Protection through the planning system

Legal protection for the following biodiversity features varies, but all are protected through the planning system:

- Local Wildlife Sites (LWS)
- Local Geological Sites (LGS)
- Priority Habitats
- Priority Species
- Irreplaceable Habitats (e.g. Ancient Woodland)
- Veteran trees

Development which would adversely affect these features is not normally acceptable. Only in special cases, where the importance of a development outweighs the impact on the feature, would an adverse affect be permitted. In such cases, planning conditions or obligations would be used to mitigate the impact.

Where a development has the potential to impact on a local site, or a priority habitat or species, a biodiversity survey and report will be required; in some circumstances an Environmental Impact Assessment (EIA) may be needed.

The following pages give information on these features as they occur in Oxfordshire.
Valuable sites for Oxfordshire’s local wildlife

Local Sites are sites of substantive nature conservation value or geological interest. In Oxfordshire, Local Sites consist of Local Wildlife Sites (LWS) and Local Geological Sites (LGS). In Oxford City, Sites of Local Interest for Nature Conservation (SLINCs) and wildlife corridors also fall under this category. In total, there are 362 Local Wildlife Sites in the county, these are shown on Map 3.

All Local Sites which meet the necessary criteria are designated; this differs significantly from the process of identifying SSSIs, as the latter are a representative sample of sites. Thus, Local Sites can be equal in quality to SSSIs. Local Sites do not have statutory status, but do receive protection through the planning system (see right).

The identification of LWSs is an ongoing process including monitoring and review which is undertaken by the Local Sites Partnership (see below). Lists of LWSs by district are downloadable from the TVERC website, but as the number of LWSs in any one district is always changing with new site selections and de-designations, TVERC should be contacted for the most up-to-date information.

Before formal selection, proposed LWSs are identified for survey; if a development is likely to affect a proposed LWS ecological surveys will be necessary. Ideally the site should be visited by the Wildlife Sites Survey Officer, and survey information presented to the LWS Selection Panel before a planning application that is likely to affect a proposed LWS is considered. In any case, a biodiversity survey and report will be necessary to establish any likely impacts.

LEGISLATION
Local Sites are non-statutory sites: no additional legislation applies.

PLANNING POLICY
National Planning Policy Framework paragraph 113:
‘Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.’
Check the relevant District Council’s Local Plan for local policy.

FURTHER INFORMATION
- Local Sites, Guidance on their Identification, Selection and Management (DEFRA)
- Single Data List
- Oxfordshire Local Wildlife Sites

KEY ORGANISATIONS
Berks, Bucks and Oxon Wildlife Trust
Local authorities
Thames Valley Environmental Records Centre

OXFORDSHIRE’S LOCAL SITES PARTNERSHIP

Local Sites are selected at a county level and the process is overseen by a Local Sites Partnership. The Oxfordshire Wildlife Sites Project is jointly run by BBOWT and TVERC, with support from Oxfordshire’s local authorities.

In addition to identifying Local Wildlife Sites, the Project also offers land management advice to the site owners.

The performance of local authorities for biodiversity is measured by assessing the number of Local Sites in positive conservation management; this forms part of the Single Data List, a set of data that local authorities send to government. It is reported on by Oxfordshire County Council with information prepared by BBOWT.
This map is an example and may be out of date – for current information contact TVERC.
**National Planning Practice Guidance** states that the significance of irreplaceable habitats may be derived from ‘… habitat age, uniqueness, species diversity and/or the impossibilities of re-creation. For example, research suggests that it can take up to 150 years to create species-rich grassland: There is no currently agreed list of irreplaceable habitats, but if it is taken as referring to any habitat of principal importance for which the timescale involved in completely recreating it would go beyond the period of the strategic planning cycle, then the following habitats in Oxfordshire could be considered irreplaceable:

- Ancient Woodland
- Ancient/veteran trees (which are often outside of ancient woodlands)
- Ancient Hedgerows
- Traditional unimproved meadows/ancient grasslands
- Fens

**Ancient woodland and veteran trees as examples of irreplaceable habitats**

Ancient woods are those that are known to have had continuous tree cover since at least 1600 AD. They are found throughout Oxfordshire, although there are particular concentrations in the Chilterns in south Oxfordshire, Wychwood in west Oxfordshire and the edge of the Bernwood area in the east of Oxfordshire. Natural England’s Ancient Woodland Inventory maps ancient woods over 2 ha in size. There are 7,059 ha of these woodlands mapped in Oxfordshire – these are identified on Map 4. More detailed mapping has recently been completed for the Chilterns.

