

- Policy NH9: Listed Buildings
- Policy NH10: Conservation Areas
- Policy NH11: Archaeology and Scheduled Monuments
- Policy NH12: Historic Battlefields, Registered Parks and Gardens and Historic Landscapes
- Policy NH13: Historic environment and climate change

Biodiversity designations

Policy NH1 – Biodiversity designations

- 1) The highest level of protection will be given to sites of international nature conservation importance (Special Areas of Conservation (SAC)). Development that is likely to result in a significant effect, either alone or in combination, on such sites will need to satisfy the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended)^a.
- 2) Development within the River Lambourn SAC nutrient neutrality catchment area that would result in additional overnight accommodation^b, and any other development that could result in the input of additional nutrients within the identified catchment, must demonstrate nutrient neutrality in relation to phosphorus.
- 3) Sites of Special Scientific Interest (SSSI) are of national importance. Development that is likely to have an adverse effect on a SSSI (either on its own or in combination with other developments) will not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSI. In such circumstances, measures must be provided (and secured through planning conditions or legal agreements) that would fully mitigate or, as a last resort, fully compensate for the adverse effects resulting from development.
- 4) The approach to sites of international and/or national importance should be applied in line with any future changes to those designations that may be introduced.
- 5) Development likely to result directly or indirectly in the loss, deterioration or harm of Important or Ancient Hedgerows, Legally Protected Species, Local Geological Sites, Local Nature Reserves, Local Wildlife Sites, or Priority Habitats and Species will only be permitted if:

- a) the need for and benefits of the development in the proposed location outweigh the adverse effect on the interests;
 - b) the applicant effectively demonstrates that the development could not reasonably be located on an alternative site that would result in less or no harm to the interests;
 - c) the applicant effectively demonstrates that there is no alternative design that would result in less or no harm to the interests; and
 - d) measures will be provided (and secured through planning conditions or legal agreements) that would avoid, mitigate or, as a last resort, compensate for the adverse effects resulting from development.
- 6) Development resulting in the loss or deterioration of Irreplaceable Habitats (such as ancient woodland, ancient or veteran trees and lowland fen) will be refused planning permission unless there are wholly exceptional reasons justifying the granting of planning permission and a suitable compensation strategy exists. Where development is proposed within the mapped hydrological catchment of a lowland fen (as identified in the Joint Local Plan Lowland Fen Evidence) the applicant must effectively demonstrate that it will not result in harmful changes to the water quality, water chemistry or supporting hydrological regime.
- 7) Where development has the potential to affect a proposed Local Wildlife Site^c, the developer must undertake surveys and assessments to determine whether the site likely meets the criteria for Local Wildlife Site status. Where likely, the development shall be determined on the basis that the site is a designated Local Wildlife Site.
- 8) Measures proposed to mitigate adverse ecological affects (to meet requirements 1 - 7 above) will be given weight proportionate to their likelihood of success. Where reasonable doubt exists as to the effectiveness of any such measures, weight afforded to those measures must be significantly reduced.

^a *The Conservation of Habitats and Species Regulations 2017, available at: www.legislation.gov.uk/uksl/2017/1012/contents*

^b *This includes, but is not limited to, new homes, student accommodation, care homes, hotels, guest houses, bed and breakfasts, self-catering holiday chalets, static caravan sites, tourism attractions and tourism accommodation and permitted development which gives rise to new overnight accommodation.*

^c *Thames Valley Environmental Records Centre maintains a live list of Local Wildlife Sites, proposed Local Wildlife Sites and proposed extensions to existing Local Wildlife Sites in South Oxfordshire and Vale of White Horse, which are available at: (www.tverc.org/cms/LWSLivingLists)*

12.6 Policy NH1 (Biodiversity designations) protects the districts' most important habitats and species, applying a hierarchy so that the level of protection and mitigation in planning decisions is commensurate to their status and importance. This includes both their individual importance and importance as part of a wider network.

