

# Great Crested Newt Licensing

Report of the Planning Portfolio Holder

## Recommended:

1. That the Council becomes part of the District Licensing System for Great Crested Newts subject to the Head of Planning and Building being satisfied with the detailed terms and conditions of implementation and thereafter operation of the system.
2. That NatureSpace be authorised to apply to Natural England on the Council's behalf for a license under the District Licensing System.

### SUMMARY:

- The reports sets out changes to the way Great Crested Newt (GCN) Licensing processes can operate across the borough in relation to proposed new development by the Council joining the District Licensing (DL) System. This provides the opportunity for developers to use the DL system rather than having to obtain a licence from Natural England as is currently the case.
- The Council has statutory obligations and duties regarding protected species, including GCN, and joining the DL regime would provide an additional more straightforward option for applicants / developers and the Council to meet their obligations. However, the DL option is not available in the areas of highest risk to GCN, where the traditional route will need to be used.
- The risk to the Council of securing its own licence under DL system is considered to be minimal and developers will still have the option of using the national licensing system delivered by Natural England.
- There are likely to be benefits for the Council, developers and nature conservation as the DL regime not only aims to enable development but should provide conditions which should better conserve GCN.
- In Hampshire, NatureSpace is the conservation-based delivery partner organisation that co-ordinates the administration and delivery of the scheme with their delivery partner, the Newt Conservation Partnership.

## 1 Introduction

- 1.1 This report presents an option which would introduce an additional route for Great Crested Newt (GCN) licensing in relation to new development proposals across the borough. This would be achieved through the introduction of a District Licensing (DL) system in Test Valley.
- 1.2 The Council needs to "opt in" if it wants this option to be available to developers. The report outlines how the regime would work and the implications for the Council. It is recommended that the Council joins the DL scheme.

- 1.3 At present, developers that need a GCN licence in relation to their development proposals can only apply to Natural England (NE). This DL system enables a local approach to be followed for most forms of developments across the borough.

## **2 Background**

- 2.1 At present, where a proposed development is likely to impact GCN, developers need a licence that they can only obtain from Natural England in order to proceed with building works post planning permission. Licensing for great crested newts can be slow, complex and expensive for developers involving on-site seasonal survey work.
- 2.2 DL offers an alternative approach whereby developers make a conservation payment in two phases based on the predicted impact of their development, which covers off-site habitat provision in relation to GCN. This can happen before or after planning permission has been given and ensures upfront high-quality pond provision in areas which represent the best places for newts to thrive, delivering a strengthened network of new pond habitats used for breeding and associated terrestrial habitat. The evidence base is built into a conservation strategy meaning the approach is better and more joined up complementing government targets for biodiversity conservation.

## **3 Corporate Objectives and Priorities**

- 3.1 The DL regime offers a simpler and potentially more cost-effective option for developers to satisfy their obligations regarding new development and GCN whilst meeting the legal requirements of the Habitat Regulations. This could help to speed up delivery of development whilst also ensuring that impact of schemes is properly mitigated as set out above at 2.2. This would align with the Corporate Plan and in particular the Environment Priority (a greener borough for our communities) in relation to the natural environment and biodiversity.

## **4 Consultations/Communications**

- 4.1 No external consultation has been undertaken in respect of the council joining the DL scheme for GCN as it was not considered necessary or appropriate in this case.
- 4.2 However, Hampshire County Council and other local authorities across the county have been working together for some time to consider the best way forward for GCN DL. In light of this work, local planning authorities in Hampshire have been invited to sign the licence application that NatureSpace<sup>1</sup>, the preferred delivery partner for the DL approach in the county, submit to Natural England on behalf of the councils. A number of authorities have already joined the DL scheme following this approach.

---

<sup>1</sup> <https://naturespaceuk.com/about-us/what-we-do/>. The NatureSpace DL scheme is operating in over 60 LPAs across England, including in Hampshire, West Sussex, Berkshire and Oxfordshire.

## **5 Options and Option Appraisal**

### **5.1 Option 1**

- 5.2 The Council becomes part of the DL system by securing a GCN licence from Natural England applied for by NatureSpace on its behalf.
- 5.3 With this new system, authorities will need to check on a case-by-case basis that site details and boundaries referenced in the certificate/report from NatureSpace (submitted by the developer as part of their planning application) are the same as the planning application site. If that is the case, the certificate/report can then be relied upon as confirmation that the impacts of the development on GCN are capable of being fully addressed in a manner which complies with the requirements of the Habitats Regulations.
- 5.4 DL is well established on a national scale following a concerted effort from Natural England to ensure that this measure is widely adopted. Local authority ecologists have been involved in reviewing and instigating a local roll out of DL for GCN for over 4 years. It was agreed at the Hampshire and Isle of Wight Planning Officers Group meeting in July 2021 that the Hampshire authorities would use NatureSpace as a partner to manage the stages of data gathering, application to Natural England for a licence on behalf of the local authorities and implementation of this mitigation scheme.
- 5.5 As explained above at sections 2 and 3 this new option for developers to meet obligations under the Habitat Regulations would have a range of potential benefits including simplifying the process, with little extra resource required for the council, when dealing with planning applications where GCN are impacted whilst also ensuring mitigation is secured up-front with potential greater biodiversity benefits.
- 5.6 This option is recommended.

### **5.7 Option 2**

- 5.8 The Council does not join the DL regime.
- 5.9 Developers would therefore have to meet their obligations in relation to their development proposals through the national licensing system, as they do now, but this would mean that benefits explained above would not be realised.

## **6 Risk Management**

- 6.1 Overall, the risk is assessed as small in relation to the council joining the DL regime. There is likely little impact on Development Management performance and, by simplifying the licensing process, it may even assist in more efficient decision making by dispensing with the need, for example, for on-site GCN surveys. There may be some short-term effect, whilst officers adjust to new process, but this can be addressed by training.

- 6.2 In process terms, the Council would include conditions and informatives detailed in the NatureSpace certificate/report submitted with each application on the planning decision notice (if planning consent is granted). The Council would then issue written authorisation to each developer to confirm, at the appropriate time, that the developer is covered to work under the LPA's District Licence. This is a relatively straight-forward arrangement and, of itself, should present little additional risk.

## **7 Resource Implications**

- 7.1 There may be a minor resource involved for the signing of the documentation with NatureSpace to enable the DL to be introduced in Test Valley and some impacts whilst Development Management adjusts to the new process thereafter. However, these are not considered to be significant beyond the short term and in any event can be met from existing budgets.

## **8 Legal Implications**

- 8.1 The Council would become a licensing body for administering the district licensing for GCN mitigation across Test Valley (option 1 above – recommended).

## **9 Equality Issues**

- 9.1 None identified.

## **10 Other Issues**

- 10.1 Sustainability and Addressing a Changing Climate – ability to potentially support protected species better.
- 10.2 All Wards/Communities Affected but introducing a DL scheme itself should not have a significant effect other than in relation to individual development proposals.

## **11 Conclusion**

- 11.1 Participating in the DL regime will provide an additional way for developers and the Council to meet the requirements of the Habitat Regulations in a more straight forward way with potential improved up-front mitigation for GCN impacted by development proposals. Developers will still have the option of using the current system by applying for a licence from Natural England. Option 1 is therefore recommended.

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	None	File Ref:	N/A
----------------	------	-----------	-----

(Portfolio: Planning) Councillor P Bundy

Officer:	Louise Ward	Ext:	8507
----------	-------------	------	------

Report to:	Cabinet	Date:	20 December 2023
------------	---------	-------	------------------