Link response to an Accelerated Planning System consultation

1 May 2024

This consultation response is on behalf of nature coalition Wildlife and Countryside Link (Link).

Covering letter

An effective planning system is essential to creating high quality places and sustainable development, to the benefit of local communities, economy, nature and climate.

We recognise that delays in planning decision-making can impact on all those involved in the planning system. As the consultation document states, the causes of delays in the planning system are inadequate or missing information from the applicant and negotiating section 106 agreements. In addition, there is robust evidence, as the Government has also acknowledged (Footnote 4), that a lack of capacity and capability within LPAs is a cause of delays in the planning system.

However, the proposals in this consultation (an Accelerated Planning Service, to limit and in some cases remove the use of extension of time agreements, and to remove the ability for representations in a simplified appeals process) do not tackle any of the underlying reasons behind delays in the planning system. These proposals will only put further pressure on and add to the burden of already-stretched LPAs.

Thus proposals in this consultation are unlikely to achieve faster planning outcomes, and could even slow planning decisions for some types of applications (for example, major residential applications). The quality of planning applications determined is also likely to be reduced as a result of these changes.

These proposals are also highly likely to have negative consequences for species, habitats, green spaces and nature's recovery by incentivising poor quality planning applications,

limiting the time and ability for environmental information to be collected and representations to be made, and reducing scrutiny and advice from statutory consultees.

Already, as the consultation document highlights, existing statutory deadlines are not being met in the majority of cases. Instead of instituting an even shorter timescale, the Government should be addressing the root causes of delays in the planning system, including by providing LPAs with sufficient resources, tools and skills (including upskilling existing and new staff, retaining staff, and recruiting new staff into the sector) to provide timely and quality planning services, to the benefit of nature, local communities, and applicants, and by providing more clarity and requirements on what information must be provided before an application will be validated.

Responses to selected consultation questions

Accelerated Planning Service:

Question 1. Do you agree with the proposal for an Accelerated Planning Service?

Yes / **No** / Don't know

We disagree with the proposed Accelerated Planning Service because it puts further burden on LPAs and statutory consultees, without actually addressing any of the underlying causes for delays in the planning system.

As the consultation document states, the causes of delays in the planning system include inadequate or missing information from the applicant and negotiating Section 106 agreements. In addition, there is robust evidence, as the Government has also acknowledged (Footnote 4), that a lack of capacity and capability within LPAs is a cause of delays in the planning system.

Introducing an Accelerated Planning Service does not tackle any of the underlying reasons behind delays in the planning system. In fact, it will only put further pressure on and add to the burden of already-stretched LPAs. This is because the proposals do not take into account the need for greater resilience in the planning system through increased capacity, but instead focus narrowly on planning application fees that themselves will not guarantee full cost recovery, particularly when paired with the wider proposals for refunds on missed deadlines,

leaving local authorities with no option other than pull funding from other areas to continue to pay for planning team salaries and other costs.

In addition, an Accelerated Planning Service would reduce the time and flexibility LPAs have to process and make decisions on planning applications at the same time as the introduction of mandatory BNG is significantly increasing the volume of ecological information that LPAs and statutory consultees must review as part of the process for determining planning applications. Reducing determination time, so soon after new BNG requirements have been introduced, without first reviewing the time needed to make informed and quality decisions and ensure the right resources are in place to achieve this, risks undermining this new net gain requirement.

For these reasons, in our view the proposed APS will not achieve the desired outcomes of faster planning outcomes, and will undermine the quality of planning decisions.

These proposals are also highly likely to have negative consequences for species, habitats, greenspaces and nature's recovery by incentivising poor quality planning applications, limiting the time and ability for environmental information to be collected and representations to be made, and reducing scrutiny and advice from statutory consultees.
Instead, the Government should be addressing the causes of delays in the planning system, including by providing LPAs with sufficient resources, tools and skills (including upskilling existing and new staff, retaining staff, and recruiting new staff into the sector), to the benefit of nature, local communities, and applicants, and by providing more clarity and requirements on what information must be provided before an application will be validated.

The proposed Accelerated Planning Service could have a number of further potential undesirable effects, including:

- **Leaving poor practice from developers unaddressed, or even encouraging it**. Not only will the proposed APS fail to address the issue of inadequate or missing information from the applicant as a cause of planning delays, the proposals (to refund planning fees if statutory deadlines are not met, even if a time extension is agreed, and not to require pre-application engagement with the LPA before using the proposed APS) are likely to incentivise applicants to submit poor quality applications or to submit applications before all the appropriate information is available. In a worst-case scenario, a developer could submit an inadequate application to 'test' planning services. This would add to the burden on LPAs and exacerbate planning

delays, while the developer could re-pocket the fee, despite a level of processing already having taken place by the LPA.

