NATURESPACE PARTNERSHIP

NatureSpace Great Crested Newt District Licensing Scheme

District Licence Report

Rikkyo School

202308008

11th April 2024

Instructions for planning officers

If/when planning permission is to be granted under DC/23/1912:

Attach the mandatory planning conditions and informatives listed in this report (pages 6-7) to the decision notice. Wording must be transposed exactly with no alterations.

An authorisation to work under the Council's District Licence can *only* be issued when:

A) Planning permission is granted, bearing correct planning conditions (see pages 6-7)
B) The NatureSpace Certificate has been submitted to support the application

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Report version

Version	Date	Description
1	21/03/2024	Original site assessment for DC/23/1912
2	11/04/2024	Updated site assessment for DC/23/1912

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Executive Summary

This report details the results of the assessment undertaken by NatureSpace Partnership on 11th April 2024. The assessment followed the agreed processes and protocols as set out in the District (organisational) Licence granted to Horsham District Council (WML-OR136) and this report summarises how the proposed development can be dealt with under the District Licence. If authorisation under the District Licence is sought, this report should be submitted to the planning authority as part of the planning application.

The impact unit score is -0.60.

There is a second stage fee requirement of £8,505 (+VAT).

There will be a requirement for three planning conditions relating to the great crested newt District Licence, to be attached to the planning consent, if granted (full details on p.6-7):

Condition 1 links the planning consent to the district (organisational) licence WML-OR136.

Condition 2 requires the developer to submit a certificate from NatureSpace to the planning authority. Upon receipt of the second stage payment, NatureSpace Partnership will issue that certificate to confirm that all necessary payments have been made and that the development can be covered under the District Licence.

Condition 3 imposes some working restrictions and on-site mitigation measures, including the requirement for some works to be timed to avoid sensitive periods (relating to any areas of potential hibernation habitat), fencing and trapping of newts within 250m of ponds and the use of capture methods at suitable habitat features to reduce risks to newts (see p.6) prior to development. The document 'Great Crested Newt Mitigation Principles' is required by Natural England for use under the District Licences and is provided as an annex—this details District Licence requirements for methods of working and capture of newts.

Important note:

The planning authority may only issue a formal 'Authorisation' under the District Licence once planning permission has been granted and the NatureSpace Certificate required under condition 2 (see above and p.6-7) has been submitted to the planning authority.

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Background information

Great crested newts are a European protected species (EPS) and are protected in the UK under the Conservation of Habitats and Species Regulations 2017 (as amended) and, to a certain extent, the Wildlife and Countryside Act 1981 (as amended). Where works would harm this species or its habitats, a licence is required in order to make those activities lawful. Natural England is the licensing authority and has granted great crested newt 'District Licences' to certain Councils in England. This enables those Councils ('Licensees') to issue authorisations to developers for specific parcels of development land, without further application (by the developer) to Natural England. This report details whether and how the proposed development can be dealt with under the relevant District Licence and contains technical details relating to planning and licensing requirements.

Developments which utilise the District Licensing Scheme contribute proportionately (depending on the impacts of each development proposal) to the conservation strategy. This funds the creation, management, and monitoring of local compensation sites. NatureSpace and the Newt Conservation Partnership take on all responsibilities for compensation delivery, 25 years of management and monitoring, and annual reporting to Natural England.

Project reference: 202308008

Developer name/organisation: Rikkyo School

Site name: Rikkyo School

Site location: Rikkyo School, Guildford Road, Rudgwick, West Sussex, RH12 3BE

Site grid reference: TQ 0582 3392

Planning application reference: DC/23/1912

Development impact map reference (upon which this assessment is based): "Rikkyo School: Impact Plan for great crested newt District Licensing (Version 2)", dated 11th April 2024

Consultant ecologist name & organisation: Eddie Selywn, The Ecology Partnership Ltd

Planning officer: Amanda Wilkes

Date of habitat survey information (upon which this assessment is based): June 2023. Survey information to underpin a licensing assessment should be less than two years old. If more than two years has passed since the survey (e.g., by June 2025), then it may be necessary to undertake a walkover survey to confirm the assessment remains valid before an Authorisation can be issued (consult NatureSpace) to permit the start of works.

