

Position Statement on Natural England's Great Crested Newt District Licensing Scheme

February 2018

District licensing is an alternative approach to great crested newt (GCN) licensing as part of the development process. It requires district-wide survey of the distribution of GCN and assessment of likely impacts on GCN from planned development over the local plan period.

GCN records and other data are used to map the areas where there are the highest risks to the local conservation status of GCN and where the presence of GCN poses an issue for development. Natural England provides advice to the local planning authority on where development should be avoided or high levels of mitigation would be required to protect important populations of GCN and where there are opportunities for the provision of compensatory habitat.

Compensatory habitat can be provided and managed by a range of landowners, ideally strategically targeted and at a sufficient scale to maintain or improve the conservation status of GCN in the area.

Natural England, assisted with funding from the Department for Housing, Communities and Local Government (DHCLG), is currently promoting the 'rollout' of the district licensing approach to local planning authorities following a pilot project in Woking in 2016-17.

CIEEM's Position

CIEEM welcomes initiatives to streamline the protected species licensing system for the benefit of all stakeholders, provided that such initiatives do not undermine the conservation of the species concerned. We also welcome developing a more strategic approach to mitigation and we agree that off-site compensation in lieu of mitigation can, in some circumstances, deliver better outcomes for biodiversity as well as for developers. With this in mind, we are supportive, in principle, of innovative initiatives from Natural England that are intended to bring about positive change.

Nevertheless, we have some significant concerns regarding the current 'rollout' of the district licensing approach to managing the impacts of development on great crested newts (GCN). In summary these concerns are:

- The absence of a coherent national strategy for maintaining GCN 'favourable conservation status' (FCS) and therefore the difficulties of establishing effective 'district' or local strategies to help achieve this.
- The absence of sufficient data on GCN distribution to enable district licensing to be delivered in a robust and evidence-based manner. Proposed strategies for data collection/modelling are unclear as to how baseline distribution and abundance will be established and how FCS will be measured.
- The lack of sufficient professional ecological expertise within most local planning authorities, creating both knowledge and capacity gaps that could undermine appropriate implementation of, or decision-making regarding, a district licence by the local planning authority. This, in turn, creates uncertainty for developers.

- The multiplicity of approaches to district licensing and the uncertainty over timing/programme of roll out, all of which are, again, sources of uncertainty and risk for developers and risk to the conservation status locally of GCN.
- The suggested levels of developer financial contributions relative to the costs of habitat creation/restoration and ongoing long-term management.
- The absence of a coherent plan as to how compensatory habitat is to be found in a manner that delivers the ‘more, bigger, better, joined-up’ policy.
- The absence of strategies (and funding) for long-term monitoring and data collection to inform both adaptive management approaches and evidence-based future management advice.
- The potential loss of natural meta-population distribution and connectivity, which could result in large but physically isolated and genetically introgressed GCN populations.

We do not believe that district licensing for GCN should be ‘rolled out’ further until these concerns have been addressed but we do have some suggestions of interventions that would help.

Suggested Improvements

We would ask Natural England to consider the following actions:

- Implement a well-planned, well-funded and transparent data gathering exercise to build a better picture of GCN distribution nationally and locally.
- Define FCS for GCN so that all stakeholders are clear on the desired outcomes nationally and locally.
- Establish a clear set of principles for all district licensing schemes covering essential criteria such as (for example) the minimum level of ecological survey and assessment required, the need to explore retention of GCN within a development where viable/effective and the thresholds above which some on-site mitigation must be provided.
- Provide guidance to local planning authorities on developing compensatory habitat strategies designed to deliver/maintain GCN FCS locally and nationally.
- Provide guidance of appropriate and proportionate funding tariffs in relation to the costs of creating/restoring and managing compensatory habitat in the long-term.
- Provide a clear indication of likely timescales, particularly in those areas where schemes are being developed.
- Require local planning authorities to demonstrate how they are ensuring that they have access to sufficient ecological expertise in order to operate/support a district licensing approach in a robust way.

Conclusion

CIEEM welcomes the ambition to deliver ‘net gain’ for GCN and strongly believes that a more strategic approach to mitigation is necessary to achieve this. We are supportive of change and innovation to established ways of working whether these are based on sound scientific evidence and the new approaches are properly resourced.

We believe that the evidence base for successful implementation of district licensing urgently needs strengthening (which in itself requires proper resourcing) and that more clarity/guidance for stakeholders is required if the risks are to be managed effectively and the desired outcomes are to be achieved.

CIEEM would like to offer its help and advice in developing strategic approaches to delivering better outcomes for protected species. However, based on current evidence from the GCN district licensing rollout, we would not be supportive of expanding the district licensing approach to other species.