Ancient and veteran trees are old trees, they may be associated with woodlands, wood pasture and parkland, traditional orchard UK priority habitats or may stand alone, for example, old trees are often found on old parish boundaries. Ancient trees are often in the third and final stage of their life and are old relative to other trees of the same species. Veteran trees on the other hand are usually in the second or mature stage of their life and contain important wildlife features such as holes, deadwood and wounds.

Ancient woodlands, and ancient and veteran trees, are likely to have biodiversity interest, as well as cultural and historical significance. Ancient woodlands, and ancient and veteran trees, may be protected by tree preservation orders, but they are also protected by planning policy (see right).

When assessing the potential impact of a development on trees and woodlands, potential impacts on tree roots, as well as the above ground features, must be taken into account as issues such as compaction or alterations to drainage could have significant impacts on trees.
This map is only indicative. More recent mapping of ancient woodland has been carried out and is available from TVERC.
3c Priority Habitats

Habitats of principal importance

The UK Post-2010 Biodiversity Framework replaces the UK Biodiversity Action Plan (BAP); it is the UK’s response to the ‘Aichi’ strategic goals agreed by the Convention on Biological Diversity in Nagoya in 2010. The lists of priority species and habitats agreed under the UK BAP (BAP priority habitats and species) still form the basis of much of the country-led biodiversity work. England’s approach is set out in Biodiversity 2020: A strategy for England’s Biodiversity and Ecosystem Services which describes how the quality of the environment will be improved and follows on from policies in the Natural Environment White Paper.

The Oxfordshire BAP was one of the first to take a spatial approach by focusing conservation action on target areas. It sets targets for the restoration and creation of priority habitats in the county. The distribution of known UK priority habitats is identified on Map 5. These habitats do not receive statutory protection, but are protected by planning policy (see right). They are found both within and outside designated sites, and may occur in areas outside of those identified on Map 5. Priority habitats correspond to those identified under Section 41 of the NERC Act as habitats of principal importance for the conservation of biodiversity in England and have to be considered under planning policy.

UK PRIORITY HABITATS IN OXFORDSHIRE
(The UK definitions for each of these priority habitats can be downloaded from the JNCC website)

GRASSLANDS
- Lowland Calcareous Grassland: a key habitat, associated with areas of chalk and limestone geology such as in the Chilterns and Cotswolds. Flower-rich, important for invertebrates (particularly butterflies). Sensitive to changes in nutrient status.
- Lowland Dry Acid Grassland: associated with sandy soils like those on the Mid-vale Ridge. Important for rare plants and invertebrates. Sensitive to changes in nutrient status.
- Lowland Meadows: a key habitat, important for flowers, invertebrates and ground-nesting birds. Sensitive to changes in hydrology and nutrient status.

WOODLANDS
- Lowland Beech and Yew Woodland: a key habitat, mainly in the Chilterns.
- Lowland Mixed Deciduous Woodland: can have rich ground flora. Also important for bats, woodland birds and butterflies, occasionally support dormice.
- Wet Woodland: restricted distribution, likely to be adjacent to waterbodies or part of a mosaic of wetland habitats. May support otter or rare invertebrates.
- Wood-pasture and Parkland: important for veteran trees, invertebrates and bats. Found mainly on old estates.

WETLANDS
- Coastal and Floodplain Grazing Marsh: a key habitat associated with river floodplains. Sometimes flower-rich, important for wading birds. Particularly sensitive to changes in hydrology and nutrient status.
- Eutrophic Standing Waters: likely to be found in old gravel pits and reservoirs, often important for waterbirds.
- Lowland Fens: a key habitat, particularly in the Cothill area. Important for rare invertebrates and plants, water vole and otter. Sensitive to changes in hydrology and nutrient status.
- Ponds: may be rich in plants and invertebrates. Likely to be breeding sites for amphibians. Sensitive to changes in hydrology and nutrient status.
- Reedsbeds: restricted distribution. Important for birds, may support water voles or rare plants. Sensitive to changes in hydrology.
- Rivers: provide important wildlife corridors. Likely to support water vole, otter, and a variety of invertebrates. Chalk streams in Chilterns are a local speciality.

OTHER
- Arable Field Margins: where managed to provide benefits for wildlife, can provide important food sources for birds and invertebrates.
- Hedgerows: an important linking habitat used by foraging birds and bats, dormice and a range of invertebrates. (Subject to the Hedgerow Regulations 1997).
- Lowland Heathland: of restricted distribution, important for reptiles and invertebrates.
- Open mosaic habitats on previously developed land: examples include former quarries and ash lagoons – important for birds, invertebrates and specialist plants.
- Traditional Orchards: restricted distribution, dependent on traditional management methods. Important for bats, invertebrates, mosses, lichens.