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District Licence summary

1. Confirmation the proposal can be dealt with under the District Licence: Yes

2. Location (zone): Red

3. National Character Area: Low Weald

4. Is any in-situ great crested newt compensation required: No

5. Are there any working restrictions relating to great crested newts: Yes—the following requirements apply:

- Best practice working and use of reasonable avoidance measures (see 'Great Crested Newt Mitigation Principles' required under condition 17 of the District Licence)
- Removal or disturbance of newt hibernacula must only take place during the active season (generally mid-February to mid-October, dependant on the season and weather conditions)
- Capture of newts using hand/destructive/night searches at suitable habitat features prior to ground clearance
- Amphibian fencing and pitfall trapping to clear newts from the site prior to works (in this case this will apply to all suitable habitats within 250 metres of ponds)

6. Required planning conditions (if consent is granted): See next page

7. Impact metric score: -0.60.

8. Financial 'second-stage' contribution required to contribute to delivery of strategic great crested newt conservation, proportionate to the impacts of the proposal: £8,505 (+VAT).

This report confirms that, subject to the requirements listed above (sections 4 - 8), the development proposal can be covered under the District Licence (WML-OR136, or a 'Further Licence') provided that the planning authority is satisfied that the proposal is not contradictory to local planning policy and planning consent is granted with the conditions listed below.

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Planning conditions and informatives

This sets out the planning requirements if planning permission is to be granted. In accordance with District Licence WML-OR136, the following planning conditions and informatives will be required, for the Council to be able to then authorise this development under the District Licence. Without these conditions, it will not be possible for the development to be authorised under the District Licence.

Conditions:

1. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Rikkyo School: Impact Plan for great crested newt District Licensing (Version 2)", dated 11th April 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-OR136, 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-OR136, 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-OR136, 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.

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- 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).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement 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-OR136, 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-OR136, 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).

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Activities and operations 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 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 consent and written authorisation from the planning authority)**:**

A5—Capture, exclusion, and relocation of great crested newts from terrestrial habitat. Permitted methods:

- by hand,
- hand searches of suitable features,
- destructive searches,
- pitfall traps and refuges,
- night/torch searching,
- exclusion fencing (including exclusion by, upright and one-way temporary amphibian fencing)
- drift fencing

Note this includes fence installation and removal. Note also that the above activities may only be carried out by someone with an appropriate great crested newt licence. Further details are contained in the NatureSpace Great Crested Newt Mitigation Principles/Best Practice principles.

A6—Relocating great crested newts at imminent risk of harm on Development Land. Permitted methods:

- by hand,
- hand searches,
- 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

Licensable acts which would be made lawful by an authorisation for the proposed development under the District Licence:

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

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Protocol Conditions

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:

a. how to identify great crested newts
b. what to do should great crested newts be found, including good working practices and
c. 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) 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.

Note: the 'Licensed Area' refers to the district covered by the Planning Authority's District Licence. See the NatureSpace Great Crested Newt Mitigation Principles for full detail about protocols for translocation of newts under the District Licence.

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.

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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.