- **Reducing statutory consultee advice**. The proposed Accelerated Planning Service would not create any additional resources, capacity or capability for statutory consultees, whilst also requiring shorter timelines for input from these bodies. There is evidence that a lack of capacity within statutory consultees is a major cause of requesting extensions to deadlines. For example, Natural England responded to 86.8% of planning application consultations received in 2022-23 within 21 days or otherwise agreed deadlines (with the average time taken to respond being 12.38 days). However, in the 4.26% of cases where Natural England requested an extension to the planning application deadlines, the vast majority of these cases (73.54%) were due to agency resourcing issues and 14% of these cases were due to a complex proposal requiring site visits or meetings and/or specialist input. (Figures from NE's annual report to DLUHC on timeliness on responses to planning consultations: https://assets.publishing.service.gov.uk/media/64b1699307d4b80013347331/ne-dclg-2022-23-annual-report.pdf). The potential impacts include a poorer quality service on these applications from statutory consultees and an onward effect on the quality and timeliness of statutory consultees advice on other types of planning applications.
- **Undermining cost recovery for LPAs**. The consultation document already recognises that the planning fee for the proposed Accelerated Planning Service will not provide full cost recovery for LPAs in all cases. We are concerned that this proposed refund of the 'premium' fee and in particular the 'remainder' of the fee (or the usual planning fee), even if time extension agreements are made, will make cost recovery impossible for already resource-stretched LPAs and impact the quality and timeliness of planning services for other sectors and types of applications.
- **Prioritisation of LPA resources towards commercial over other application types**. Given the additional burden from the proposed APS and the potential higher consequences of not meeting the proposed shortened statutory timelines for the APS on already-stretched LPAs, the likely effect is for LPA resources to be prioritised towards major commercial applications which would have access to the proposed APS. This could result in further delays to planning services for major residential applications, renewable energy developments and even minor and householder applications, which are also very important to local communities.
- **Poorer quality decisions**. The proposed APS will shorten the time for already-stretched LPAs to properly scrutinise applications and create a strong disincentive to agree extended timelines. This will limit the quality of the scrutiny and advice of the LPA, as well as limit the time and ability for LPAs to seek specialist advice that might

be needed (for example, 26% of LPAs do not have any access to ecological expertise, only 55% of those who do have access to ecological expertise have an in-house ecologist, and even where there is an in-house ecologist, they may not be able to look at every relevant application) including from statutory consultees. This data was compiled before mandatory Biodiversity Net Gain, which will require additional resources from LPAs. As a result of the proposed Accelerated Planning Service, future planning decisions, especially those where there is a tricky or complex issue which needs time to resolve, are likely to be of a lower quality, and less likely to achieve the best outcomes for nature, climate, local community and put decisions at greater risk of being appealed or subject to legal challenge.

If the Government does proceed with introducing an Accelerated Planning Service, we urge the Government to review the Service and publish the results of its review, before consulting on any changes.

Question 2. Do you agree with the initial scope of applications proposed for the Accelerated Planning Service (Non-EIA major commercial development)?

Yes / No / **Don't know**

We disagree with the introduction of an Accelerated Planning Service, but if the Government proceeds with introducing it, we agree that the scope should be limited and in particular that EIA development should be excluded.

Question 3. Do you consider there is scope for EIA development to also benefit from an Accelerated Planning Service?

Yes / **No** / Don't Know. **If yes, what do you consider would be an appropriate accelerated time limit?**

We disagree with the introduction of an Accelerated Planning Service, but if the Government proceeds with introducing it, we do not believe there is scope for EIA development to be included.

There are a range of reasons for this. Slightly longer timescales of application processing for EIA development (i.e. 16 week maximum) and consultation (not less than 30 days) are set out

in separate regulations, the streamlining of which would undermine their purpose: which is to allow local authorities, statutory consultees and local communities more time than usual to digest the sheer volume of documentation and plans usually submitted, and to ensure a robust response to proposals. There are further statutory periods of consultation which can be invoked – such as Regulation 25 of the TCPA EIA Regs, which allows the LPA to ask for further information and for further consultation on that information for an additional period of 30 days.