12.7 The districts are home to a rich variety of habitats and species, many of which are identified as being of not just local significance but of national or international importance as well:

	South Oxfordshire	Vale of White Horse
International significance	4 Special Areas of Conservation	2 Special Areas of Conservation
National significance	38 Sites of Special Scientific Interest 1 National Nature Reserve	22 Sites of Special Scientific Interest 1 National Nature Reserve
Local significance	126 Local Wildlife Sites 4 Local Nature Reserves 5 Local Geological Sites	84 Local Wildlife Sites 2 Local Nature Reserves 6 Local Geological Sites

12.8 All National Nature Reserves (NNRs) in the districts are legally protected as Special Areas of Conservation (SAC) or Sites of Special Scientific Interest (SSSI). The districts also support numerous other important habitats and species, including Priority Habitats and Species, Irreplaceable Habitats, Legally Protected Species, Important or Ancient Hedgerows, Ancient Woodland and Veteran Trees. Many of these habitats and species have specific legal protections.

12.9 Development in the districts may also have impacts on designated sites, habitats and species outside the districts in adjoining local authority areas, and these impacts need to be appropriately considered. Part of Vale of White Horse falls within the hydrological catchment of the River Lambourn SAC. This is one of Southern England's longest and finest examples of a chalk river, supporting rich aquatic plant and invertebrate diversity. However, the River Lambourn is under significant stress due to excess inflow of dissolved nutrients from agriculture and domestic sewage. In 2022, Natural England issued advice that confirmed the River Lambourn is in an unfavourable condition (specifically due to levels of phosphorus pollution). Natural England set out that any development delivering a net increase in overnight accommodation, plus certain other types of development, will contribute to an in-combination effect on the SAC and will require assessment under the Habitats Regulations Assessment process. Proposals which generate and discharge phosphorus into the River Lambourn SAC nutrient catchment

must demonstrate that, as a minimum, the same amount of phosphorus can be removed from the catchment through mitigation⁷⁹.

12.10 Local authorities are required to identify, designate and protect Local Wildlife Sites (LWS) through the planning system. In Oxfordshire, the identification and designation of LWS is administered by the Thames Valley Environmental Record Centre (TVERC). A selection panel meets each year and includes representatives from TVERC, local authorities, Natural England, the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT), and local wildlife recorders. TVERC maintain a living list of LWS⁸⁰ in South Oxfordshire and Vale of White Horse, which is updated every year in May.

12.11 Where there is Ancient Woodland, Ancient Trees or Veteran Trees on or near a proposed development site, regard will be had to Natural England and the Forestry Commission's guidance 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions'⁸¹.

12.12 All development will be expected to manage impacts on biodiversity designations (designated sites, habitats and species) in line with the mitigation hierarchy as set out in the National Planning Policy Framework (NPPF). In reducing order of preference:

- 1) impacts on biodiversity designations should be avoided (e.g. by selecting sites which do not cause impacts, or by designing developments to avoid impacts);
- 2) where it is not possible to entirely avoid impacts, impacts should be mitigated (e.g. by designing developments in ways that reduce the impacts); and
- 3) as a last resort, any remaining impacts that cannot be entirely avoided or mitigated should be compensated (e.g. designing measures on site or off site to replace lost habitats populations of species).

⁷⁹ The River Lambourn SAC and nutrient neutrality, available at: <https://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/planning-and-development/wildlife-trees-and-landscape/protecting-wildlife-in-planning-applications/nutrient-neutrality/>

⁸⁰ Thames Valley Environmental Records Centre maintains a "living list" of the Local Wildlife Sites in each local authority area in Berkshire and Oxfordshire, which is updated annually each May for the previous year, available at: www.tverc.org/cms/LWSLivingLists.

⁸¹ Guidance on Ancient Woodland, Ancient Trees and Veteran Trees, available at: <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

Policy NH2 – Nature recovery

Biodiversity net gain

- 1) Development in South Oxfordshire and Vale of White Horse must deliver at least a 20% biodiversity net gain, unless the development is not subject to the statutory framework for biodiversity net gain.
- 2) Where development is not subject to the statutory framework, a net loss of biodiversity must be avoided and opportunities to achieve biodiversity gains are encouraged.
- 3) Biodiversity net gains should be delivered on site where possible. Where the full biodiversity net gain requirement cannot be delivered on site, the following sequential approach must be used to direct the creation and enhancement of habitats off site:
 - a) deliver off site biodiversity net gains where it would enhance habitat connectivity within ecological networks within the same district as development.
 - b) if (a) is not possible, deliver off site biodiversity net gains within the same district as development, outside of ecological networks.
 - c) if (b) is not possible, deliver off site biodiversity net gains where it would enhance habitat connectivity within ecological networks within the Joint Local Plan area.
 - d) if (c) is not possible, deliver off site biodiversity net gains within the Joint Local Plan area, outside of ecological networks.
 - e) if (d) is not possible, deliver biodiversity gains elsewhere.
 - f) as a last resort, purchase statutory biodiversity credits.

