

THE NATURESPACE DISTRICT LICENSING SCHEME

- FAQs -

This document contains some frequently asked questions and answers about the South Midlands great crested newt district licensing scheme. These FAQs are focussed on the conservation science and evidence underpinning the scheme. Process-related FAQs are available on the NatureSpace [website](#). Please also take a look at the [Practitioners Guide](#) and the [In Practice article](#) for more information.

Is the scheme legal?

Yes, the scheme is legal! The licences have been granted by Natural England following detailed scrutiny and assessment of the application, to ensure that the legal tests set out in the Conservation of Habitats and Species Regulations 2017 are fully met. Anyone authorised to work under a district licence must comply with the conditions of that licence in the same way that anyone working under a different type of licence must.

How is killing newts legal?

The legislation allows provision for licensing the killing and injuring of newts provided that the three tests are met: that there is a licensable purpose, that there is no satisfactory alternative and that the actions will not be detrimental to the favourable conservation status of the population concerned. In the case of the South Midlands district licences, there is a sliding scale of mitigation imposed on developers working under any of the licences, which means the risks of killing and injuring are minimised. Depending on the location and impacts, on-site measures such as sensitive timing of works, methods of working, searching for newts and fencing and trapping exercises can be required under a district licence.

How is it better for newts than conventional licensing?

Under the district licensing scheme, monies raised from development impacts are used to create high quality aquatic and terrestrial habitat in areas where habitat creation (and enhancement and management) will deliver the best outcomes for newt conservation. We are aiming to create habitat with a landscape-level focus, extending the range and amount of good quality habitat for newts – for example by expanding existing newt hotspots and improving landscape connectivity. This is in contrast to conventional site-based licensing, where impacts of development are generally ‘compensated’ for on-site – these habitats are often isolated from the wider landscape

and suffer considerable post-development pressures. Research (e.g. see Lewis, Griffiths and Wilkinson 2017. Population status of great crested newts (*Triturus cristatus*) at sites subjected to development mitigation, Herpetological Journal, 27 133-142) has found that that long-term outcomes for these populations are poor. Secondly, development monies are used to fund a long-term management and monitoring programme (a 25-year legal agreement secures this), which provides far better post-development surveillance than is possible through the conventional system.

What is the evidence it will work?

It is early days, but the scheme is designed with a number of checks and balances to ensure that it is working and achieving the desired level of net gain. Development impacts are carefully scrutinised to ensure compensatory payments are adequate and the protocols ensure that compensation delivery is always ahead of impact. The extensive ongoing monitoring programme includes both site-based and landscape scale surveys which will monitor the outcome for great crested newts in created and surrounding habitat as well as the extent of habitat improvements on sites associated with the scheme. Favourable reference values for great crested newts in the scheme area have been identified and the landscape scale monitoring will assess whether the work undertaken under the scheme is moving the wider great crested newt population towards these targets and towards favourable conservation status. Together these will detect whether there are any issues with the scheme which need to be corrected.

There's good evidence that conventional licensing can work, so why change it?

Conventional licensing can work, but there is also evidence that it has not worked in many cases (e.g. see Lewis, Griffiths and Wilkinson (2017). Population status of great crested newts (*Triturus cristatus*) at sites subjected to development mitigation, Herpetological Journal, 27 133-142; Lewis, Griffiths and Barrios (2007) Field assessment of great crested newt *Triturus cristatus* mitigation projects in England. Project report. Natural England; Lewis, Griffiths, Wilkinson and Arnell (2011). Examining the Fate of Local Great Crested Newt Populations Following Licensed Developments. Defra report WM0321). One of the failings with the conventional system is that compensation is delivered in a piecemeal and fragmented way, responsive only to the site-specific impact. The South Midlands scheme is designed to deliver compensation more strategically, in the places and ways that will help to deliver better conservation for newts. Habitat is designed, delivered, managed and monitored by experts in amphibian and freshwater conservation – and the 25-year legal agreement provides far-better long-term security than can be achieved on most development sites.

What are the objectives?

To design and deliver a licensing system that produces conservation benefit for great crested newts and benefits developers and planning authorities. The district licensing scheme is voluntary, so if it doesn't work for developers and/or planners then no-one will use it. But, whenever developers do use it, then it has to deliver conservation benefits for great crested newts.

How will you communicate the results?

Under the terms of the district licences, we are obliged to report annually to Natural England. We have continual communication with the participating planning authorities and partner organisations (the South Midlands Newt Conservation Partnership, Freshwater Habitats Trust and Amphibian and Reptile Conservation Trust). We also

attend events and conferences to talk about the scheme and share information. Papers and publications will be written in due course as results start to emerge.

Is there a review period?