An Accelerated Planning Service would undermine specific time protections that ensure robust scrutiny of likely environmental effects, while also not being workable: this would especially be the case if a council was discouraged from using the Reg. 25 powers in the expectation it might have to refund its enhanced fee. EIA is only applied to 0.02% of developments and only to the largest and/or most potentially environmentally damaging projects, which are most likely to encounter tricky or complex issues and are therefore not appropriate for accelerated planning consent.

If the Government does proceed with introducing an Accelerated Planning Service, we urge the Government to review the Service and publish the results of its review, before consulting on any changes.

Question 4. Do you agree with the proposed exclusions from the Accelerated Planning Service – applications subject to Habitat Regulations Assessment, within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites, and applications for retrospective development or minerals and waste development?

Yes / No / Don't Know

We disagree with the introduction of an Accelerated Planning Service, but if the Government proceeds with introducing it, we agree with the proposed exemptions, for the same reasons set out in the consultation document around the additional and specific assessments, considerations and/or arrangements required for these types of applications.

In addition, we agree with exempting applications subject to Habitats Regulations Assessment and those within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites, because they require advice from statutory

consultees such as Natural England or Historic England and this process requires additional time.

We would also expect to see applications with the potential to impact nationally important wildlife sites, including SSSIs, where SSSI impact risk zone criteria are triggered, ancient woodland, ancient and veteran trees, all irreplaceable habitats, and applications subject to nutrient neutrality requirements excluded from the proposed service.

Question 5. Do you agree that the Accelerated Planning Service should:

a) have an accelerated 10-week statutory time limit for the determination of eligible applications
Yes / **No** / Don't know. If not, please confirm what you consider would be an appropriate accelerated time limit

b) encourage pre-application engagement
Yes / No / Don't know

c) encourage notification of statutory consultees before the application is made
Yes / No / Don't know

We disagree with the proposed Accelerated Planning Service because it puts further burden on LPAs and statutory consultees, without actually addressing any of the underlying causes for delays in the planning system. For this reason, in our view the APS will not achieve the desired outcomes of faster and more certain planning outcomes.

In addition, the APS could have the effect of incentivising poor practice from developers, undermining cost recovery for LPAs, prioritising LPA resources towards commercial over residential applications, reducing statutory consultee advice, and poorer quality planning decision-making.

If the Government is to proceed with introducing an Accelerated Planning Service, pre-application engagement should be made mandatory and not just encouraged.. This is important to ensure applications coming forward are appropriate, high quality, and contain the right information in order to be assessed and decided by the LPA within the shortened time frame.

We suggest making pre-application engagement mandatory because we are concerned there is no incentive for applicants to engage and pay for the LPA's pre-application services, if they are guaranteed a fee refund through the Accelerated Planning Service, even if the time limits are agreed to be extended in order to resolve any issues.

Question 6. Do you consider that the fee for Accelerated Planning Service applications should be a percentage uplift on the existing planning application fee?

Yes / No / Don't know. **If yes, please specify what percentage uplift you consider appropriate, with evidence if possible.**

No Link response.

Question 7. Do you consider that the refund of the planning fee should be:

a. the whole fee at 10 weeks if the 10-week timeline is not met
b. the premium part of the fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks
c. 50% of the whole fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks
d. none of the above (please specify an alternative option)
e. don't know

Please give your reasons.

We do not agree with the proposal to refund the planning fee for applications through the proposed Accelerated Planning Service, if the 10-week timeline is not met.

The consultation document already recognises that the planning fee for the proposed Accelerated Planning Service will not provide full cost recovery for LPAs in all cases. We are concerned that this proposed refund of the 'premium' fee and in particular the 'remainder' of the fee (or the usual planning fee) will undermine cost recovery for already resource-stretched LPAs and impact the quality and timeliness of planning services for other sectors and types of applications. In a situation where the timeline has been missed due to the complexity of an application, considerable time and resource will likely have been expended

in attempting to decide it, so a refund of fees that may have allowed them to cover their costs would require the local authority to pull funding from other sources to pay for such costs.

If the Government proceeds with the proposal to refund the planning fee for applications through the proposed Accelerated Planning Service, this should only include the premium part of the fee.

The 'remainder' of the fee should be subject to the existing Planning Guarantee, like any other application. This will ensure a level playing field and fairness across developers and types of development and applications and help support cost recovery for LPA services.

Question 8. Do you have views about how statutory consultees can best support the Accelerated Planning Service?

Please explain.

We are concerned that the proposed Accelerated Planning Service does not consider the impact on statutory consultees, and potentially on the quality and timeliness of advice from statutory consultees, from the proposed shortened timelines.