Ecological Networks

- 4) Development must conserve and protect habitat connectivity within the districts’ ecological networks and, where possible, restore or enhance it. These include:
- a) Conservation Target Areas;

b) areas identified in the Local Nature Recovery Strategy^a as being, or having potential to become, important for biodiversity;

c) local ecological networks identified in made neighbourhood plans; and

d) other areas that contribute to wider ecological networks (including networks that extend beyond the districts’ boundaries) or which are likely to be of value for ecological connectivity.
- 5) Where development may result in harm to an ecological network, the mitigation hierarchy must be followed.
- 6) Development likely to result in significant harm to an ecological network, that cannot be effectively mitigated, will not be supported.

Features to support wildlife

- 7) Development must include appropriately designed and located features to support wildlife^b in accordance with the requirements below:

Development Type	Requirement
Householder development	The inclusion of features to support wildlife is encouraged.
Residential development	Developments of two or more units must deliver features to support wildlife at a ratio of one feature per two units (i.e. 50%).
Non-residential development	Minor non-residential development – the inclusion of features to support wildlife is encouraged, where appropriate.
	Major non-residential development – proportionate and appropriate features to support wildlife must be provided.

Features should be integrated into the fabric of buildings wherever possible and should be suitable for species of conservation concern.

- 8) Development proposing new boundary treatments (such as fencing and walls) must include appropriately designed access holes for wildlife, positioned to help facilitate connectivity (for example hedgehog highways).

^a Oxfordshire County Council, Oxfordshire's Local Nature Recovery Strategy (LNRS), available at: <https://www.oxfordshire.gov.uk/residents/environment-and-planning/local-nature-recovery-strategy>

^b Features to support wildlife include, but are not limited to, features such as bird boxes, water sources, swift bricks, bat boxes, bee bricks, and insect hotels.

12.13 The districts are home to a rich variety of habitats and species. The natural history of the districts has developed over centuries of farming and land management. From the beech woods of the Chilterns to the chalk grasslands of the North Wessex Downs and the floodplain meadows of the River Thames, nature is essential for the local distinctiveness, character and heritage of the area. However, continued fragmentation and loss of connectivity across the districts' landscapes, caused by issues such as agricultural intensification, built development, hydrological changes and insufficient management, is affecting the future viability of habitats and species⁸².

12.14 A June 2023 study carried out by the Thames Valley Environmental Record Centre (TVERC)⁸³ for the councils emphasised the decline of nature in the districts. For instance, proportionally more grassland has been lost to built-up areas here than across Oxfordshire and England as a whole. This is concerning because grassland is an important habitat for many species that inhabit our districts and is an important tool to tackle climate change. Grassland butterflies and farmland bird species have declined accordingly. There has been a slight increase in woodland land cover, however the districts only contain a fraction of the woodland we used to have historically, and woodland species are not doing as well as these gains might suggest. The increase in woodland has not benefited populations of bird and butterfly species. It takes time for newly planted woodland to reach high levels of biodiversity, and if the right trees are not planted in suitable locations, they will not benefit many species.

12.15 At a national level, the Environment Act 2021 introduced a mandatory requirement for development to deliver at least 10% biodiversity net gain. Setting a higher biodiversity net gain requirement through the Joint Local Plan is an important way we can

⁸² Wild Oxfordshire (2017) State of Nature in Oxfordshire, available at: www.wildoxfordshire.org.uk/oxfordshires-nature/oxfordshires-state-of-nature

⁸³ Thames Valley Environmental Records Centre (June 2023) South Oxfordshire and Vale of White Horse Joint Local Plan 2041 Habitat and Species Trends, available at: www.southandvale.gov.uk/JLPEvidence

do more to support nature recovery. Government reports state that 10% biodiversity net gain is the bare minimum necessary to ensure that biodiversity is still not being lost through the planning system, rather than resulting in a positive gain. Our policy requirement for 20% biodiversity net gain will help to reverse the decline and make up for past losses, as well as delivering multiple benefits for people and nature. Focussing biodiversity net gain on site on developments will bring direct benefits, while our sequential approach to focussing any off site net gains helps focus these gains in coherent local ecological networks.