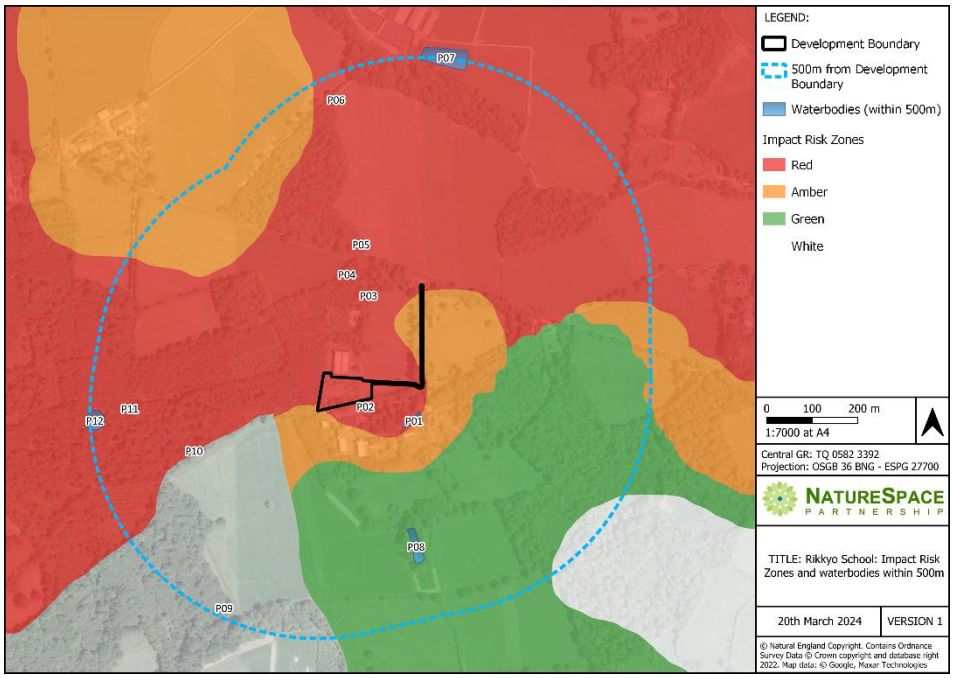
P11 Great crested newts are not to be translocated to Compensation Land or other locations within the Licensed Area unless the terrestrial and/or aquatic habitats are suitable for great crested newts. The suitability of the site is to be confirmed by a suitably qualified person (e.g., an ecologist with 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.

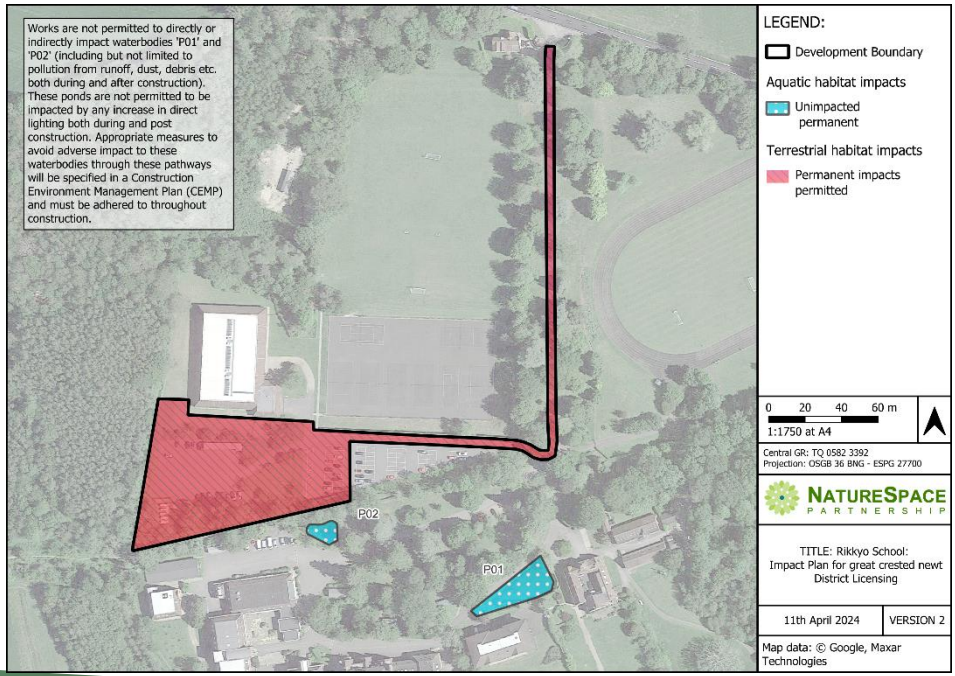
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Maps

Map 1— Development Site Location Plan - Impact Risk Zones and ponds within 500m



Map 2— Development Impact Plan - as assessed under the District Licensing protocols - provided by NatureSpace on 21st March 2024



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Map 3 — On-site habitat plan – provided by The Ecology Partnership Ltd on 4th March 2024



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Aquatic impacts

In this section, the aquatic impacts of the proposed development are summarised. Impacts on aquatic habitat may be direct or indirect. Waterbodies on the development site and up to 500 metres away are considered, depending on the presence of barriers to newt movement.