There is evidence that already a lack of capacity within statutory consultees are the main cause of requesting extensions to deadlines. For example, Natural England responded to 86.8% of planning application consultations received in 2022-23 within 21 days or otherwise agreed deadlines (with the average time taken to respond being 12.38 days). However, in the 4.26% of cases where Natural England requested an extension to the planning application deadlines, the vast majority of these cases (73.54%) were due to agency resourcing issues and 14% of these cases were due to a complex proposal requiring site visits or meetings and/or specialist input. (Figures from NE's annual report to DLUHC on timeliness on responses to planning consultations).

The proposed Accelerated Planning Service would not create any additional resources, capacity or capability for statutory consultees, whilst also requiring shorter timelines for input from these bodies. The potential impacts include a poorer quality service on these applications from statutory consultees and an onward effect on the quality and timeliness of statutory consultees advice on other types of planning applications. In addition, it is unfair that the consequences of not meeting the shortened deadlines proposed by the Accelerated Planning Service (the refund of the planning fee) falls only on the LPA, even if the cause of

missing the shortened deadline is lack of capacity or capability within the statutory consultees.

If the Government proceeds with introducing the proposed Accelerated Planning Service, it must provide additional capacity funding for key statutory consultees usually involved in decision-making for commercial applications of this type.

Question 9. Do you consider that the Accelerated Planning Service could be extended to:
a. major infrastructure development
Yes / **No** / Don't Know

b. major residential development
Yes/ **No** / Don't know

c. any other development
Yes / **No** / Don't know. If yes, please specify

If yes to any of the above, what do you consider would be an appropriate accelerated time limit?

We disagree with the proposed Accelerated Planning Service because it puts further burden on LPAs and statutory consultees, without actually addressing any of the causes for delays in the planning system. For this reason, in our view the APS will not achieve the desired outcomes of faster and more certain planning outcomes.

In addition, the proposed APS could have the effect of incentivising poor practice from developers, undermining cost recovery for LPAs, reducing statutory consultee advice, and poorer quality planning decision-making.

The proposed APS should not be extended to other types of development and it should not become the status quo for planning services in England.

If the Government does proceed with introducing an Accelerated Planning Service, we urge the Government to review the Service and publish the results of its review, before consulting on any changes.

Question 10. Do you prefer:

a. the discretionary option (which provides a choice for applicants between an Accelerated Planning Service or a standard planning application route)
b. the mandatory option (which provides a single Accelerated Planning Service for all applications within a given definition)
c. neither
d. don't know

We disagree with the introduction of an Accelerated Planning Service, but if the Government proceeds with it, we strongly prefer the discretionary option.

The discretionary options would allow applicants to self-select out of the service if their application is complex or otherwise not appropriate for accelerated consent, potentially saving time and resources for both the applicant and the LPA.

It would also enable the LPA to require additional statutory information which would be very important to a) screen applications for appropriateness for accelerated consent, and b) set out and collect information to assist with decision-making.

Clear validation requirements should be established for applications seeking to use any Accelerated Planning Service. Minimum validation requirements should be set nationally, with the option for LPAs to add specific local requirements according to their Local Plan policy and other local circumstances.

Question 11. In addition to a planning statement, is there any other additional statutory information you think should be provided by an applicant in order to opt-in to a discretionary Accelerated Planning Service?

We disagree with the introduction of an Accelerated Planning Service, but if the Government proceeds with it, this should be discretionary, and additional statutory information should be required, including: results of any required ecological surveys, information about any required ecological mitigation and compensation measures, a clear biodiversity net gain statement (followed by a completed and approved Biodiversity Gain Plan before development commences), requirements for monitoring, maintenance and management, and how implementation will be ensured, drawings including location plan, site plan, existing photos

of the site, proposed site layout, and relevant technical supporting information such as flood risk assessment and transport statement.

If EIA applications are to be excluded from this proposed accelerated route, it may well be worth requiring a screening opinion from the planning authority to ensure compliance in that regard.

Planning performance and extension of time agreements

Question 12. Do you agree with the introduction of a new performance measure for speed of decision-making for major and non-major applications based on the proportion of decisions made within the statutory time limit only?

Yes / No / **Don't know**

While we do not agree or disagree with the proposed introduction of this new performance measure for LPAs, in our view this change will not have the desired effect of a higher proportion of decisions made within the statutory time limit.

As the consultation document states, the underlying causes of delays in the planning system include inadequate or missing information from the applicant and negotiating section 106 agreements. Lack of capacity and capability within LPAs, which is well-evidenced, also has an impact on the speed of planning services.

