience that this may cause.

Unfortunately, it is not possible to provide bespoke advice outside of the statutory consultation process, however, hopefully the information provided below will be of assistance to you.

Please click on a subject from the list below to access the relevant information:

- Natural England's statutory planning remit.
- Natural England has not objected.
- Complaints and the Ombudsman
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Natural England's statutory planning remit.

How Natural England responds to Development Management consultations is set out in the Natural England Standard: '[Responding to Development Management Consultations](#)' (NESTND037). It sets out what we will consider in relation to biodiversity, geodiversity, landscape, seascape, access, green infrastructure and soils for the development proposals and any associated environmental assessments. This can be used by local planning authorities to assist them when considering planning applications against relevant environmental legislation and policy.

Natural England has not objected.

Natural England is a statutory consultee for planning applications which might affect designated nature conservation sites e.g. Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites, for development affecting significant areas of best and most versatile agricultural land and for development requiring Environmental Impact Assessment.

Details of the planning consultation process are laid out here: [Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](#). The decision to consult with Natural England lies with the local planning authority. They make their assessment of a development's likely significant impacts using Natural England's published set of mapped Impact Risk Zones (IRZs) for SSSI/SAC/SPA/Ramsar sites. These IRZs are available for viewing on www.magic.gov.uk.

IRZs are specifically tailored to each SSSI (which can either be notified for geological or biological reasons) and highlight the types of development that would have the most impact. For guidance on how to access and use the IRZs please see [SSSI IRZ User Guidance MAGIC.pdf \(defra.gov.uk\)](#).

If the IRZs for a particular SSSI indicate that Natural England **do not need to be consulted on a planning proposal at this distance from the SSSI, or that there is unlikely to be a significant likely effect upon the designated nature conservation site or its interest features**, then Natural England

is unable to formulate an objection to a planning proposal. You can find the reasons why each SSSI has been designated on the following

website: <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>.

Natural England may not be objecting to a planning application, but this does not mean that there will be no impacts on the natural environment, only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. We always state in our non-objection responses that it is for the local planning authority to determine whether an application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision-making process. For example, although we do not assess applications for impacts on protected species, we advise planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Complaints and the Ombudsman

Natural England is responsible for regulating our own complaints. Our customer complaints process was established to provide our customers a way of reporting poor or unsatisfactory service. [Complaints procedure - Natural England - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

If you are writing because you do not agree with content of our planning response, this will not be logged as a complaint as it is not directly related to a service received. If we do receive a complaint about the content of our planning response, it will still be forwarded to the relevant planning team to comment.

If you are unhappy with a planning decision, this should be raised with the relevant planning authority initially. If the complaint cannot be resolved, as a last resort you can contact the Ombudsman. [Ombudsman Services: Here to Help You Resolve Your Complaint | Ombudsman Services \(ombudsman-services.org\)](http://ombudsman-services.org).

Protected landscape (AONBs and National Parks)

Natural England does have specific responsibilities relating to the protected landscape (see here for further information <https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-and-management> and <https://www.gov.uk/government/publications/national-parks-natural-englands-role>), however our role in the **planning process** is to only provide bespoke landscape advice for 'major' schemes and Nationally Significant Infrastructure Projects (NSIPs) where the impact on or harm to the statutory purposes of the designated landscape is of significant enough to warrant our intervention, and where we can contribute to a fully informed LPA decision.

There are dedicated AONB and National Park teams who do provide relevant advice to Local Planning authorities however, and more information can be found here:

[About Areas of Outstanding Natural Beauty \(AONB's\) \(landscapesforlife.org.uk\)](http://landscapesforlife.org.uk)

[National Parks England: National Parks England](http://nationalparks.gov.uk)

Please note that Conservation Areas fall within the remit of the Local Planning Authority, not Natural England.

Considering impacts on the local landscape from development as well as the cumulative impact in relation to any other developments in the locality (both existing and under consideration in the planning system) is the overriding responsibility of the local planning authority, as the competent authority in the planning process.

Green Belt

Advice on the role of the Green Belt in the planning system can be found here: [Green Belt - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/green-belt).