Total number of great crested newt-accessible waterbodies within 500m: 12

Number retained: 12

Number damaged: 0

Number lost: 0

Number degraded: 0

Pond details:

Waterbody ref	HSI score*	Peak count (if available)	Pond area (m^2)	Distance from development site (m)	Unimpacted/ damaged/lost?	Temporary/ permanent?
P01	0.7*	N/A	590	53	Unimpacted	Permanent
P02	0.7*	N/A	153	8	Unimpacted	Permanent
P03	0.7*	N/A	130	109	Unimpacted	Permanent
P04	0.7*	N/A	95	157	Unimpacted	Permanent
P05	0.7*	N/A	181	149	Unimpacted	Permanent
P06	0.5*	N/A	42	443	Unimpacted	Permanent
P07	0.5*	N/A	3687	481	Unimpacted	Permanent
P08	0.5*	N/A	1293	298	Unimpacted	Permanent
P09	0.5*	N/A	132	470	Unimpacted	Permanent
P10	0.5*	N/A	66	281	Unimpacted	Permanent
P11	0.5*	N/A	127	403	Unimpacted	Permanent
P12	0.5*	N/A	1427	468	Unimpacted	Permanent

* If HSI score is not available, a score of 0.7 is assumed for waterbodies within 250m of the development site and a HSI score of 0.5 for waterbodies 250-500m from the development site.

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Terrestrial impacts

This part of the report summarises the terrestrial impacts. Impacts on linear terrestrial habitats are assessed and summarised separately from general terrestrial habitat impacts. Impacts on terrestrial habitats may be direct or indirect.

Hibernation features present on site? Yes

Terrestrial impact details:

Habitat type	Area (ha) affected	Impacts permitted / prohibited?	Impact duration
Modified grassland	0.143	Permitted	Permanent
Other neutral grassland	0.092	Permitted	Permanent
Woodland	0.105	Permitted	Permanent
TOTAL:	**0.340 ha**		

Total terrestrial habitat with permitted impact:	Total area (ha)	Good/moderate terrestrial Area (ha)
Within 50m of a pond:	0.143	0.036
50-250m from a pond:	0.197	0.161
250m+ from a pond:	0	0
TOTAL:	**0.340 ha**	**0.197 ha**

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Landscape-Level Assessment

Connectivity assessment: Highly connected to waterbodies and priority habitats for migration and dispersal with low levels of fragmentation and no permeability.

Range assessment: Low impact to wider landscape great crested newt distribution/range.

Contribution to Strategic Opportunity Area: Site is located within a Strategic Opportunity Area and is of moderate importance.

Prospects assessment: Moderate

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Other relevant information:

In the original site assessment undertaken for DC/23/1912 on 21st March 2024, P02 was considered 'degraded' due to reduction in connectivity to suitable habitat within 50m, increased access close to the pond and potential construction impacts including dust, runoff, and pollution. However, additional information was submitted by the applicant that addressed these degrading impact pathways. Critical to this updated consideration of P02 as unimpacted by the proposed development is the creation of a Construction Environment Management Plan (CEMP) that must outline measures to be adhered to during works that will prevent adverse impacts to the pond during the construction phase (including but not limited to dust, noise, light, and run-off or other sources of petrol pollutants). If the proposed development proceeds without an appropriate CEMP, then the development will be non-compliant with the District Licence.

As this is a red zone site there will be an obligation to adhere to the Great Crested Newt Mitigation Principles to reduce risk of harm to newts. The required sub-clauses of condition 3 are to be executed at the discretion of the site ecologist who should determine which habitats are suitable for great crested newt and therefore where the mitigation requirements apply.

