

Biodiversity Guidance for Applications

Biodiversity is one of several material considerations when local planning authorities are considering planning applications. A material consideration is a factor that the local planning authority is obliged to consider.

Any development can affect biodiversity. It is advised that you identify the potential impacts to biodiversity at an early stage when making a planning application, to prevent invalidation, delays or refusal of your planning application.

It is important that biodiversity is fully considered and opportunities for enhancements are integrated into all developments in order to meet the requirements of the climate and ecological emergencies that have been declared by West Oxfordshire District Council. For more information, please visit:

<https://www.westoxon.gov.uk/environment/climate-action/climate-action-and-what-we-are-doing/>

In order for the local planning authority to assess whether an application meets the requirements of the National Planning Policy Framework (NPPF) and Local Plan policies, any application that may affect biodiversity should be accompanied by the appropriate level of information. This document will help you identify:

- What biodiversity information is required for different types of planning applications
- Why this information is required
- How to go about obtaining this information
- When biodiversity surveys are necessary
- Enhancement opportunities for biodiversity

If viewing this document digitally, you can navigate to the relevant sections within this guidance document using the table of contents on the next page and clicking the section you wish to view.

Contents

Householder applications	3
<i>Obtaining existing biodiversity data</i>	3
<i>Great Crested Newt District Licensing Scheme</i>	4
Full Permission, Outline Permission, Listed Building Consent and Permission in Principle applications	6
<i>Obtaining existing biodiversity data</i>	6
<i>Great Crested Newt District Licensing Scheme</i>	7
Biodiversity Surveys	9
<i>Preliminary Ecological Appraisal (PEA)</i>	9
<i>Ecological Impact Assessment (EclA)</i>	10
<i>Phase 2 surveys for protected/notable species and habitats</i>	10
Biodiversity Enhancements	11
Biodiversity and Planning Policy	14
Appendices	16
<i>Appendix 1 (Designated sites):</i>	16
<i>Appendix 2 (Great crested newts District Licensing scheme):</i>	16
<i>Appendix 3 (Priority Habitats):</i>	16
<i>Appendix 4 (Avoidance, Mitigation, Compensation and Enhancement):</i>	17
<i>Appendix 5 (Potential Bat Features and Locations):</i>	17
<i>Appendix 6 (Protected and Priority Species):</i>	17
<i>Appendix 7 (Important biodiversity features)</i>	18
<i>Appendix 8 (Impacts from works)</i>	18

Householder applications

Although householder applications maybe small in scale, there is still potential for works to result in adverse effects on wildlife, habitats and biodiversity. For example, a two-storey extension or loft conversion could mean that house sparrows, starlings and swifts are no longer able to access their nesting sites.

As a minimum for householder applications, information required will likely include the following details, depending on the specific nature of the proposed development:

- Photographs¹ and descriptions of the following areas;
 - All elevations, particularly locations of proposed changes;
 - Internal parts of the building(s) to be affected by proposals, including roof voids;
 - Close-ups of key features such as gable ends, roof ridge, eaves, soffits/fascia boards and any holes or gaps in the building fabric (including cracks and crevices around windows, doors, eaves, roof tiles and ridges);
 - Outbuildings and any unoccupied buildings, or parts thereof (as above);
 - Areas to be disturbed by the proposal, including temporary disturbance; and
 - Ponds and other waterbodies present on site;
- A completed Biodiversity Self-Assessment Form;
- A statement by the applicant(s)/homeowner(s) to provide their local knowledge of the site and what wildlife is present, e.g. nesting birds, hedgehogs or roosting bats;
- Confirmation of the age of the property, it's general state of repair, whether it is currently lived in/used or how long it has been empty;
- Confirmation of the location of materials/waste to be stored on site during construction; and
- Any other relevant information from the agent/homeowner that may assist decision making.

¹ Photographs should be numbered and recently taken with an accompanying plan showing the location of these photographs. Commentary on the suitability of a building structure for roosting bats should only be provided by a named competent ecologist.

Where there are likely to be major or significant impacts as a result of your proposals, then surveys by a professional/competent ecologist may be required (see **Biodiversity Surveys** section). This would be indicated by the Biodiversity Self-Assessment Form.

You may already be aware of certain protected or priority species being present at the application site, e.g. roosting bats, barn owls and other nesting birds. If you have this local knowledge of the application site, then you should commission an ecological consultant to carry out an appropriate survey.

Obtaining existing biodiversity data

It is unlikely that you would need to pay for data from your Local Environmental Records Centre (LERC) unless you require additional information or would like more certainty about

what species occur in the area that could be affected by your proposed development. This would depend on the scale and type of development, what types of habitats would be affected.