Information about protecting Green Belt land can be found here: [13. Protecting Green Belt land - National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/13-protecting-green-belt-land-national-planning-policy-framework-guidance).

Protected Species

When determining a planning application, it is the responsibility of the local planning authority to ensure that protected species issues are fully considered and that ecological surveys have been carried out where appropriate. Natural England has issued protected species Standing Advice to assist planning authorities and developers in deciding whether there is a reasonable likelihood of protected species being present on a proposed development site. [Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/protected-species-and-development-advice-for-local-planning-authorities). It provides detailed advice on those protected species most often affected by development to enable an assessment to be made of the suitability of a protected species survey and, where appropriate, a mitigation strategy to protect the species affected by the development.

The standing advice is a material consideration in determining applications in the same way as bespoke advice provided by Natural England.

If you have concerns for a protected species, you should notify the relevant planning authority as soon as planning permission has been applied for. This should ensure they are considered before the planning decision is made.

Monitoring post-development does not fall within Natural England's remit. Local planning authorities are responsible for carrying out monitoring on sites, although developers sometimes employ a Clerk of Works who provide an independent assessment of the development works.

Local planning authorities should tell the developer if they're likely to need a protected species licence from Natural England or Defra to allow activities that would otherwise be illegal. [Protected species licensing requirements](https://www.gov.uk/government/consultations/protected-species-licensing-requirements) are in addition to the requirements for planning permission. [Wildlife licences: when you need to apply - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/wildlife-licences-when-you-need-to-apply)

Wildlife Crime

Natural England is responsible for enforcing laws that protect wildlife and the natural environment. [Enforcement laws: advice on protecting the natural environment in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/enforcement-laws-advice-on-protecting-the-natural-environment-in-england).

However, the Police, not Natural England, are responsible for the investigation of wildlife crime. [Wildlife Offences | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/wildlife-offences)

Trees at risk from development

Decisions made through the planning system can have significant impacts on trees and woodland. Find out when to consult or notify the Forestry Commission. [Planning applications affecting trees and woodland - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/planning-applications-affecting-trees-and-woodland). See also 'Habitat clearance/habitat at risk from development below'.

Hedgerows at risk from development

Natural England has produced guidance on hedges and the law. Hedgerow/tree removal does not fall within our remit unless it takes place on a Site of Special Scientific Interest (SSSI). [Countryside hedgerows: protection and management - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/countryside-hedgerows-protection-and-management)

Habitat clearance/habitat at risk from development/biodiversity net gain.

If a developer has started site/habitat clearance before planning permission has been granted, notify the planning authority immediately. Under the Government's flagship Environment Bill, both Town and Country Planning Act (TCPA) and Nationally Significant Infrastructure Project (NSIP) developments will need to deliver a minimum 10% biodiversity net gain. [Biodiversity Net Gain – more than just a number - Natural England \(blog.gov.uk\)](#).

We have worked with Natural England and Defra to [answer the questions we are most frequently asked by local authority officers and members about biodiversity net gain](#).

Ancient woodland at risk from development

For ancient woodland under threat from future development, Natural England has created Standing Advice. This standing advice assists local planning authorities in deciding if there is a 'reasonable likelihood' that development will result in the loss or deterioration of ancient woodland or veteran trees. [Ancient woodland, ancient trees and veteran trees: protecting them from development - GOV.UK \(www.gov.uk\)](#). This Standing Advice is a material consideration in the determination of planning applications in the same way as bespoke advice provided by Natural England.

Developers should use this Natural England and Forestry Commission guidance to decide on development proposals affecting ancient woodland, ancient trees and veteran trees.

The National Planning Policy Framework (NPPF) states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. ([National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](#)).

Natural England has no enforcement role with ancient woodland, although we are responsible for updating the ancient woodland inventory (AWI) which is mainly to raise awareness of, and increase protection for, ancient woodland. [Enforcement laws: advice on protecting the natural environment in England - GOV.UK \(www.gov.uk\)](#)

The Forestry Commission has some enforcement responsibilities for woodland. [Planning applications affecting trees and woodland - GOV.UK \(www.gov.uk\)](#).

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We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.