The requirement that removal or disturbance of newt hibernacula must only take place during the active season (generally mid-February to mid-October, dependant on the season and weather conditions) has been triggered. This applies to likely great crested newt hibernacula that would need to be identified by a suitably qualified and experienced ecologist before they undertake a 'tool box talk' and advise on-site personnel accordingly.

The requirement for capture methods to be used at suitable habitat features has been triggered in this case because the proposals involve removal of woodland and neutral grassland. It is the responsibility of the ecologist acting as an accredited agent under a District Licence authorisation to use their professional discretion to identify any suitable habitats where mitigation requirements will apply, during their site walkover before works begin. It is advisable that detailed records are kept of any decision-making regarding the implementation of mitigation measures during site works.

The requirement for amphibian fencing, pitfall trapping and the use of capture methods at suitable habitats and features has been triggered in this case due to the damage to terrestrial habitats close to great crested newt waterbodies. It is the responsibility of the ecologist acting as an accredited agent under a District Licence authorisation to use their professional discretion to identify any suitable habitats where mitigation requirements will apply, and which methods are most appropriate for those habitats.

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It is recommended that current management practices persist on-site during the timeframe between this Report issue and Authorisation under the District Licence. This is to ensure the site does not become more suitable for great crested newts in the interim period.

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.

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District Licence – Conditions of use

Once authorised, a developer becomes an 'Authorised Developer' under the Council's District Licence, which includes certain conditions of use (in addition to any planning conditions). When working under a District Licence, Authorised Developers are advised to retain ecological support from an appropriate ecological consultant, and it is recommended that that the NatureSpace 'Best Practice Principles' are adhered to.

There are some specific licence conditions for Authorised Developers to note:

- Authorised Developers authorise (in writing) their employees, officers, or contractors to act under the District Licence as Accredited Agents or Assistants.
- Authorised Developers must ensure that all persons working under the District Licence have the appropriate knowledge, training, and experience to undertake licensed activities in accordance with the terms and conditions of the licence and best practice. For example, where capture of newts is required, this operation must be undertaken by, or supervised by, someone with the appropriate experience and training (and licence to handle newts).
- All persons working under the licence must comply with the terms and conditions of the licence.
- In the red zone, Authorised Developers must comply with the approved Great Crested Newt Mitigation Principles (the separate 'Best Practice Principles' are a recommendation for all developments operating under a District Licence and the 'Great Crested Newt Mitigation Principles' are a mandatory requirement in the red zone).
- Authorised Developers may (on application to the Planning Authority) request a transfer of an authorisation to another developer.
- Authorised Developers must keep certain records and provide these to the Planning Authority or to NatureSpace in a timely manner. Records must be kept of:
    - All persons, companies and organisations authorised to act under the licence and in what capacity
    - Details of licensed activities: dates work commenced and was completed; aquatic and terrestrial impacts; any in-situ compensations; details of any great crested newts captured/moved, etc.
    - Any changes to development land (including management changes)
    - Any surveying/monitoring information
    - Any incidents or reports of activities in breach of the licence or the great crested newt planning conditions (including details of action taken, such as disciplinary and remedial actions)
    - Any other material plans or records relating to the use of the District Licence.

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- Authorised Developers must permit an officer of Natural England reasonable access to monitor work being undertaken under the authority of the District Licence.
- Natural England must be informed of any breaches to the District Licence within 48 hours of any person becoming aware of a breach. The Licensee will take any necessary steps to address any breaches or poor practice.
- A failure to comply with the terms and conditions of the District Licence by an Authorised Developer, their Accredited Agents or Assistants will, by default, render the authorisation for the development site null and void.

Important:

This report is not an authorisation to work under a District Licence.

Authorisations are only issued by the Licensee, in writing and only for developments that are in receipt of a valid planning permission, and which have paid any necessary compensatory payments to the Compensation Scheme.

Enquiries:

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

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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