The CIEEM Guidelines for Accessing and Using Biodiversity Data may be useful to provide more information on the need and use of biodiversity data: <https://cieem.net/resource/guidelines-for-accessing-and-using-biodiversity-data/>

Biodiversity data includes species records (including absence), habitat information and designated site details. Biodiversity data includes information that is freely available online as well as information held by local environmental records centres (LERCs) or other organisations/individuals, which will provide them in response to a data search request, for example local recording groups.

Data can be obtained from a variety of sources such as the following:

- Thames Valley Environmental Records Centre, TVERC: <https://www.tverc.org/cms/content/data-searches>
- WeBS (Wetland Bird Survey) <http://www.bto.org/volunteer-surveys/webs>
- Multi-agency Geographic Information for the Countryside – MAGIC www.magic.gov.uk
- National Biodiversity Network (NBN) www.nbn.org.uk
- Natural England <https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

Great Crested Newt District Licensing Scheme *(see Appendix 2)*

Great crested newts have protected status through UK and European legislation and must be considered as part of the planning application process. Ponds are critical to great crested newts for breeding and, whilst on land, they are also dependent upon other habitats such as woodland, hedgerows, rough grassland and scrub. They are generally found within 500m of ponds, although may travel further than this.

The District Licensing Scheme is voluntary and is delivered on behalf of West Oxfordshire District Council by NatureSpace and The Newt Conservation Partnership. If using the District Licensing scheme, you do not necessarily need to obtain any detailed great crested newt surveys and would be licensed (with certain obligations) to start works without applying for a separate licence from Natural England. If great crested newts are found during works, they can be moved out of harm's way (to best practice mitigation principles) without having to stop works and apply for a Natural England licence.

For most householder applications this would only be relevant if all of the following apply:

- 1) The site lies within the red or amber impact risk zones
- 2) There is a pond onsite or within 50m of the red line boundary
- 3) There is suitable habitat affected by the development proposal (e.g., rough grassland, meadows, woodland, scrub, log piles, rubble piles, hedgerows, ponds and ditches).



It is important to note that newts can turn up in unexpected places and can cross stretches of bare open ground, hardstanding and arable fields. They can also shelter under debris and within cracks in arable fields and quarry floors. Newts will also cross roads (or use culverts/underpasses) and have been found in canals. Although certain sites may initially be viewed as unsuitable for great crested newts, there may be the need for more information to determine whether an impact is likely or not.

If you think that you should be covered by the district licensing scheme, please contact NatureSpace who will carry out a free, up-front assessment to determine eligibility by submitting an enquiry form at: <https://naturespaceuk.com/enquiry-form/>

You can also call them on **01865 688307** or email: info@naturespaceuk.com

Further information regarding licensing options can be found at:

<https://www.westoxon.gov.uk/planning-and-building/wildlife-and-biodiversity/great-crested-newt-district-licensing-scheme/>



Full Permission, Outline Permission, Listed Building Consent and Permission in Principle applications

We need to fully understand all impacts, both negative and positive, of a proposed development, including the impacts on wildlife and biodiversity. When submitting a planning application, it may be necessary for you to include a Biodiversity Report to provide this information.

You should submit a biodiversity report with a planning application when the development proposals (including any associated off-site works) will affect the following:

- Designate sites (*see Appendix 1*)
- Priority habitats (*see Appendix 3*)
- Other biodiversity features (*see Appendix 7*)
- Species protected by law (*see Appendix 6*)
- Priority species (*see Appendix 6*)

You may already be aware of certain protected or priority species being present at the application site, e.g. roosting bats, barn owls and other nesting birds. If you have this local knowledge of the application site, then you should commission an ecological consultant to carry out an appropriate survey.

Obtaining existing biodiversity data

CIEEM Guidelines for Accessing and Using Biodiversity Data:
https://cieem.net/resource/guidelines_for_accessing_and_using_biodiversity_data/

The above guidance document provides some useful information about the need for and use of biodiversity data. Usually when a biodiversity report is required as part of a planning application, the ecological consultant will advise you to obtain a data search, which forms part of their assessment of the proposed development site.

Biodiversity data includes species records (including absence), habitat information and designated site details. Biodiversity data includes information that is freely available online as well as information held by local environmental records centres (LERCs) or other organisations/individuals, which will provide them in response to a data search request, for example local recording groups.

For your biodiversity report to properly assess the impacts of a proposed land use change, a comprehensive desk study should be undertaken to inform the Preliminary Ecological Appraisal and any subsequent detailed Ecological Impact Assessment (see **Biodiversity Surveys** section).

Biodiversity datasets are, by their nature, incomplete with some species groups being better represented than others, whether nationally or locally. There are a large number of species in the UK, many of which are not easily identified or detected, and access for surveys must be permitted by the landowner. The number and types of records available therefore depends on recording effort, where recorders live and how often sightings are made by the general public. It is therefore entirely possible that records of very common species will be unavailable in

some areas, but this does not mean that the species is not present. Absence of evidence is not the same as evidence of absence.

