

Lynne Baldwin

From: Rebekah Morgan
Sent: 09 February 2024 18:40
To: DC.Consults
Subject: FW: NatureSpace conditions - 22/03873/F (NSP ref: 202204019)

Please capture in DEF
Consultee comments from Nature Space

With kind regards

Rebekah Morgan

Mrs Rebekah Morgan
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My normal working pattern is: Monday to Wednesday 8am to 2:00pm and Thursday/Friday 8am to 4pm.

Planning and Development services can be contacted as follows: Development Management - planning@cherwell-dc.gov.uk; Building Control - building.control@cherwell-dc.gov.uk; Planning Policy - planning.policy@cherwell-dc.gov.uk; Conservation - design.conservation@cherwell-dc.gov.uk. For the latest information on Planning and Development please visit www.cherwell.gov.uk

From: Connie Martin <connie.martin@naturespaceuk.com>
Sent: Tuesday, January 30, 2024 11:04 AM
To: Rebekah Morgan <rebekah.morgan@cherwell-dc.gov.uk>
Subject: NatureSpace conditions - 22/03873/F (NSP ref: 202204019)

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Good morning Rebekah,

The applicant for the above planning application has now been sent their NatureSpace Report and impact plan which they should shortly submit to yourself. Should you be minded to approve planning for the above planning application there are mandatory conditions and informatives within the Report (on pages 6/7) 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:

1. 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 "Padbury Brook: Impact Plan for great crested newt District Licensing (Version 3) (Sheets 1 and 2)", dated 22nd January 2024

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.

2. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

3. 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.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

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.

Informatives:

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

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 newts are thereby committed then criminal investigation and prosecution by the police may follow.

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 detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN 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 (as amended) (for which the Police would be the enforcing authority).

Should you approve, authorisation of the site to act under the council's district licence cannot be issued until after the applicant has discharged their second NatureSpace condition through the submission of a NatureSpace Certificate.

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

Many thanks,

Connie Martin (she/her)
Oxfordshire Newt Officer

NatureSpace Partnership

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