LEGISLATION
Natural Environment and Rural Communities Act 2006, Section 41 lists habitats of principal importance for the conservation of biodiversity in England (this replaces the list under Section 74 of the CRoW Act 2000).

PLANNING POLICY

National Planning Policy Framework paragraph 117:
‘To minimise impacts on biodiversity and geodiversity, planning policies should: ... promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan; ...’

Many UK priority habitats are ‘irreplaceable habitats’, as described in paragraph 118 of the National Planning Policy Framework. Paragraph 118 states:
‘When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: ...’
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; ...’

Check the relevant District Council’s Local Plan for local policy.

KEY ORGANISATIONS
Wild Oxfordshire (formerly Oxfordshire Nature Conservation Forum)

FURTHER INFORMATION
- UK Biodiversity Strategy
- UK Post-2010 Biodiversity Framework (2012)
This map is an example and may be out of date – for current information contact TVERC.
3d Priority Species

Species of principal importance

In addition to listing priority species, Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006 also identifies UK priority species (formerly called UK BAP priority species). There are 1,149 priority species; locations where priority species have been recorded in Oxfordshire are identified on Map 6. Priority species are likely to be found both within and outside of designated sites, many priority species will be associated with priority habitats, but not exclusively so. Priority species include rare and declining species of mammals, birds, reptiles, amphibians, fish, plants, mosses, lichens and liverworts.

Inclusion on the list of priority species does not imply legal protection although some priority species are also protected under law (see Section 2b). Priority species correspond to those identified under Section 41 of the NERC Act as species of principal importance for the conservation of biodiversity in England and have to be considered under planning policy.

LEGISLATION
Natural Environment and Rural Communities Act 2006, Section 41 lists species of principal importance for the conservation of biodiversity in England (this replaces the list under Section 74 of the CRoW Act 2000).

PLANNING POLICY
National Planning Policy Framework paragraph 117:
‘To minimise impacts on biodiversity and geodiversity, planning policies should: ...

- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan; ...

Check the relevant District Council’s Local Plan for local policy.

PRIORITY SPECIES IN OXFORDSHIRE
A full list of priority species occurring in Oxfordshire can be downloaded from the Protected and Notable Species page on the TVERC website; examples of priority species that could be protected or enhanced through the planning system in Oxfordshire include:

- BROWN HAIRSTREAK BUTTERFLY: A small species, not easily seen as it spends much of its time in the tree canopy, or hidden in hedgerows. This species is rare in the UK; its distribution is restricted to localities in southern Britain and mid-west Ireland. The brown hairstreak has undergone severe declines due to hedgerow removal and annual flailing, which removes their eggs.

An area in the north-east of Oxfordshire and over the border into Buckinghamshire is a hotspot for this species, which lays its eggs in the blackthorn hedges found here. Planning applications should avoid the removal or fragmentation of hedgerows where brown hairstreak occur, and existing and new hedgerows should be incorporated into the design of developments and managed to maintain and enhance brown hairstreak populations.

- FARMLAND BIRDS, including skylark, linnet, yellowhammer, reed-bunting, curlew, tree sparrow, grey partridge, bullfinch, starling, song thrush and turtle dove, have shown dramatic declines within the last 30 years. All individual birds are protected under the Wildlife and Countryside Act 1981, however, opportunities should be taken to maintain and enhance the populations of these farmland birds wherever possible.

Development could impact on these species by direct loss of habitat, but also through increased recreational disturbance, especially associated with residential developments. Ground-nesting birds, such as skylark, can be protected by restricting access to areas they use during the breeding season. Species such as tree sparrow can benefit from the provision of suitable nest sites.

Wet grasslands along river valleys such as the Cherwell, Windrush and Ray provide important remnant habitat for curlew and other wetland birds such as snipe, lapwing and redshank. Development should avoid habitat fragmentation and impacts on the hydrology of these areas. Opportunities should be taken to improve and extend suitable habitat; this may be combined with areas needed to provide flood protection.

KEY ORGANISATIONS
Amphibian and Reptile Group
Ashmolean Natural History Society
Rare Plants Group
Bat Conservation Trust
Butterfly Conservation
Chilterns Conservation Board
Cotswolds Conservation Board
Environment Agency
Local authorities
Mammal Society
North Wessex Downs AONB
RSPB
Water Vole Recovery Project, c/o BBOWT
Wild Oxfordshire (formerly Oxfordshire Nature Conservation Forum)
UK BAP Priority Species in Oxfordshire

This map is an example and may be out of date – for current information contact TVERC.
There are a number of areas and sites of importance to biodiversity within the county which are identified in addition to (and via other mechanisms to) the biodiversity planning policy and legislation covered by this document. These include nature reserves and Areas of Outstanding Natural Beauty.

