

Great crested newts: District Licensing for development projects

Guidance from Natural England for local planning authorities on the NatureSpace Partnership District Licensing Scheme for great crested newts.

Contents

- How District Licensing schemes work
- How to assess a planning application with district licensing

This is Natural England's guidance for local planning authorities (LPAs) who hold a District Licence (DL), granted by Natural England and operated by [NatureSpace Partnership](#), to assess planning applications (and other relevant consents, Local Development Orders and some Permitted Developments) for development proposals that affect great crested newts (GCN).

The NatureSpace District Licence is in operation across many planning authorities in England. These areas, and their risk zone maps can be accessed [here](#). The scheme funds a District Licensing Officer (DLO) across regional areas to support local authorities with scheme administration. The scheme allows licensing options to be considered at the same time as planning decisions. Developers authorised under a District Licence can (under appropriate ecological supervision) move GCN out of harm's way during construction.

How District Licensing Schemes work

District Licensing (DL) is a streamlined approach to authorising developments affecting GCN. DL is an alternative to traditional mitigation licensing, and it is for the applicant to decide which route to use when a licence is required.

NatureSpace Partnership Scheme

NatureSpace collect data on GCN occurrences in the areas covered by the scheme and uses statistical modelling to predict the distribution of GCN across an area. The data is used to:

- map impact risk zones showing where GCN are likely to be present
- assess the likely impact of proposed development on GCN at a local authority level or larger scale
- predict suitable areas in which to target compensation habitat (Strategic Opportunity Areas).

The DL therefore replaces the need for applicants to carry out pre-development surveys for GCN (although survey data can be taken into account by NatureSpace where it is available).

Risk zones for District Licensing

There are 5 risk zones under the NatureSpace District Licensing Scheme:

- *Black zones* – Nationally important sites with statutory protection for great crested newts, or regionally important sites. Developers cannot use district licensing in these zones.
- *Red zones* – Contain highly suitable habitat and high likelihood of GCN presence.
- *Amber zones* – Contain suitable habitat and GCN are likely to be present.
- *Green zones* – Moderate habitat suitability and GCN may be present.
- *White zones* – Low habitat suitability and very low probability of GCN presence (but cannot be ruled out).

Very high impacts in the red, amber or even green zones may be excluded from the DL option by NatureSpace, subject to a detailed site assessment process.

Application process

In LPAs that hold a District Licence, developers can, during the planning process, obtain an assessment from [NatureSpace Partnership](#) to determine whether a development proposal is eligible to use DL, and to determine the impacts of the proposed development on GCN. Developers choosing to use the DL will make a 'Conservation Payment' which will be used to fund a net increase in GCN habitat elsewhere. The level of payment required will depend on:

- the number and quality of ponds impacted;
- the type, quality, amount and proximity (to ponds) of terrestrial habitat impacted;
- the risk zone in which the site is located;
- impacts to range, connectivity and future prospects of the population
- on-site habitat retention, creation and enhancement measures (where applicable) and;
- the type of impacts (e.g. temporary/permanent, direct/indirect).

Developments that NatureSpace assesses as having a low impact, are covered by a one-off payment. A **certificate** is then provided by NatureSpace Partnership which a developer can submit with their planning application.

When the impacts of development are assessed as being moderate to high, the developer will need to commission a **report** from NatureSpace Partnership to provide to the LPA alongside their planning application (or other relevant planning requirement). After receiving a report, the developer must make a second payment to NatureSpace to commission a **certificate**. This second payment does not need to be paid until after planning permission is approved, but some developers may choose to pay prior to planning being approved to guarantee authorisation at the point of planning approval.

The NatureSpace report/certificate will set out any conditions to be attached to the planning consent or otherwise secured via an enforceable mechanism. When planning permission has been granted with the necessary DL conditions/requirements, any relevant conditions have been discharged, and all compensatory payments made, the developer will receive a written **authorisation** to work under the district licence held by the LPA.

How to assess a planning application with district licensing

Overall DL enables the protection of GCN to be considered upfront in the planning process because LPAs can use the GCN impact risk zone maps to inform the preparation of local plans and other spatial strategies. LPAs should:

- consider steering development away from higher impact risk zones where possible
- Explain the impact risk zones in pre-application discussions with developers and their agents to inform their survey needs and licensing options at an early stage.

Applications submitted with a NatureSpace report or certificate

On an individual case basis, LPAs should take the NatureSpace Partnership certificate/report into account when determining a planning application. In order to do this the LPA will need to check that:

- the site details and boundaries referenced in the certificate/report are the same as the planning application.
- The report or certificate is authentic (via confirmation from the DLO)
- If the details match, the certificate/report can be relied upon by the planning authority 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 2017 (as amended).
- the development does not require pre-development GCN surveys or bespoke on-site mitigation and compensation measures (other than any on-site mitigation and compensatory measures detailed in the certificate/report, if applicable).

