

# District Level Licensing for Great Crested Newts: Planning Approval for New Ponds

(Information for Local Planning Authorities and Habitat Delivery Bodies)



## Introduction

[District Level Licensing](#) (DLL) is a strategic approach to authorising developments affecting great crested newts (GCN) and an alternative to traditional mitigation licensing for this species. This approach is a change of emphasis from preventing harm on individual development sites towards enhancement and increased resilience of GCN populations and their habitats at a district scale or greater. Furthermore, this provides greater flexibility in the design of development, reduces risk of delay and generally supports timely development.

The DLL approach focuses on the provision of GCN habitat in areas where surveys show it will most effectively connect and expand GCN populations. This new approach will increase GCN populations at a county level.

Under DLL developers make a conservation payment which covers the creation or restoration of ponds in areas away from the development. These areas, mapped by Natural England, represent the best places for newts to thrive and habitat created here will be maintained and monitored for 25 years, all funded by developers. This new licensing system aims to substantially replace the traditional licensing regime for GCN.

## Planning Permission for GCN Compensation Ponds

To enable DLL to progress smoothly ponds need to be created quickly and in compliance with planning law and policy. Local Planning Authorities (LPAs) have discretion when making planning judgements and may consider that new ponds fall outside the definition of 'development' and do not need planning permission. This judgement may be influenced by factors including the size and location of a new pond. Natural England hopes to be able to provide LPAs with information that will help them with this decision, by way of its '[Planning Information Checklist](#)'.

Alternatively, LPAs might conclude that new ponds fall within the '[Permitted Development](#)'<sup>1</sup> regime and do not need planning permission for that reason. Again, Natural England hopes to be able to provide information

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<sup>1</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)



that will help applicants make an application for **'Prior Approval'**, if required for the relevant class of development.

If an LPA wishes to treat the creation of a new pond as *'The carrying out on agricultural land comprised in an agricultural unit of 5 acres or more in area of ... any engineering or excavation operations ...'* Prior Approval will be needed and the application must include a written description and details of the proposed development, a plan indicating the site together with any fee required to be paid. The information contained in Natural England's **'Planning Information Checklist'** will help the LPA to process the application.

The LPA has 28 days from receipt of the application to let the applicant know of its decision. No work should begin before the LPA's decision has been received.

## **Natural England DLL Habitat Delivery Bodies**

Ponds created through the Natural England DLL scheme will only be carried out by experienced and reputable organisations legally contracted to Natural England and following clear specifications. This will ensure that the ponds meet the criteria required for GCN colonisation and are well-related to both the scale and nature of that activity and to the area of land available.

The Habitat Delivery Bodies will complete and submit the **'Planning Information Checklist'** below to assure the LPA that the proposals will have no adverse impacts and will comply with national and local planning legislation.

# District Level Licensing for Great Crested Newt

Planning Information Checklist required for a proposed DLL compensation pond.



Approved Natural England Habitat Delivery Body Details:	
Organisation Name:	Durham Wildlife Trust
Contact Name:	Kirsty Pollard
Contact Details:	[REDACTED]

***Please provide details of DLL GCN compensation ponds to be created:***

## 1. Pond Address/ Location

*If possible please provide location plan, postcode and OS grid reference:*

Nearest post code DL117EB,

Pond 5 NZ063111

## 2. Approximate Size of Pond

Does the proposed pond have a surface areas of >200m<sup>2</sup>?

