

Guidance on great crested newt master plan requirements for phased or multi-plot development applications.



Definitions

Master Plan: This is a stand alone document comprising a number of maps, plans and statements detailing the high level development schemes for the whole site.

A phased development: This is when an area of land, usually owned by the same landowner, is to be developed in separate phases over a number of years (e.g. mineral extraction, land-fill, large residential housing developments etc). The applicant could apply for a single mitigation licence to cover all phases (if appropriate) or, more usually, apply for separate mitigation licences for each phase to be developed. Which approach to adopt will rest with the applicant and their consultant based on many site factors such as timing, habitats and mitigation requirements amongst others.

A multi-plot development: This is when an area of land is sub-divided into separate plots which are owned by different landowners but have been allocated for development by the planning authority. Such development is likely to take place over a number of years (e.g. large residential housing developments, business parks etc) and usually each individual plot will be subject to a separate mitigation licence application.

Master Plan Overview

A master plan **must** be provided with the first application for a phased or multi-plot development site. This could include an application for the preparation of a site before the first phase or plot is started (e.g. to install access roads and infrastructure prior) or for the preparation of receptor or compensation sites before the first phase or plot is started. Failure to include a master plan with the first, and then subsequent applications for the site, will result in a 'minded to refuse' response.

A master plan is used to help assess the overall impacts of the proposed development on the great crested newt population and the future mitigation across the whole project. It will help to ensure that all in-combination effects across the entire site have been considered and that mitigation and compensation measures are sufficient and coherent. The master plan can be prepared at a less detailed level than would be required for licence applications for individual phases or plots but should provide a good indication of the final site lay out, and how it will be managed, after all development has been completed.

The method statement for each new application for a separate phase or plot should include all relevant information to make it a 'stand alone' document and applicants are advised to ensure that each application includes and refers to the agreed master plan and any existing licences.

It is the developer's responsibility to finance this work, regardless of land ownership. Natural England advises developers and ecological consultants working on a large phased or multi-plot site to work co-operatively in planning a master plan. Discussions at the pre-planning stage will be particularly important. Mitigation and compensation for each licence application will normally be implemented separately, but the overall plan will take the impacts of the entire scheme into consideration.

Master Plan - General Requirements:

Please note that the following information lists general requirements applicable to all large phased or multi-plot developments. Further details may be required for large or complex developments which incur high impacts. Each case is assessed on its own merits.

An *agreed* master plan of the entire development site should include:

1. A map of the overall site (i.e. the entire area the proposed development will cover) indicating the terrestrial and aquatic habitat types and areas currently present.
2. A map of the overall site indicating where each phase or plot is likely to be located, clearly demonstrating how the proposed compensation will provide connectivity across the site, and linking to the surrounding area, post development.
3. The proposed phasing programme (in line with likely mitigation licence applications), including information on the number of phases, what each phase is likely to become and indicative time frames for their construction start and end dates. Natural England appreciates that definite dates for construction of future phases may not always be available, but the best available dates should be given, to the best precision available (month or quarter if possible).
4. Separate, but brief, explanatory text indicating:
 - The overall size of the site (ha) and what it currently consists of (habitat types and areas).
 - Total terrestrial habitat losses (type and areas) which will be incurred and also for *each phase or plot*.
 - Total aquatic habitat losses which will be incurred and also for *each phase or plot*.
 - The impacts caused by the phasing of the development *in the absence of mitigation* (e.g. fragmentation, loss of breeding ponds).
 - Terrestrial habitat compensation proposed for *each phase or plot* (addressing connectivity, dispersal and habitat quality issues etc). The aim should be to replace qualitatively what is being lost. Receptor sites and other terrestrial compensation should be of equivalent size to the habitat due to be lost unless it can be clearly demonstrated that receptor sites will be of a higher habitat quality. Connectivity and habitat quality across the site needs to be addressed.
 - Aquatic habitat compensation proposed for *each phase or plot* (N.B: Natural England expects two ponds to be created for each great crested newt breeding pond lost).
 - Details on where displaced newts will be moved to *for each phase or plot* (i.e. receptor sites); the size of the area and habitat types within it and if newts are to be retained in an enclosed receptor area indicate how long for. Please note that Natural England will not license great crested newt populations to be held in an enclosed receptor site for more than 2 years and proposals need to take this into account to avoid double handling of newts throughout the phased or multi-plot development.
5. Assurance of the long term security of the great crested newt population and confirmation that any proposals are not left as open-ended options *before* the

- application is submitted. Ideally this should be secured by a legal agreement or planning obligation (e.g. Section 106).
6. Guarantees that proposed receptor sites will be safe-guarded and free from future development pressures. If receptor areas are outside the developer's land ownership permission to use these areas should be agreed with the landowner prior to submission of the master plan and first mitigation licence application. Written confirmation from the landowner agreeing to this should be provided with the master plan and any subsequent, applicable mitigation licence applications. If receptor areas need to be purchased, evidence to show they have been secured should be provided with the master plan (and with subsequent applications).
 7. Proposed post development monitoring in line with recommendations within the *Great Crested Newt Mitigation Guidelines* (2001). Permission to undertake any proposed post development monitoring of ponds outside the developer's ownership should be granted prior to submission of any application as a Natural England mitigation licence does not grant access rights on to other people's property.
 8. A Habitat Maintenance and Management Plan indicating any measures to ensure delivery of the mitigation/compensation and who will be responsible for each aspect of the plan (including post development monitoring) and the time frame that it will cover. This should ideally be part of a legal agreement or a binding planning obligation but *not* left as an open-ended option. Options could include a Section 106, a commuted sum, a legal agreement with a land management organisation or Wildlife Trust, a Section 39 agreement, a restrictive covenant or designation as a County Wildlife Site or other but *these agreements should be formalised prior to submission of the first mitigation licence application*. For high impact schemes, management may be required in perpetuity.

What should not be included:

Details of mitigation implementation are not required for master plans. This would include capture proposals and planting scheme details.

Additional check list of things to provide when submitting a master plan and accompanying great crested newt mitigation licence application:

- Has evidence been provided to show that the phased or multi-plot development will take place with a reasonable degree of certainty and can indicative timeframes for construction be produced to show this?
- Is a section 106 or other legal agreement in place if required?
- Is any other mechanism for ensuring delivery of the project securely in place?
- Have land owners' permissions to receive great crested newts been secured if proposals entail moving great crested newts to land outside the developer's ownership?
- Has additional receptor site land been acquired if required?
- Is there a guarantee in place to show that the receptor sites are secure and free from future development pressures?
- Have land owners' consents been given for any post development monitoring of ponds to take place outside the developer's ownership?
- Is the proposed post development monitoring in line with the *Great Crested Newt Mitigation Guidelines* (2001) for such a development?
- Have all details for the Habitat Management and Maintenance Plan been decided and agreed with all relevant parties and finalised? Are they appended to the master plan?

Important note:

Natural England recommends that for high impact schemes such as phased or multi-plot developments you consult your local Natural England Office as early as possible in the development planning process. Local team advisers will liaise with the Local Planning Authority (LPA) at the planning stage and early knowledge of your plans can assist greatly.

To find your local office, please see our website <http://www.naturalengland.org.uk> or call our Enquiry Service on 0845 600 3078.

This guidance should not be read in isolation to other available guidance and Natural England expects applicants and their ecological consultants to follow recommendations in the *Great Crested Newt Mitigation Guidelines* (2001) and the 'Instructions pages' of the new Excel Method Statement template. If the applicant proposes any deviations from the recommendations then these should be fully justified within the master plan and the applicable method statement application/s.

Further guidance on mitigation licences can be found in <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx>