

Rachel Tibbetts

From: Connie Martin <connie.martin@naturespaceuk.com>
Sent: 24 March 2023 17:04
To: Planning
Subject: FAO case officer - Cedar Lodge 23/00462/F (NSP ref: 202301002)

Good afternoon,

The applicant for the above planning application has now received their NatureSpace Certificate, which they should shortly submit to yourself in support of their application.

Should you be minded to approve planning for the above application there are mandatory conditions and informatives within the Certificate (on pages 2/3) that must be used in verbatim on the decision notice. This is in order to comply specifically with conditions in the council's district licence.

If the district licence conditions are not used in verbatim, it could potentially lead to the LPA being unable to send out authorisation paperwork to the applicant on time and a decision notice needing to be reissued. If the authorisation has been issued to the applicant, then it could also mean that an administrative breach of the licence conditions has occurred.

For reference the District Licence conditions and informatives for this application are:

Planning condition: No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Cedar Lodge: Impact Plan for great crested newt District Licensing (Version 1)", dated 15th March 2023.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Planning condition: No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112)or a 'Further Licence'), [and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

Informative: It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

Informative: It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.

Informative: It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in the condition above (relating to the use of best practice and measures outline in the Great Crested Newt Mitigation Principles) would give rise to separate criminal liability under District Licence condition 12 (requiring authorised developers to comply with the District Licence) and condition 17 (which requires all authorised developers to comply with the Great Crested Newt Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority). Formal Authorisation for the site to act under the Council's District Licence can then be issued at determination or shortly after.

Do you anticipate this application to be determined soon? If possible, could you please inform me when a decision is made on this application so I can get the Authorisation Pack sent promptly to the applicant if you approve.

Please let me know if you have any questions at all or would like to discuss.

Many thanks,

Connie Martin (she/her)
Oxfordshire Newt Officer

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