

## **Great crested newts: District Level Licensing for development projects**

Interim guidance from Natural England for local planning authorities on District Level Licensing for great crested newts.

### Contents

- How does District Level Licensing affect great crested newt licensing?
- How does District Level Licensing affect developers?
- How does District Level Licensing affect the planning process?

This is Natural England's interim guidance for local planning authorities (LPAs) to assess planning applications for development proposals that affect great crested newts (GCN) and which use a NE-led District Level Licensing (DLL) approach. Standing Advice for GCN is available and provides advice on GCN in relation to planning applications and is applicable to all developments (including those using the DLL approach).

### **Important Note**

DLL for GCN does not remove the need to survey and assess impacts from proposed development in relation to other protected and Priority species and habitats, and the requirement for avoidance, mitigation or compensation measures in relation to other species and habitats remain unchanged.

Furthermore, the LPA may attach planning conditions requiring development to provide additional measures to prevent and mitigate other environmental and ecological impacts not related to GCN. This would be in accordance with local and national planning policies and guidance, in addition to their duty to conserve biodiversity under Section 40 of the Natural Environment and Rural Communities Act 2006

### **How does District Level Licensing affect great crested newt licensing?**

District Level Licensing is a new strategic approach to authorising developments affecting great crested newts. DLL is an alternative to traditional mitigation licensing for GCN. It is for the applicant to decide which route to use. There are various approaches used to implement DLL, and this advice is specific to the Natural England-led approach.

Under DLL, Natural England collects data on GCN occurrence and uses modelling to predict the distribution of GCN across an area, in order to prepare a GCN Licensing Strategy for that area. The modelled distribution is used to map risk zones, assess the likely impact of proposed development and to predict suitable habitat in which compensation can be targeted (Strategic Opportunity Areas, SOAs). It therefore removes the requirement for applicants to carry out pre-development surveys for GCN (although developers may still choose to survey and survey results will inform the impact assessment).

There are three risk zone categories:

- *Red zones* – These zones contain key populations of GCN, which are important on a regional, national or even international scale. District Level Licensing is not available as a licensing option in these areas.
- *Amber zones* – These contain main population centres, habitats and dispersal routes for GCN. Development with a significant land take in these zones would be expected to have a high impact on GCN.
- *Green zones* – GCNs are sparsely distributed in this zone and development would be expected to have a low impact in this zone, though may still pose a risk to GCN.

Instead of carrying out site-specific mitigation and compensation, developers choosing DLL will make a 'Conservation Payment' which will be used to fund a net increase in habitat for GCN across the landscape. The level of payment required will depend on;

- The number of ponds impacted;
- The risk zone in which the site is located; and/or,
- Whether GCN presence has already been determined through site specific survey.

The Conservation Payment will be calculated by Natural England to be sufficient to maintain or improve the conservation status of GCN in the area covered by the GCN Licensing Strategy, and it will be used to target compensation habitat where it is likely to provide the most benefit to GCN conservation. A 25 year monitoring, management and maintenance strategy for all compensatory GCN habitat will also be funded by the Conservation Payment. This means that on-site mitigation and compensation for GCN is not required for developments authorised under DLL.

Natural England is confident that this new strategic approach to licensing will improve the conservation status of GCN in areas where it is used and therefore that it satisfies the Favourable Conservation Status (FCS) test in Regulation 55 (9) (b) of the 2017 Regulations. 1 Local planning authorities may rely on Natural England's advice on this.

Further information on the principles behind DLL can be found [here](#).

### **How does District Level Licensing affect developers?**

Developers can, before applying for Planning Permission (and at any stage thereafter), obtain an indication from Natural England of whether their development proposal is eligible to use DLL. Natural England will determine the impact of the proposed development on GCN, assess the cost of addressing the impact through DLL and issue a provisional certificate.