Introducing a new performance measure does not tackle any of the underlying reasons behind delays in the planning system. In addition, adding a new performance measure will only add to the burden of already-stretched LPAs.

Instead, the Government should be addressing the root causes of delays in the planning system including by providing LPAs with sufficient resources and tools to provide timely and quality planning services, to the benefit of nature, local communities, and applicants. It is essential that LPAs become resilient, rather than just surviving.

Question 13. Do you agree with the proposed performance thresholds for assessing the proportion of decisions made within the statutory time limit (50% or more for major applications and 60% or more for non-major applications)?

Yes / No / Don't know If not, please specify what you consider the performance thresholds should be.

No Link response.

Question 14. Do you consider that the designation decisions in relation to performance for speed of decision-making should be made based on:

a) the new criteria only – i.e. the proportion of decisions made within the statutory time limit; or
b) both the current criteria (proportion of applications determined within the statutory time limit or an agreed extended time period) and the new criteria (proportion of decisions made within the statutory time limit) with a local planning authority at risk of designation if they do not meet the threshold for either or both criteria
c) neither of the above
d) don't know

Please give your reasons.

No Link response.

Assessment period for performance for speed of decision-making

Question 15. Do you agree that the performance of local planning authorities for speed of decision-making should be measured across a 12-month period?

Yes / No / Don't know

No Link response.

Question 16. Do you agree with the proposed transitional arrangements for the new measure for assessing speed of decision-making performance?

Yes / No / Don't know

No Link response.

Question 17. Do you agree that the measure and thresholds for assessing quality of decision-making performance should stay the same?

Yes / No / Don't know

No Link response.

Removing the ability to use extension of time agreements for householder applications and for repeat agreements on the same application for other types of application

Question 18. Do you agree with the proposal to remove the ability to use extension of time agreements for householder applications?

Yes / **No** / Don't know

No. Householder applications to alter or enlarge a house or to do work within the boundary of the house can in some cases be complex or require further information, so it is essential to retain the ability to use extension of time agreements for these types of application. For example, householder applications could impact on species or habitats, which might require surveys (which can be seasonal), further information, and/or specialist advice, all of which will require further time.

In these cases, the extension of time agreements could be necessary, as well as beneficial to both the quality of decision-making (to assess, remove or mitigate the potential environmental impacts) and to the applicant by way of improving the design, reducing the chances of rejection, and potentially saving time and resources in the case of having to submit another planning application.

Question 19. What is your view on the use of repeat extension of time agreements for the same application? Is this something that should be prohibited?

No, the use of repeat extension of time agreements for the same application should not be prohibited.

Some applications can be complex and it is essential to retain the ability to extend time agreements in order to make quality decisions and achieve the best outcomes for nature and people. For example, applications which could impact on species or habitats might require surveys (which can be seasonal), further information, and/or specialist advice, all of which will require further time.

As well as being necessary in these cases, the use of repeat extension of time agreements for the same applications can be beneficial to both the quality of decision-making (to assess, remove or mitigate the potential environmental impacts) and to the applicant by way of improving the design, reducing the chances of rejection, and potentially saving time and resources in the case of having to submit another planning application. We do not consider that the prohibition of repeat extension of time agreements would bring any benefits.

Simplified process for planning written representation appeals

Question 20. Do you agree with the proposals for the simplified written representation appeal route?

Yes / **No** / Don't know

No, we do not agree with the proposals for the simplified written representation appeal route, because it removes the ability to make representations or submit additional evidence for the appeal parties and for other interested parties. The ability to make representations is important for both scrutiny and local democracy and removing it could impact on the quality of decision-making and trust of interested parties and the public in the planning system and appeal process.

Question 21. Do you agree with the types of appeals that are proposed for inclusion through the simplified written representation appeal route? If not, which types of appeals should be excluded from the simplified written representation appeal route?

Yes / **No** / Don't know

We do not agree with any types of appeals being included through the simplified written representation appeal route because this route removes the ability to make representations or submit additional evidence for the appeal parties and for other interested parties. The ability to make representations is important for both scrutiny and local democracy and removing it could impact on the quality of decision-making and trust of interested parties and the public in the planning system and appeal process.

Question 22. Are there any other types of appeals which should be included in a simplified written representation appeal route?

Yes / **No** / Don't know. Please specify.