If a planning application that relies on the use of the DL is approved, the planning conditions in the NatureSpace report/certificate must be added in *verbatim* to the decision notice by the Local authority planning case officer. The conditions provide the legal mechanism to ensure that a developer can make use of the licence through the local authority.

There are three conditions which might be required, and which will be detailed in the report/certificate:

- **Condition 1** applies to all developments authorised under the District Licence – and there is an associated informative. This condition links a specific planning consent to the District Licence and enables the subsequent authorisation of the development under the District Licence.
- **Condition 2** is a pre-commencement condition and is only to be used when a certificate is yet to be provided – and there are two associated informatives.
- **Condition 3** is only to be used in the red impact risk zone and secures compliance with the ‘NatureSpace GCN Mitigation Principles’, if required. There is an associated informative.

The ‘NatureSpace GCN Mitigation Principles’ is a document referred to in the LPA’s District Licence. There can be a requirement for developers to comply with this document if the development falls within the red impact risk zone (highest impact area). In these instances, the NatureSpace report/certificate will include a condition detailing the specific mitigation requirements relevant to the case, following the strict protocols of the LPA’s District Licence. If such a condition is included in the NatureSpace report/certificate, then the mitigation requirements should be secured by the LPA by including this condition in full on the application consent.

In all zones, it is advised that the NatureSpace Partnership Best Practice Principles are followed to reduce any risks to GCN before and during development.

Applications submitted without a NatureSpace report

When assessing a planning application which is submitted without a certificate or report from NatureSpace Partnership, the local planning authority should refer to Natural England’s [Standing Advice](#). When the developer has chosen not to use the DL, consideration should be given to the risk zone that the site is in:

- If the site is located within a *Black zone*, Natural England advises that there should be a presumption against development which could have an impact on GCN in these areas. Where the LPA is minded to issue planning consent in these areas, a site-based mitigation licence for GCN is highly likely to be required.
- If the site is located within a *Red zone* or *Amber zone*, then the LPA might need to ask the applicant to provide survey information for GCN and should submit qualitative and quantitative information with their planning application on how their development avoids or mitigates harm to GCN.
- If the site is in the *Green zone* or *White zone*, the planning authority should still consider whether habitats or features are present on or near (within 500m of) the development site which should warrant further survey and assessment to identify and safeguard against risks to GCN and compensate for any impacts.

What should the LPA advice to developers include?

When a planning application has been submitted to the LPA, the LPA may provide (with the support of NatureSpace DLO's) through planning consultation:

- An explanation of which risk zone the planning application lies within;
- An appraisal of whether the LPA considers the application to present a potential risk to GCN, and/or a request for an ecological impact assessment or similar survey setting out this information
 - Where there is evidence that impacts to GCN are likely, the applicant should be presented with the licensing options as part of the planning process, including DL and site-based mitigation licensing, to help inform their decision.
- An evaluation of any ecological reports submitted with planning application.

Note – It is the responsibility of the developer to demonstrate that there are no likely impacts to GCN and/or their habitats (especially in Red and Amber impact risk zones) – please see above section “Applications submitted without a NatureSpace report” for more details.

Note – A DLO will provide support to the local authority by highlighting developments where great crested newts must be fully considered in line with this document, including advice about the licensing options available to the applicant. Planning case officers can therefore use the DLO's comments as a guide to assist them in decision making and they may also consult with their ecological advisor. Ultimately, it is the council that will make the final decision.

For planning applications that may already have planning consent:

- The NSP DL may be an option that a developer might wish to use. To do so they should contact NatureSpace with their planning permission and project details to confirm if the DL is still an option for the development.

For planning applications that may have a phased approach for planning consent:

- The NSP DL may be an option that a developer may wish to use. To do so they should contact NatureSpace with their development plans and project details to confirm if the DL is still an option for the development.

Environmental Impact Assessments and District Licensing

Where DL approaches for GCN are used, this can have implications for the information needed to support Environmental Impact Assessment (where required). By demonstrating that DL will be used, potential impacts on GCN can be scoped out of detailed assessment in the Environmental Statement. The developer will need to provide evidence to the LPA on

how and where this approach has been used in relation to the proposal, which should include Certificate/Report from NatureSpace Partnership.

For further questions on DL relating to this document and statutory guidance, please contact gcndll@naturalengland.org.uk

For questions on the operation of the NSP DL or to submit an enquiry, please contact info@naturespaceuk.com, or visit naturespaceuk.com

Important Note

Under District Licensing, it is the developer's responsibility to:

- survey and assess the impact of a proposed development on other protected and priority species and habitats
- follow avoidance, mitigation or compensation measures for these species

LPAs may add planning conditions for developers to provide extra measures to prevent and mitigate other environmental and ecological impacts unrelated to GCN. This would be in accordance with local and national planning policies and guidance, in addition to their duty to conserve and enhance biodiversity under [Section 40 of the Natural Environment and Rural Communities Act 2006 \(as amended\)](#). Mandatory Biodiversity Net Gain requirements under the Environment Act 2021 are also unaffected by DL, although there are options for integration of DL with BNG.