12.16 Protecting and planning for stronger ecological networks is an important element of strategic planning. A series of Conservation Target Areas (CTA) have been identified across Oxfordshire, which form the current ecological network for the county. The CTAs provide the best opportunities for targeted conservation action. They protect and buffer important habitats and species and have been designed to provide resilience to climate change. The CTA are well established and have been used to inform our previous local plans, as well as other local plans in Oxfordshire, providing consistency across the county and over time. The CTAs are informing the forthcoming Oxfordshire Local Nature Recovery Strategy (LNRS) which will expand upon them and supplant them. The Oxfordshire LNRS will set out biodiversity priorities for an area and will map designated sites, areas that are or could become important for biodiversity and areas where biodiversity recovery / enhancement could make a particular contribution to other environmental benefits. This work is well underway, with the strategy and map expected to be finalised in 2025.

12.17 Designing wildlife features like bird boxes, garden ponds and swift bricks into developments can help better integrate nature into built environments and contribute to nature recovery. For example, insect hotels can provide a safe space for insects to shelter, lay eggs, raise their young and seek refuge from predators. Hedgehog highways increase hedgehogs' access to private gardens, which increases their access to food and provides a safer alternative to crossing roads. Features can (and often should) be clustered: multiple features such as swift boxes and bat boxes can be aggregated to create colonies within a building. The specific policy requirement on wildlife features is included because these features to help species are not considered in the metric used to calculate biodiversity net gain (which relates to habitats) and otherwise may not be provided in development. The Joint Design Guide⁸⁴ provides further advice on incorporating features to support wildlife.

12.18 Most smaller developments are exempt from mandatory biodiversity net gain (e.g. householder developments and those under the minimum impact threshold), however these planning applications are often the most numerous processed by Local Planning Authorities and in combination, could have a notable role to play in achieving nature recovery. This policy requires schemes to make proportionate and appropriate contributions to nature recovery. In many cases, there will be limited scope for Local Planning Authorities to secure the delivery and long-term management of habitats within smaller development sites (private

⁸⁴ South Oxfordshire and Vale of White Horse (2022) Joint Design Guide, available at: <https://data.southoxon.gov.uk/SAV/JDG.html#gsc.tab=0>

gardens). As such, the provision of wildlife features into the built environment (e.g. integrated bat and bird boxes) is an appropriate way to achieve ecological benefit on smaller development sites. These features could be delivered at a prescribed ratio, but have flexibility to respond to the context of the site and relevant formal strategies (e.g. local nature recovery strategies, species conservation strategies, etc). It is important that we harness the potential for smaller developments to contribute positively to nature recovery, in a piecemeal but cumulative way.

Trees and hedgerows in the landscape

Policy NH3 – Trees and hedgerows in the landscape

- 1) Development should make every effort to retain, protect and enhance existing trees, woodlands and hedgerows. Where retention is not possible, and a proposal seeks their removal; compensatory planting should provide a net gain in canopy cover. The planting must include a wide variety of tree species, suited to the sites growing conditions and include long lived, large canopied species. New hedgerow planting must be suited to the sites growing conditions and include a mixture of locally native hedgerow species when suitable.
- 2) Developments must secure the long-term maintenance of landscaping elements on site, including trees and hedgerows, through a management and maintenance plan.
- 3) The design of developments must allow sufficient space for the future growth of all proposed trees and all retained existing trees, taking into consideration the tree species growth habits and characteristics. Developments must prevent poor relationships with retained or new trees by allowing sufficient space for their long-term retention without residents finding the tree overbearing, or a cause of nuisance, such as shading or leaf litter.

12.19 Trees and hedgerows, individually and collectively, play an invaluable role in terms of the natural environment, biodiversity, air quality, adapting to and mitigating climate change, and contributing to the landscape and heritage quality and character of the districts.

12.20 The National Planning Policy Framework (NPPF) states that: “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and

community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users”⁸⁵.

