

# NatureSpace Great Crested Newt District Licensing Scheme

## Certificate

*Date of certificate issue:* **20<sup>th</sup> March 2023**

*Development title:* **Cedar Lodge North Side**

*Developer name:* **Mr and Mrs Pasteur**

*Development location (8 figure grid reference):* **SP 4746 2593**

*Development address:* **Cedar Lodge North Side Steeple Aston Bicester OX25 4SE**

*Planning application reference:* **23/00462/F**

*Development plan reference:* **“Cedar Lodge: Impact Plan for great crested newt District Licensing (Version 1)”, dated 15<sup>th</sup> March 2023**

This certificate confirms that the above development (as proposed in the assessed development proposals on above plan) has been evaluated by NatureSpace Partnership and (if/when planning approval has been granted) can be covered under the District Licence (WML-OR112, or a ‘Further Licence’).



This proposed development has been evaluated in relation to the terms and conditions of the District Licence and to the NatureSpace great crested newt strategy and no further compensation actions are required by the developer.

Once the planning authority has granted the developer an authorisation to cover works under their District Licence for great crested newts, licensable works may proceed at the site. The authorisation is a written letter, signed by the planning authority's signatory, and it forms a separate document to the planning permission Decision Notice.

Under the requirements of the District Licence, the planning permission must include the following planning conditions and informatives:

**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 15<sup>th</sup> 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).

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The licence requires authorisations to specify which activities and operations are permitted from the list in Annex B of WML-OR112.

In this case, the **licensed activities and operations will be as follows: A5, A6, A7, A8, A11**

**The following Protocol conditions will apply: P1, P2, P3, P4, P5, P6, P8, P11, P12**

Please see Annex 1 for full details of these activities and operations.

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**Once authorised, developers working under the District Licence also should note:**

- 'Authorised developers' authorise (in writing) additional persons (e.g., employees, contractors) to act as 'Accredited Agents' under the District Licence;
- Authorised developers must ensure that all persons using the licence (including any Accredited Agents) must possess appropriate knowledge, training and experience to undertake licensed activities in accordance with the District Licence and accepted best practice;
- Developers must maintain a record of activities carried out under the District Licence and a list of any persons you authorise to act as 'Accredited Agents' - and provide a record of these activities and persons to Cherwell District Council or NatureSpace Partnership in a timely manner;
- It is a condition of any authorisation under the District Licence that reasonable requests for permission to access the site will be granted to employees and representatives of the Planning Authority and or Natural England for monitoring purposes;
- It is recommended that the attached Best Practice Principles are followed for all works on site.

**Licensable acts which will be made lawful when an authorisation for the proposed development is issued under the District Licence:**

Capture; Possess; Transport; Disturb; Killing & injuring; Damage & destroy resting places.



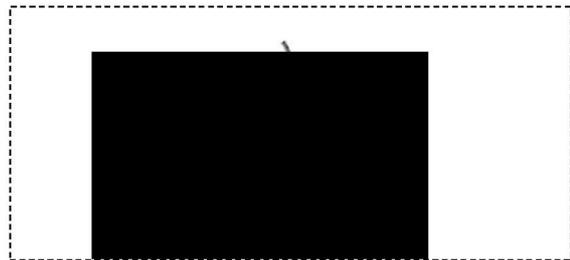
**NATURESPACE PARTNERSHIP**

**SIGNED** (on behalf of Nature Space Partnership)

by



**PROJECT OFFICER**



**SENIOR OFFICER**

**Important:**

This certificate is not an authorisation to work under a District Licence. Authorisations are issued separately by the Licensee (Cherwell District Council), in writing once the development has been granted a valid planning permission.

**District Licence expiry date note:**

The District Licence (WML-OR112) is held by the Planning Authority, which is able to issue authorisations to developers with planning approval. All references to WML-OR112 within this document refer to the latest version of the licence as issued by Natural England. At the time of writing, this is referenced WML-OR112 (Version 5). The current District Licence is set to expire on 21<sup>st</sup> October 2023, at which point it will be renewed. The current 2-year limit on licence duration means that authorising documents will need to be reissued as and when the licence is reissued by Natural England. The licence conditions expressly provide for 'Further Licences', and NatureSpace will manage the updating of this certificate and any authorisation documents at the appropriate time.