Yes – the licences must be renewed at least every two years, at which point there is a review of licensed activities to date. The surveying and modelling exercise will be repeated every three years, to ensure the ‘Impact Risk Map’ is up to date.

What happens when other protected species are present?

Developers must still deal with other protected species and ecological requirements – the district licensing scheme is simply an alternative way of licensing impacts on great crested newts.

Will you extend your scheme to cover other protected species?

No.

What happens to the data collected under your scheme? Is it open access like in NE’s schemes? Can I see your data? Can I use your data?

Yes, the data that we collect (the original survey data and the ongoing monitoring data) is passed to the relevant local record centre and to the relevant national recording scheme. You can access data through the local record centres as you would access other ecological information.

How can it be right to avoid surveying for newts at development sites?

The region-wide survey and modelling exercise resulted in an ‘Impact Risk Map’ which shows the region categorised into different zones, depending on the likelihood of great crested newt presence/suitable habitat. There is a high degree of confidence in the map: in testing of the modelled map, more than 95% of existing records were found in the red or amber zones. The use of this map to identify the likelihood of developments impacting on newts and, in potentially moderate or high impact schemes, a detailed impact assessment, have been accepted as alternatives to the standard surveys of development sites. Newt surveys at and around development sites are not needed under this scheme because the map predicts where suitable newt habitat is, and we are confident that it has a high degree of accuracy.

If you don’t survey at development sites, how can you assess the impact of development?

There is a detailed impact assessment for any potentially moderate to high impact schemes. The applicant must still provide a Phase 1 Habitat survey or a Preliminary Ecological Appraisal to inform the application (and in some cases HSI assessments of ponds on and around the development site). There then is a GIS-based analysis of the site and wider impacts of the proposed development, looking for example at range, connectivity, habitats, prospects, etc. This informs an assessment of the mitigation hierarchy.

What’s to stop a developer killing large numbers of newts?

Protocols are in place to assess whether a development might impact on an important population or significant areas of habitat. If development is permissible under a district licence, working restrictions are imposed wherever large numbers of newts might be expected.

Does your scheme over-ride the mitigation hierarchy?

Absolutely not, the mitigation hierarchy is built into the scheme: for all developments (except in the white zone, minor developments in the green zone, infill development in the amber zone or householders) there is an assessment of avoid/mitigate/compensate:

- Is site avoidance required – in full or in part? i.e. does the entire site need to be avoided because the impacts would be too great, or is any in-situ habitat mitigation/compensation required?
- Are any working restrictions required to reduce the risks of killing/injuring GCN, or for conservation of populations?
- What financial contribution is required to ensure development impacts are compensated for, and greater benefits will be delivered to the population?

Isn't this just 'offsetting', which is a discredited idea?

Accounting for, and then if necessary compensating off-site for, impacts on biodiversity has been happening for decades and should in the future happen with even greater rigour as 'biodiversity net gain' policies are implemented and adopted. This scheme compensates for development impacts on great crested newts and ensures that the compensation for those impacts delivers long-term net gain for the species. There are of course wider conservation benefits for the species that will live in or use the new habitat created and managed as part of the scheme.

Won't promoting off-site compensation result in newt ghettos or loss of range?

No, loss of range is a key factor in assessments of development impacts and the scheme will *not* result in a loss of range. Indeed, because we are working to a spatial strategy, habitat creation will strengthen and extend the existing range of great crested newt, allowing existing sites to extend and connect to other available habitat which will reduce fragmentation and isolation in the wider landscape – a common issue with compensation 'mitigation' within or tied to development sites.

Why is your scheme so different to Woking/ Warwickshire/ Kent/ Cheshire?

District Licensing in Warwickshire/Kent/Cheshire has not yet been launched. This scheme differs fundamentally from the first district licensing pilot in Woking in several ways:

- It does not pre-determine a total impact, but is responsive to the ongoing level of development impact – the greater the impact the greater the habitat creation
- Impacts on both aquatic *and* terrestrial habitats are assessed in detail on a case-by-case basis
- The mitigation hierarchy is fully integrated – with site avoidance and on-site mitigation where appropriate
- In our scheme there is no requirement for complex legal agreements between the LPA and the developer
- The delivery partners (NatureSpace and the South Midlands Newt Conservation Partnership) commit to 25-year contracts to manage and monitor the compensatory habitat created
- The scheme has spatially explicit conservation targets to deliver gains in newt conservation status, not least a guarantee that every occupied pond lost under the scheme will be replaced by *at least* 4 high quality new ponds and associated terrestrial habitat

Why do you rely on eDNA surveys, when we know it's unreliable?

