

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Cabinet Delegated Decisions

18 July 2023

TITLE:	Delegation of District Licence Approval – Great Crested Newts
PORTFOLIO HOLDER:	Councillor Darren Price – Regeneration and Planning
CONTACT OFFICER:	Ben Haywood – Head of Development Services
WARDS INVOLVED:	Non-Specific

Appendices Attached – Joint Memorandum of Understanding with the NatureSpace Partnership

1. Reason for the Report

- 1.2 To grant delegated authority to the Executive Director (Place) and to the Head of Development Services for the issuing of authorisations under the Council's District Licensing Scheme for Great Crested Newts.
- 1.3 For completeness and the avoidance of doubt this report recommends ratifying approval for the Council's participation in the NatureSpace Partnership by way of a Memorandum of Understanding between the Council and NatureSpace.

2. Recommendations

It is recommended that the Portfolio Holder:

- 2.1 Approves the Council entering into a Memorandum of Understanding with the NatureSpace Partnership ('NSP') to join the Staffordshire and Stoke-on-Trent Great Crested Newt District Licensing Scheme.
- 2.2 Delegates Authority to the Head of Development Services to sign the Memorandum of Understanding and enter into all other legal agreements deemed necessary under the Memorandum to protect the Council's interests.

- 2.3 Delegates authority to the Council's Executive Director (Place) and to the Head of Development Services to issue authorisations under the Council's District Licensing Scheme for Great Crested Newts.

3. Executive Summary

- 3.1 Where development would affect habitat known likely to be utilised by Great Crested Newts – a species with high levels of statutory protection – it is necessary for licensing to be obtained by the developer from Natural England before development can proceed.
- 3.2 As an alternative to the established traditional licensing procedure NatureSpace – an independent not-for-profit organisation – has been authorised by Natural England to operate a District Licensing Scheme on behalf of Local Authorities.
- 3.3 The proposed partnership with NatureSpace – agreed through the Memorandum of Understanding (MoU) – enables the Council to issue licences to developers rather than the developers applying to Natural England. NatureSpace acts as in effect a managing agent on behalf of the Council to ensure that developers have everything correctly in place in order to be granted a licence for the development.
- 3.4 By committing to the scheme and meeting all its requirements developers can be assured of being granted a licence thus removing potential uncertainty. In comparison to the established licensing approach they also avoid procedural complexities potentially delaying their scheme. In turn, due to the way NatureSpace manages the scheme, significant practical habitat creation and conservation management beneficial to Great Crested Newts is funded and carried out. There are no costs to the Council. All the scheme costs including the conservation management work are met from the fees paid by the developers who choose to subscribe.

4. How this Report Links to Corporate Priorities

- 4.1 The Council's Corporate Plan identifies that we will provide a High Quality Development Control Service with an 'open for business approach', meet financial challenges and provide value for money. This proposal streamlines the requirements placed on developers.
- 4.2 The Council also has ambitions to meet the demands of climate change and address the accelerating depletion and loss of biodiversity. The scheme is designed to protect species – in particular Great Crested Newts – and enable additional improved habitat creation and management beneficial to Great Crested Newts and wider biodiversity.

5. Alternative Options

- 5.1 The Council could opt not to participate in the scheme. Existing statutory protection for Great Crested Newts would continue to apply and developers and the Council as Local Planning Authority would need to progress planning applications in accordance with established processes. However, the Council would be missing a significant opportunity to both (i) assist developers with their proposals by offering an alternative more stream-lined licensing procedure in places subject to Great Crested Newt protections and (ii) to contribute to a significant new Great Crested Newt habitat creation and conservation management project of benefit to wider biodiversity.
- 5.2 If the Council were to opt not to participate in the NatureSpace Partnership it should be noted that Natural England at the behest of the Ministry of Housing Communities and Local Government is looking in any event to direct Local Authorities towards operating District Licensing in their areas. In this scenario the Council could be pressured into implementing a scheme of its own with attendant costs and staffing implications including very specific experience and knowledge requirements.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

None.

6.2 Workforce

Staff time from the Council would be required to provide data, e.g. on development site allocations (planning policy officers and GIS staff) and to liaise with NatureSpace both in relation to the strategic delivery and over individual applications (development control officers).

6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Equality and Diversity policies.

6.4 Financial Considerations

Other than staff involvement, primarily in the early phases, the Scheme is expected to be cost neutral to the Local Authority with no financial input required.

6.5 Legal

LPA partners need to sign-up to a Memorandum of Understanding (MoU). A copy is attached as an Appendix.

6.6 Sustainability

Contributes positively to implementing sustainable development.

6.7 External Consultation

None

6.8 Risk Assessment

As the scheme is up and running for a group of Staffordshire Local Authorities some of the potential early stage risks at start up appear now unlikely to arise. The scheme does depend on critical mass to be successful but that appears to have been achieved. With no cash resource investment by the Council and only peripheral staff time involvement any loss in event of some form of failure in the scheme is likely to be primarily reputational. The risk can be justified on the basis of the scheme benefits – a more efficient process through development control and a biodiversity conservation gain.

Ultimately the alternative ‘traditional’ route to Great Crested Newt Licensing remains available in law for use if necessary. Indeed some developers may still choose that approach.

Neil W. Rodgers
Executive Director (Place)

<u>Web Links and Background Papers</u>	<u>Location</u>	<u>Contact details</u>
Various background working papers	Planning Office Buxton	ben.haywood@staffs Moorlands.gov.uk

7. **Detail**

- 7.1 The ‘traditional’ and established Great Crested Newt licensing regime is perceived to cause delays for developers and increase their costs. There are costs and potential delays associated with every stage of the process:
- (a) site survey – only by licensed ecologists and in spring / early summer only;
 - (b) detailed site survey reports with recommendations for mitigations often involving replacement habitat to be created;
 - (c) LPA determination of the planning application – Local Planning Authority (the LPA) must be convinced that the licence will be forthcoming from Natural England – ie. justified.
- 7.2 Where replacement habitat is required following a licence too often the replacement habitat is poor, not readily located strategically to support the newt population involved and in the longterm often badly maintained post-development. This is leading to populations of GCNs being lost or decreasing despite efforts and expense. Due to pressure from the development industry, government has tasked Natural England (NE) with finding better ways of dealing with protected species including GCN.

7.3 NatureSpace promotes their scheme as:

- Removing the uncertainties and delays of the old licensing system, as there is no need for newt surveys and no separate licence application to Natural England.
- For the payment of a fixed licence fee, calculated according to the impact of the development on newts, the developer is provided with a certificate which is accepted by the Local Planning Authority as meeting all the developer's Great Crested Newt responsibilities.
- Broadly the scheme pays for a conservation strategy that creates four new ponds for every newt pond lost, multiplying the benefits for Great Crested Newts along with associated other wildlife.
- Being speedy, straight forward, certain in outcome and sustainable.

7.4 South Staffordshire, Stafford, Lichfield, East Staffordshire, Tamworth, Stoke-on-Trent and Newcastle under Lyme are currently understood to have joined the Scheme partnership.