**Planning Appeals:**

In the event that the proposed development is refused, and a subsequent appeal made to the Planning Inspectorate, the District Licence documents will need to be reconfirmed by NatureSpace and then submitted to PINs as part of the appeal documentation. The applicant should contact NatureSpace in the event of an appeal to expedite this. Failure to do so could mean that the development would not be able to receive authorisation under the District Licence if approved at appeal.

**Enquiries:**

For any enquiries relating to this report please contact NatureSpace Partnership:

Email: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

Tel: 01865 688307

Website: <https://naturespaceuk.com/>

For any enquiries relating to District Licensing, please contact either NatureSpace Partnership, your planning authority or Natural England - [gcndll@naturalengland.org.uk](mailto:gcndll@naturalengland.org.uk)



## **Annex 1. Activities, Operations and Protocols under a District Licence**

The District Licence contains a 'Protocol for activities and operations affecting great crested newts within the licensed area' (see Annex B of the licence) – which contains a list of activities, operations, and licensable acts. The full list in the District Licence does not apply in every authorisation under the District Licence. This report details the activities, methods and acts which would be permitted for the proposed development, based on the impacts as assessed.

**Permitted activities and operations under the District Licence** (subject to receiving planning approval and written authorisation from the planning authority):

- A5 Capture, exclusion, and relocation of great crested newts from terrestrial habitat (by hand, hand searches of suitable features and/or destructive searches, pitfall traps and refuges, night/torch searching, exclusion fencing (including upright and one-way temporary amphibian fencing), drift fencing. NB: This includes fence installation and removal.
- A6 Relocating great crested newts at imminent risk of harm on Development Land (by hand, hand searches and/or destructive searches)
- A7 Site clearance - including removal of vegetation, hard- standing, buildings and landscaping
- A8 Removal of rubble and log piles and other potential hibernacula
- A11 Construction activities

Note that in this case, the activities and operations referenced A5 are not required under the licence, but will be included in the authorisation, to legally permit those activities should you have need for them (e.g., if you wish to install temporary amphibian fencing at any location to reduce risks to great crested newts during works).

## Protocols

Annex B of the District Licence is a 'Protocol for activities and operations affecting great crested newts within the licensed area' and includes a number of additional 'Protocol conditions'. The full list does not apply in every authorisation under the District Licence. This report details the 'Protocol conditions' which would apply to this site, based on the impacts as assessed.

**Protocol conditions** (which would apply upon authorisation):

- P1 Before any works commence on a site in the Red Zone all those persons involved with the licensable works are to be briefed by someone suitably experienced by way of a 'tool box talk' on:
- how to identify great crested newts
  - what to do should great crested newts be found, including good working practices and
  - what is and is not permitted under the licence.
- P2 Certain activities permitted by this licence require ecological expertise. Activities subject to this condition can only be carried out by an ecologist with an appropriate Great Crested Newt Survey Licence or under the direct supervision of such a person.
- P3 Where licence or protocol conditions refer to publications, licence users are expected to refer to the most up to date iteration available. Natural England can direct users to the relevant iterations.
- P4 The biosecurity guidelines in Amphibian Disease Precautions: A guide for UK fieldworkers, Advice Note 4 (available from [www.arguk.org](http://www.arguk.org)) must be observed by all licence users.
- P5 Great crested newts must not be relocated outside the Licensed Area, over a distance greater than 1 kilometre or beyond a significant physical barrier to dispersal without the permission of Natural England.
- P6 Any animal listed in Schedule 9 Part 1 (but not Part 1A or 1B) of the 1981 Act which is a species which is not ordinarily resident in England in a wild state, that is caught in a trap set under this licence must not be released or allowed to escape back into the wild; it must be humanely despatched, unless a specific licence to release that species has been obtained, or alternative advice has been provided by Natural England.
- P8 Persons capturing newts under this licence are expected to follow the advice on welfare considerations for capture programmes in the 'Great Crested Newt Mitigation Guidelines' available from Natural England.



- P11 Great crested newts are not to be translocated to Compensation Land or other locations within the Licensed Area unless the terrestrial and/or aquatic habitats are suitable for great crested newts. The suitability of the site is to be confirmed by a suitably qualified person (e.g., an ecologist with a great crested newt survey licence).
  
- P12 Any licensable activities in the red zone must be carried out in accordance with the approved Great Crested Newt Mitigation Principles.