Yes

No

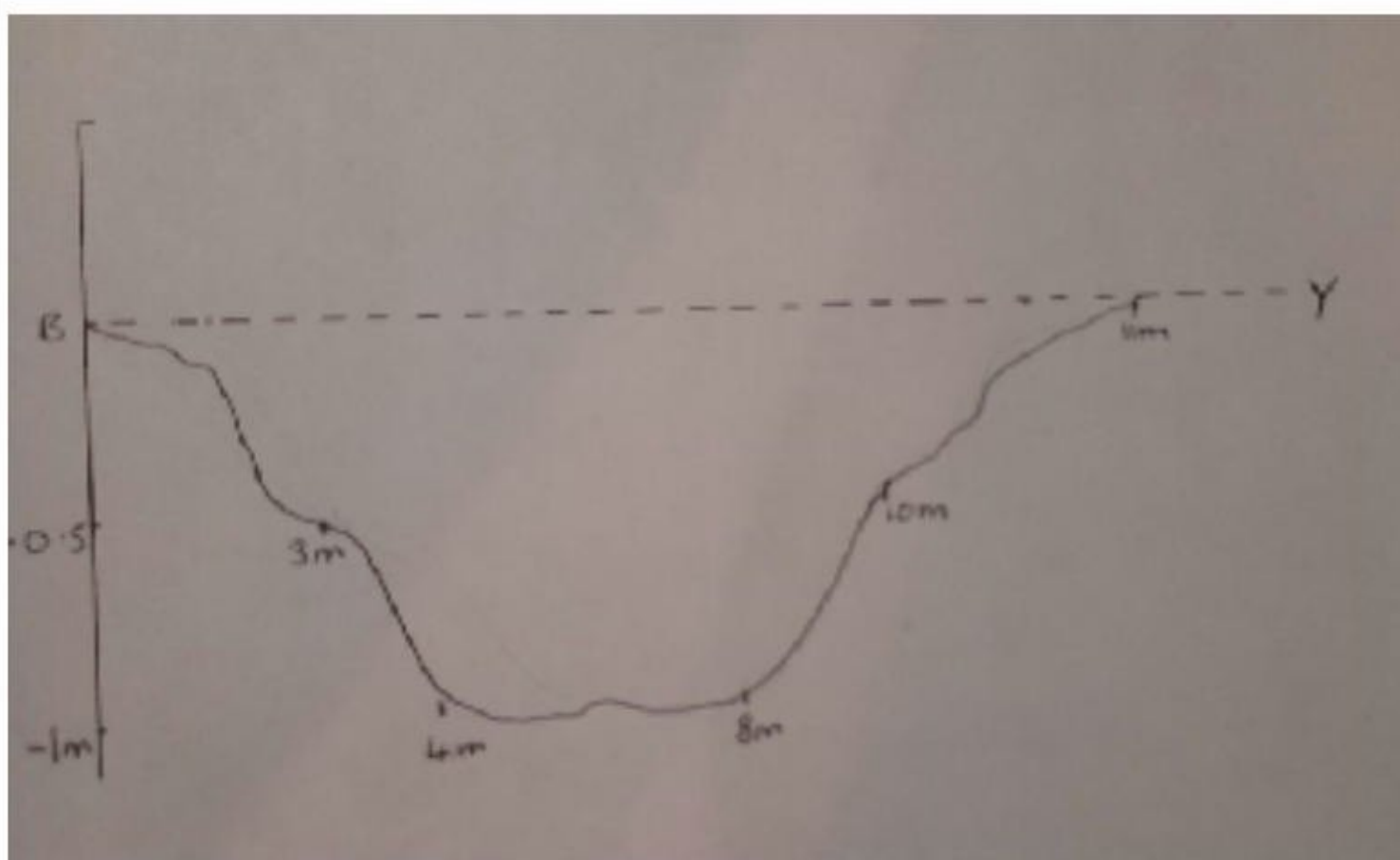
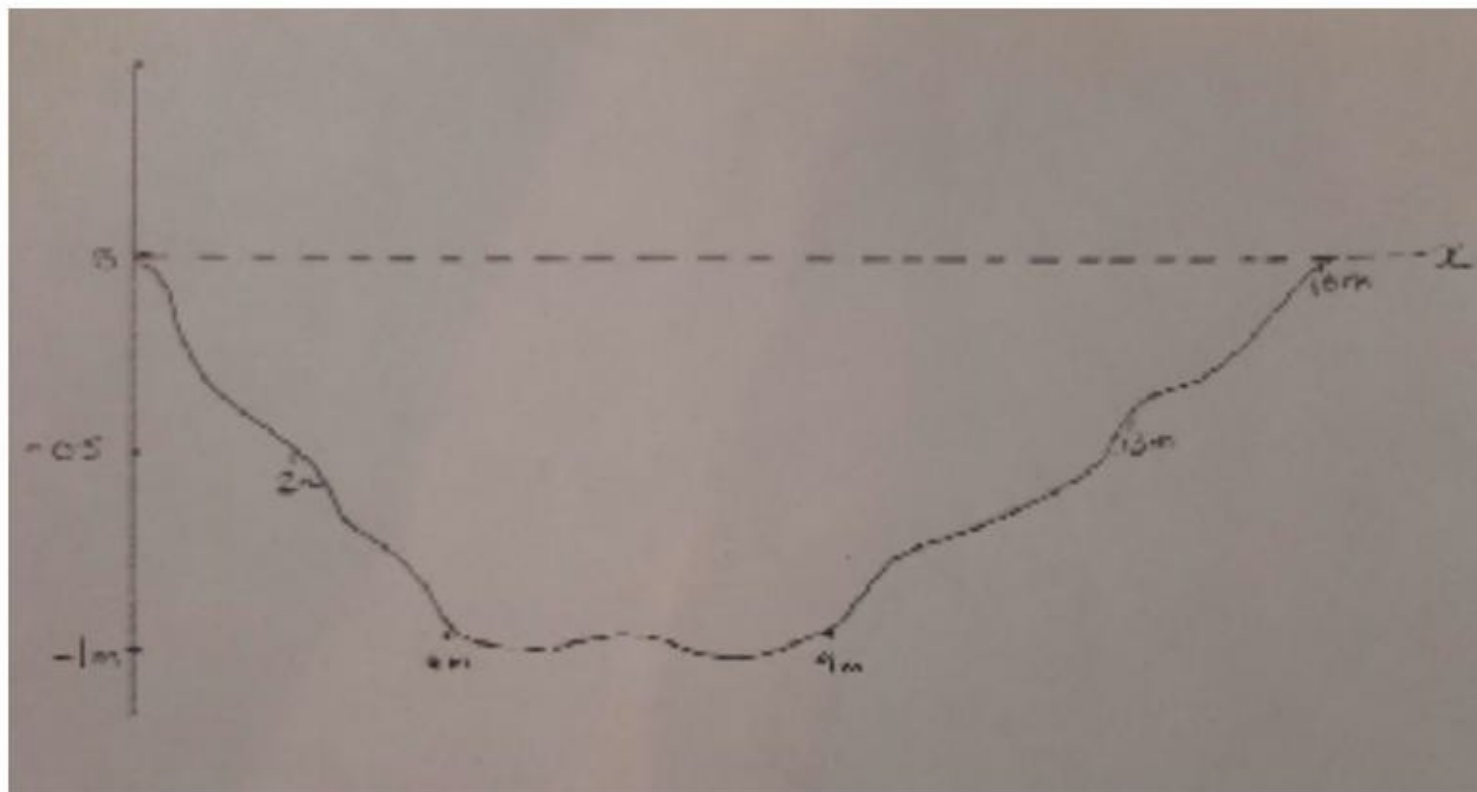
*Please provide area (m<sup>2</sup>) and depth (cm):*