Nature Reserves

The term 'nature reserve' is used to describe a range of different types of site important for wildlife and people. Some of these nature reserves have a statutory designation in their own right; in other cases, the term ‘nature reserve’ does not in itself imply any special protection. However, most of these sites will receive another form of designation (SAC, SSSI, LWS) and most, if not all, support protected species or priority habitats or species. See Map 7 for the range of nature reserves found in Oxfordshire.

**National Nature Reserves (NNRs)** protect sensitive biodiversity or geological features, provide sites for ecological research and offer opportunities for people to experience the natural environment. NNRs are a statutory designation made by Natural England. Oxfordshire has four NNRs:

- **Aston Rowant** is also a SAC and SSSI and is owned and managed by Natural England
- **Chimney Meadows** is also a SSSI and is owned by Natural England and managed by BBOWT
- **Cothill Fen** is also a SAC and SSSI, it is owned by Natural England and managed by the National Trust and BBOWT
- **Wychwood** is also a SSSI and is in private ownership

**Local Nature Reserves (LNRs)** are important for people and wildlife; they have features of local biodiversity or geological interest and offer opportunities for learning. LNRs are a statutory designation made by local authorities. There are 11 LNRs in Oxfordshire.

**Road Verge Nature Reserves** have been identified by Oxfordshire County Council; there are 35 across the county which are species-rich and characteristic of the area.

**Berkens, Bucks & Oxon Wildlife Trust (BBOWT) Nature Reserves**: BBOWT manages 31 nature reserves within Oxfordshire to protect important biodiversity, and to provide opportunities for people to enjoy local wildlife. Many BBOWT nature reserves have SAC, SSSI or LWS status.

**Royal Society for the Protection of Birds (RSPB), Otmoor**: The RSPB owns and manages this nature reserve in the east of Oxfordshire.

**Earth Trust (formerly Northmoor Trust) Reserves**: The Earth Trust owns and manages Little Wittenham Clumps which includes a SAC and SSSI. They also manage Mowbray Fields (a Local Nature Reserve), Thrupp Lake and Clifton Hampden Meadow.

**Banbury Ornithological Society (BOS) Reserves**: BOS owns or leases five nature reserves in the north of the county; many of these have LWS status.

**Woodland Trust Woods**: There are 20 woods owned and managed by the Woodland Trust in Oxfordshire, some have SSSI or LWS status, and most are ancient woodland.

Areas of Outstanding Natural Beauty (AONBs)

AONBs are landscapes designated for the purpose of conserving and enhancing the natural beauty (including conservation of flora, fauna and geological and physiographical features) of an area. There are three AONBs which fall partly within Oxfordshire: the Chilterns, the Cotswolds, and the North Wessex Downs.

AONBs support a large number of designated nature conservation sites and priority habitats. A significant proportion of Oxfordshire’s Conservation Target Areas are within AONBs, as are many of the most biodiverse landscape areas (see Sections 4a and 4b).

All three AONBs have AONB Management Plans which are statutory plans and include reference to the conservation and enhancement of biodiversity as a component of natural beauty. The Chilterns and Cotswolds AONB management plans have been endorsed by Oxfordshire County Council as supplementary guidance for planning purposes. The management plan for the North Wessex Downs AONB has been adopted by all constituent authorities.

**LEGISLATION**


Local Nature Reserves are designated under the **[National Parks and Access to the Countryside Act 1949](https://www.legislation.gov.uk/ukpga/1949/53/contents)**

**PLANNING POLICY**

Policies described in Sections 2 and 3 of this document should be applied according to the wildlife interest and any statutory designation that applies to the nature reserve, and biodiversity enhancements should be sought in line with National Planning Policy Framework and local policies as described in Section 4.*

**FURTHER INFORMATION**

- Chilterns AONB Management Plan
- Cotswolds AONB Management Plan
- Cotswolds Conservation Board Position Statement on Biodiversity and Planning in the Cotswolds AONB
- North Wessex Downs AONB Management Plan

**LEGISLATION**


**PLANNING POLICY**

Policies described in Sections 2 and 3 of this document should be applied according to the wildlife interest and any statutory designation that applies to land within an AONB, and biodiversity enhancements should be sought in line with National Planning Policy Framework and local policies as described in Section 4.*

*Check the relevant District Council’s Local Plan for local policy.*
This map is an example and may be out of date – for current information contact TVERC.