The Impact risk models have been developed using a combination of environmental DNA sampling and data from

other sources such as local record centres. The modelling element allows a prediction of the risk of great crested newt presence based on habitat variables even where no great crested newt survey data is held and mitigates for imperfections in the presence data sets. Additionally, research has shown that using three traditional survey methods and four visits as is the standard protocol, produce between 80% and 95% confidence in an absence result (Sewell, Beebee and Griffiths (2010), Optimising biodiversity assessments by volunteers: The application of occupancy modelling to large-scale amphibian surveys, Biological Conservation, 143, 2102-2110). However, a detection probability using a single eDNA sample in spring or summer of between 0.8 and 0.9 has been found which is an equivalent level of error to standard presence/absence surveys (Buxton, Groombridge and Griffiths, (2018) Seasonal variation in environmental DNA detection in sediment and water samples, PLOS ONE, 13, e0191737).

For how long will compensation habitat be managed and monitored? Who pays for this? Who does it?

Compensation habitat will be managed and monitored for at least 25 years by the South Midlands Newt Conservation Partnership, paid for through developer contributions. If the scheme is successful and runs for more than 2 years, as we hope and expect, then the endowment fund for long-term management and monitoring will grow. We forecast that after 10 years there will be enough in the ring-fenced endowment fund to effectively guarantee habitat management in perpetuity.

Are you creating terrestrial habitat? How?

Terrestrial habitat for newts is being created, generally alongside aquatic habitat creation and management. Good habitat for newts, such as scrub, rough grassland, hedgerows and hibernacula are being created to increase the area and availability of good quality terrestrial habitat in association with ponds.

What ratio of pond loss:gain are you using?

As a minimum, we are delivering 4 high quality ponds for every occupied pond lost or functionally lost to development – this is required under the district licences. An ‘occupied pond’ is a pond considered to be used by GCN for foraging or breeding in accordance with the different modelled occupancy rates for each of the zones (unless other survey information exists to confirm presence of newts in a particular pond). Aquatic losses and gains are carefully tracked and monitored to ensure the licence requirements are met, that the compensatory habitat is created in the right locations and well in advance of development impacts.

What ratio of terrestrial loss:gain are you using?

Terrestrial losses and gains are carefully tracked and monitored. There is no minimum ratio set by the district licences, but the scheme is designed to increase the total area of suitable (and good) terrestrial habitat.

Will compensation ponds be of equivalent size to ponds lost?

Compensation ponds are being created to achieve an ‘excellent’ HSI score. The exact sizes of compensatory ponds will be determined on a case-by-case basis and depending on what is appropriate for the area in which the compensatory habitat is being created.

Won't the scheme result in a loss of revenue for consultants?

The role of consultant ecologists will not change in respect of wider ecological and other protected species requirements. With regard to great crested newts, consultants still have an important role to play in advising their

clients about the different licensing options, carrying out and reporting habitat surveys, Preliminary Ecological Appraisals, advising clients how to avoid unacceptable impacts, advising on reasonable avoidance measures and best practice, supervising mitigation works and in some cases, preparing and delivering a habitat management and monitoring plan (where on-site compensation is required, even under the district licence). There are also opportunities for consultants to get involved with compensatory habitat delivery and monitoring.

How do the zoning, risk map and impact metric work?

The Impact Risk Map and the zones were derived through modelling, undertaken by the Durrell Institute of Conservation Ecology at the University of Kent. A variety of methods were used: a combination of occupancy modelling and Ensemble Modelling. This was the basis for the 'Impact Risk Map' which shows the region spatially assigned into a series of five zones (coloured black*, red, amber, green & white), depending on modelled predictions of risk of GCN occurrence. The modelling also enabled an assessment of current conservation status and favourable reference values to inform a wider understanding of GCN status at the regional level.

* The black zones weren't derived through modelling – they are the GCN SSSIs and SAC. The 'impact metric' is a series of metric-based calculators which implement the mitigation hierarchy: firstly, whether site avoidance is appropriate, secondly whether any on-site mitigation is required and thirdly, what financial contribution is required to compensate for the development's specific impacts (assuming site avoidance was not triggered in the first instance). The impact metric considers numerous factors, including range, connectivity, prospects, proximity to ponds, aquatic and terrestrial quality and quantity and more. The assessment takes into account on- and off-site factors.

What if the model that you used to generate the risk map is wrong?

It is not wrong – testing of the model found that it accurately predicted more than 95% of all positive records from the survey and local record centre data since 2012. In our modelling approach we had pond-level variables as well as environmental variables and so we have estimates that are closer to the true occupancy of the species, with confidence intervals for each area modelled, making it repeatable, comparable between areas and times, and with an estimate of uncertainty. We also followed Natural England's approach and used the ensemble model to predict presence (i.e. suitable habitat for GCN in the South Midlands).

How will LPAs cope, when they often lack in-house ecological resources?

The South Midlands scheme is designed so that it does not cost the planning authorities funds or resources to implement. The scheme funds Newt Officers around the region within the planning authorities, to implement the scheme.