The pond will have variable depth reaching max depth of 100cm and min depth of 25cm at pond

edges with gentle sloping gradient. The pond surface area will be 150m<sup>2</sup>

### 3. Sketch of Pond - approximate shape

Please insert image:





#### 4. Photo of Pond Location

*Please insert photo and confirm aspect/direction from which taken:*



*Pond location facing North - North/West*

#### Brief Impact Assessment

5. Would the proposed pond be created on agricultural land within an agricultural unit of 5ha or more in size?

Yes

No

*If No, please provide details:*

6. Would the proposed pond be created on a separate parcel of land forming part of the agricultural unit which is less than 1 hectare in area?

Yes

No

*If Yes, please provide details:*

7. What distance would the proposed pond be to the nearest adjacent property?

*Please provide details:*

*1,069m to Scargill Castle and 1,200m to Crooks House*

8. Would the proposed pond affect any watercourse, surface or groundwater?

Yes

No

*If Yes, please provide details:*

9. Is the proposed pond within Flood Zone 2 or 3 and does it pose a flood risk?

Yes

No

*If in zones 2 or 3 then please provide a brief flood risk assessment:*

10. Have previous excavations or pond works been carried out?

Yes

No

*If Yes, please provide details including number and area (m2):*

11. How will the excavated material generated by the works be disposed of?

*Please provide details:*

Excavated materials will be used to build up lower edges of the ponds when needed to create a level pond. Remaining materials will be used to form low banks between the ponds, ensuring that these are removed far enough away from the ponds to prevent any spoil run off into the ponds.