12.21 Opportunities for introducing treescapes⁸⁶ have been identified in the Oxfordshire Treescape project⁸⁷, and consideration can be given to this mapping to help guide what type of treescape might be appropriate to maximise the multifunctional benefits of trees and hedgerows.

12.22 The Hedgerows Regulations 1997 prohibit the removal of countryside hedgerows, or parts of them, without first seeking approval from the Local Planning Authority. The Wildlife and Countryside Act 1981 prohibits the killing, injuring or taking of wild birds, or taking or damaging their eggs and nests. In addition, the Management of Hedgerows (England) Regulations 2024 have been laid in both Houses of Parliament. If approved by Parliament, the Management of Hedgerows (England) Regulations 2024 will put baseline hedgerow management practices into law, providing a consistent approach across all people operating on agricultural land. The proposed regulations will include a two metre ‘buffer strip’ from the centre of hedgerows with no cultivation or application of pesticides or fertilisers, and a hedge cutting ban between 1 March and 31 August to protect nesting birds.

12.23 Where possible, existing trees and hedgerows should be retained in new development. All tree data should be collected in accordance with the current edition of BS5837 – Trees in Relation to Design, Demolition and Construction⁸⁸, at the beginning of the development design. Development should plan the site design and the placement of hedges and trees using a holistic approach, with consideration given to how the trees and hedgerows will interact with other spaces and functions. Site designs should consider the species growth habits and characteristics (for both existing and new) so that a wide range of species can be incorporated, to maintain resilience to climate change and ensure that the trees and hedges are retained in the long-term. There is a need for both native and non-native planting to ensure we have a climate resilient and robust tree population resistant to pests and disease. Designs should allow for enough space to facilitate the future growth of both tree roots and crown, but not shade out wildflowers in species rich grassland. Layouts should be planned so that new and existing trees are

⁸⁵ NPPF, Paragraph 136

⁸⁶ Woodlands, hedgerows, agroforestry, community orchards, street trees and natural grassland which can have some woody elements

⁸⁷ Oxfordshire Treescape Opportunity Map, available at: <https://storymaps.arcgis.com/stories/4cc798aefd5a4a4e976806ea92812d87>

⁸⁸ Full copies of BS 5837 are available to purchase from the British Standards Institution at: <https://www.bsigroup.com/>

not only a significant feature of open spaces, but they are also incorporated into streets, gardens, parking courts and other publicly accessible areas.

12.24 Wooded areas⁸⁹ amount to some 9,392ha in South Oxfordshire and 4,723ha in Vale of White Horse⁹⁰. Canopy cover within urban areas provides a range of ecosystem services, including biodiversity and climate change benefits such as more wildlife habitat, increased rainwater control, and improved air quality. Trees also improve the quality, amenity value, and sense of place of an area. In most cases trees will be the optimum solution for increasing canopy cover, but alternatives such as green roofs and green walls will have an important role to play in more constrained sites, especially in town centre locations. Development proposals should provide a net increase in tree canopy cover where this is possible, having regard to other considerations including site size, heritage protection, landscape character, habitat protection, residential amenity, and the need to make the best use of land.

12.25 The councils will protect trees of significant amenity value which are worthy of retention and considered to be at risk, through Tree Preservation Orders, Conservation Areas and planning conditions as appropriate, except in woodland subject to a Forestry Commission management agreement. When considering applications to carry out work to trees protected by an Order or Conservation Area, the councils will take account of good arboricultural practice, the effect of the trees on nearby properties, and the contribution they make to the visual quality of the area.

Chilterns and North Wessex Downs National Landscapes (formerly AONBs)

Policy NH4 – Chilterns and North Wessex Downs National Landscapes

- 1) Great weight will be given to conserving and enhancing the landscape and scenic beauty of the Chilterns and North Wessex Downs National Landscapes.
- 2) Major development^a will only be permitted in the National Landscapes in exceptional circumstances, and where it can be demonstrated that the development is in the public interest, that alternative locations (outside of the National

⁸⁹ Areas of woodland of over 0.5ha with a minimum 20% canopy cover in 2020 based on National Forest Inventory (NFI) Woodland maps

⁹⁰ TVERC (2023) Habitats and Species trends