Natural England led DLL schemes can accept most developments, provided they are not situated in a red zone. This includes housing, education, employment, transport, minerals and waste, and Nationally Significant Infrastructure Projects (NSIPs). Large phased developments can also be catered for, as can linear schemes and those including temporary impacts. Developers with large or complex schemes that wish to enter DLL are encouraged to contact the DLL team as soon as possible for advice.

Once agreed by the developer and countersigned by Natural England, the agreement is called the *Impact Assessment and Conservation Payment Certificate* (IACPC). Developers can then submit this document with a planning application instead of site-survey information for GCN and an associated mitigation strategy to confirm their eligibility and intention to enter DLL.

1 Conservation of Habitats and Species Regulations 2017 (“the 2017 Regulations”).

The IACPC is not itself a license to carry out works with impacts on GCN and after they have received their planning permission developers will need to apply to Natural England for a new type of license, called a *GCN District Level License*. Developers cannot undertake works that are reasonably likely to impact GCN, even if all other conditions of their planning permission have been discharged, until they have received this license from Natural England. In considering the grant of a GCN District Level License Natural England will consider whether a development fulfils a statutory purpose given by Regulation 55 (2) of the 2017 Regulations and whether satisfactory alternatives exist, as well as the FCS test.

### **How does District Level Licensing affect the planning process?**

Overall DLL enables protection of GCN to be considered upfront in the planning process because LPAs can use the GCN risk zone maps to inform the preparation of local and neighbourhood plans. LPAs should consider steering development areas away from red zones and potentially amber zones where possible. It would also be helpful to refer to this information in pre-application discussions with developers and their agents to inform their survey needs and licensing options at an early stage.

On an individual case basis LPAs may take the IACPC into account when determining a planning application, as being confirmation of Natural England’s view that the development in question is suitable for DLL and that the Conservation Payment will suffice to compensate for its impacts on GCN. In order to do this the LPA will need to check that the IACPC has been signed for and on behalf of Natural England and that the site details and boundaries of the IACPC are the same as the planning application. If the details match, the IACPC 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.

LPAs can rely on the IACPC to show that there is an option for addressing the likelihood of harm to GCN, which does not require pre-development GCN surveys or bespoke mitigation and compensation measures for GCN. Although it is not an obligation, a District Level Licence will allow the applicant to move GCN out of harm’s way during construction.

Developers may also decide to join the DLL scheme after they have obtained planning permission on the basis of an application that included a GCN mitigation strategy. In this situation, a developer should apply to the local planning authority to amend the existing planning permission to remove conditions relating to GCN mitigation measures.

When assessing a planning application which is submitted without an IACPC, the local planning authority should:

- Check if the site is located within a *Red zone*. Natural England advises that there should be a presumption against development which could have an impact on GCN in these areas. DLL is not available in Red zones and site survey and a mitigation licence would be required for any development within this zone.
- Check if the site is located within an *Amber zone*. If the developer has not proposed to join the DLL scheme and has not demonstrated that their proposal poses no risk to GCN, Natural England's advice is that the planning authority should draw this to the attention of the applicant and require that they submit an assessment of the risk to GCN and set out any measures which they propose to take to safeguard against significant risks. This may result in the need for a GCN site mitigation license if the developer chooses not to use DLL.
- The risk of encountering GCN in a Green zone is low. However, GCN may still be found within this zone and further assessment to inform the likelihood of impact and/or the need for a license will be required if suitable habitats for the species are present.

When available, the risk zone maps can be accessed [here](#).

Where district level licensing (DLL) approaches for great crested newts (GCN) are used this can have implications for the information needed to support Environmental Impact Assessment (where required). By demonstrating that DLL 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 a counter-signed certificate from Natural England, or a similar approval from an alternative DLL provider.

For any further questions, please contact [gcndll@naturalengland.org.uk](mailto:gcndll@naturalengland.org.uk)

For information on DLL schemes not operated by NE, please see the [Great crested newts: district level licensing schemes](#) webpage.