We do not agree with any types of appeals being included through the simplified written representation appeal route because this route removes the ability to make representations or submit additional evidence for the appeal parties and for other interested parties. The ability to make representations is important for both scrutiny and local democracy and removing it could impact on the quality of decision-making and trust of interested parties and the public in the planning system and appeal process.

Question 23. Would you raise any concern about removing the ability for additional representations, including those of third parties, to be made during the appeal stage on cases that would follow the simplified written representations procedure?

Yes / No / Don't know**. Please give your reasons.**

Yes, we are very concerned about this proposal to remove the ability for additional representation, including those of third parties, to be made during the appeal stage on cases that would follow the simplified written representations procedure.

The ability to make representations is important for both scrutiny and local democracy. There will also be circumstances where some third parties may not be aware of the original application until the appeal process. Removing it could impact on the quality of decision-making and trust of interested parties and the public in the planning system and appeal process.

For example, there have been cases where a council refuses an application on matters other than biodiversity, and a local Wildlife Trust wants to expand on comments already made because they consider biodiversity should have been a reason for refusal, or where new evidence has come to light between determination by the council and the appeal process starting (e.g., Worcestershire Wildlife Trust has previously successfully challenged bat evidence following the publication of the Tinsley paper, having not sought a biodiversity reason for refusal prior to its publication).

The ability of the general public to be able to comment, either as an "interested party" or as "Rule 6" party at an inquiry remains a fundamental democratic element of the planning system. Proposals to remove the ability of additional representations in a simplified procedure would begin to erode these wider rights. The general public need to be able to input, whatever appeal route is chosen, to try and ensure positive outcomes for their area, as has been demonstrated with recent fracking appeals in Rotherham and Derbyshire, and coal mining appeals in Cumbria.

Question 24. Do you agree that there should be an option for written representation appeals to be determined under the current (non-simplified) process in cases where the Planning Inspectorate considers that the simplified process is not appropriate?

Yes / No / **Don't know**

We do not support proposals for the simplified written representation appeal route. If the Government proceeds to introduce this process which removes the ability for written representations, then yes, we strongly agree that there should be an option for written representation appeals to be determined under the current (non-simplified) process in cases where the simplified process is not appropriate.

Question 25. Do you agree that the existing time limits for lodging appeals should remain as they currently are, should the proposed simplified procedure for determining written representation planning appeals be introduced?

Yes / No / Don't know

No Link response.

Varying and overlapping planning permissions

Question 26. Do you agree that guidance should encourage clearer descriptors of development for planning permissions and section 73B to become the route to make general variations to planning permissions (rather than section 73)?

Yes / No / **Don't know**

We disagree that section 73b, a simplified process for making changes to existing permissions, should become the typical route to make general variations to planning permissions (rather than section 73).

Changes to existing permissions can have significant effects on nature, climate mitigation and adaptation, and for people. For example, changing the extraction date of a coal mine has large implications for climate and nature and changing the timing of the phasing of a residential development can have an impact on species with seasonally determined behaviours such as bat or invertebrate species in the area. Thus changes to existing permissions must be subject to appropriate levels of scrutiny which consider these impacts. Section 73 (rather than the simplified section 73b) should remain the typical route to make variations to planning permissions, especially for minerals workings such as coal and other hydrocarbons.

We agree that guidance should encourage clearer descriptors of development for planning permissions. This should make it clear which amendments are 'substantially different' from the existing permission and must go through the usual section 73 route or where changes are so substantial they require a new planning permission and which amendments are not 'substantially different' from the existing permissions and could seek changes through the simplified section 73B route.

Question 27. Do you have any further comments on the scope of the guidance?

Yes. In addition to the factors listed in the consultation document such as location, scope of existing permissions on the site, and the nature of the proposed changes, the guidance should also cover:

- if an EIA was required for the original permission or is required for the section 73 permission, it is not appropriate for the simplified section 73b route;
- whether cumulative effects from multiple nearby developments and applications need to be considered;
- impacts of the proposed changes on protected species and habitats and any further work needed to establish those impacts;
- the timing of development; and,
- a limit on the number of times that a section 73b application can be made in relation to any individual site or development in order to prevent multiple 'bites of the cherry' with a cumulative impact, and possible degradation, of the quality of the scheme and its outcomes, including for nature.

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 83 organisations to use their joint voice for the protection of the natural world and animals. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

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The following organisations support this Link consultation response:
Bat Conservation Trust
Buglife
Campaign for National Parks
CPRE – the countryside charity
Froglife
Open Spaces Society

People's Trust for Endangered Species
Royal Society for the Protection of Birds (RSPB)
The Wildlife Trusts
Woodland Trust