12. Approximately how long would the proposed works take to complete?

*Please provide details:*

Work will be carried out for the construction of 6 ponds over 2 weeks using a miniature digger to excavate the pond. Access will be across landowners land only.

13. Would the proposed pond involve any alteration to a dwelling?

Yes

No

*If Yes, please provide details:*

14. Would the proposed pond be within 25 metres of a metalled part of a trunk road or classified road?

Yes

No



*If Yes, please provide details:*

15. Would the proposed pond be within 3 kilometres of an aerodrome?

Yes

No

*If Yes, please provide details:*

16. Is the site of the proposed pond within a Site of Special Scientific Interest, Local Nature Reserve or Local Wildlife Site?

Yes

No

*If Yes, please provide context and details of consent from Natural England:*

17. Is the site of the proposed new pond within an AONB?

Yes

No

*If Yes, please provide details and any comments provided by the AONB officer:*

18. Would the proposed pond affect an ancient monument, archaeological site or listed building?

Yes

No

*If Yes, please provide details:*

19. Would the proposed pond affect any trees with Tree Preservation Orders (TPO)?

*If Yes, please provide details:*

None.

20. Is the site on common land?

Yes

No

*If Yes, please provide details:*

21. Please describe the habitat at the site? (E.g. improved, semi-improved species poor, semi-improved species rich, unimproved etc.)

*If there is a risk to features of biodiversity interest, please also provide context:*

The pond will be created on semi-improved, species poor grassland. The area is no longer grazed by livestock. and the grass will be allowed to develop into rough grassland. The field will no longer have any inorganic materials or fertilisers added to it. The pond will be located 260m from SSSI at North Wood.

22. Is there a public right of way within 200 meters of the site?

Yes

No

*If Yes, please provide context:*

**23.** Is the land subject to public access? (I.e. under the Countryside and Rights of Way Act 2000)?

Yes

No

*If Yes, please provide context:*

**24.** Can the site of the proposed pond be accessed easily by machinery to undertake works without:

- Damaging habitats? Yes  
 No

- Impacting protected species? Yes  
 No

- Damaging rights of way or shared access tracks? Yes   
No

*If NO to any of the above, please provide details:*

**25.** Context Statement (briefly described the context of this new pond and why it is an appropriate location)



*Please provide details:*

The location of the pond is within Natural England's Strategic Opportunity Areas for great crested newts.

The site lies within an area of land which, has until recently been used for grazing. This section of land will no longer be used for grazing or arable farming. The surrounding habitat will be unmanaged to provide a large area of 5ha rough grassland and scrub which will benefit any future great crested newts and other species of native wildlife. There is no risk of agricultural run-off on the land. The site is unshaded with an open southern edge providing ample exposure to sunlight which will warm the pond. A native hedgerow lies within 50m of the proposed pond location and runs along the eastern and southern edges of the field. The entire field is fenced to distinguish this parcel of land from the SSSI that skirts the northern and western sides of the field - lying about 260m west of this site and 200m north. The SSSI is mixed deciduous broadleaved woodland along both banks of the River Greta and Gill Beck. An additional pond -of similar scale -will be created within 150m of this pond.

There is an existing wetland area (approx. 8,600m<sup>2</sup> open water) 590m which attracts wading birds eg. Curlews, lapwings. Ongoing maintenance of the pond will be low due to the low levels of disturbance and the lack of over shading of trees. Durham Wildlife Trust will visit the pond 3 months after creation and an annual visit, for the first 4 years, to assess the pond and survey for newts. Any adjustment required to the pond design will be made to ensure it holds water for 12 months of the year at least 1 in 3 years. In the event that the pond requires any adjustments after creation, these will be delivered in September - October and ensure that some areas of the pond are left untouched during any management works eg. De-silting or clearing plants to ensure at least 1/3 open water.