“Absence” records where a survey has been carried out and no evidence of a given species was found will also provide useful information and may be held by the LERC.

Data should therefore be obtained from a variety of sources:

- Thames Valley Environmental Records Centre, TVERC:
<https://www.tverc.org/cms/content/data-searches>
- WeBS (Wetland Bird Survey)
<http://www.bto.org/volunteer-surveys/webs>
- Multi-agency Geographic Information for the Countryside – MAGIC
www.magic.gov.uk
- National Biodiversity Network (NBN)
www.nbn.org.uk
- Natural England
<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

Great Crested Newt District Licensing Scheme *(see Appendix 2)*

Great crested newts have protected status through UK and European legislation and must be considered as part of the planning application process.

Ponds are critical to great crested newts for breeding and, whilst on land, they are also dependent on other habitats such as woodland, hedgerows, rough grassland and scrub. They are generally found within 500m of ponds, although may travel further than this.

Unless it can be demonstrated that there is no risk of impacts on great crested newts or their habitats, you may need a licence to carry out development work where the species is present. You can obtain a licence by:

- Applying directly to Natural England
<https://www.gov.uk/government/publications/great-crested-newts-apply-for-a-mitigation-licence>
- Joining the District Level Licensing scheme authorised by West Oxfordshire District Council

Natural England have produced a guidance document for all planning authorities using the District Licensing Scheme (https://naturespaceuk.com/wp-content/uploads/2021/06/DLL-Guidance-Document-for-LPAs-NatureSpace-Partnership_March2021.pdf), which explains that local planning authorities can rely on the “Impact Risk Zone” maps (*see Appendix 2*) to identify where great crested newts are likely to be. In the higher risk areas (Red and Amber zones), planning applicants must now set out how risks to great crested newts will be dealt with.

If your application falls within a Red/Amber impact risk zone, information is required at validation. Planning applications impacting land in these zones should provide sufficient

information to either demonstrate that their proposal poses no risk to great crested newts, or submit an assessment of the risk to this species, detailing any mitigation and licencing requirements. Assessments must be prepared by a suitably qualified and experienced ecologist. Where impacts on great crested newts cannot be ruled out, the applicant could apply to join the District Licensing scheme.

For most minor applications this would only be relevant if any of the following apply:

- 1) There is a pond on site or within 250m of the development site
- 2) There is a pond within 500m and the site is greater than 5ha in area
- 3) There is suitable habitat for great crested newts likely to be impacted, such as rough grassland, meadows, woodland, scrub, ruderal vegetation, log piles, rubble piles, mammal burrows, ponds and ditches
- 4) There is habitat connectivity between the site and nearby ponds, such as scrub, woodland, tree lines, old stone walls

It is important to note that newts can turn up in unexpected places and can cross stretches of bare open ground, hardstanding and arable fields. They can also shelter under debris and within cracks in arable fields and quarry floors. Newts will also cross roads (or use culverts/underpasses) and have been found in canals. Although certain sites may initially be viewed as unsuitable for great crested newts, there may be the need for more information to determine whether an impact is likely or not.

If using the District Licensing scheme, you do not necessarily need to obtain any detailed great crested newt surveys and would be licensed (with certain obligations) to start works without applying for a separate licence from Natural England. If great crested newts are found during works, they can be moved out of harm's way (to best practice mitigation principles) without having to stop works and apply for a Natural England licence.

The district licensing scheme is voluntary and is delivered on behalf of West Oxfordshire District Council by NatureSpace and The Newt Conservation Partnership.

Applicants should contact NatureSpace who will carry out a free, up- front assessment to determine eligibility and all associated costs, timing and mitigation requirements by submitting an enquiry form at: <https://naturespaceuk.com/enquiry-form/> You can also call them on **01865 688307** or email: info@naturespaceuk.com

Further information regarding licensing options can be found at:

<https://www.westoxon.gov.uk/planning-and-building/wildlife-and-biodiversity/great-crested-newt-district-licensing-scheme/>

Biodiversity Surveys

Biodiversity reports must be carried out by a suitably qualified and/or experienced ecological consultant and demonstrate the following information:

- 1) Description of the sites, species, habitats or features that could be affected (such as location, size, abundance, importance);
- 2) Likely impacts of your development on habitats, sites or species (this will depend on the exact nature of your proposal);
- 3) How alternative designs and locations have been considered;
- 4) How adverse impacts will be avoided;
- 5) How any unavoidable impacts will be mitigated or reduced (*see Appendix 4*);
- 6) How impacts that cannot be avoided or mitigated will be compensated (*see Appendix 4*);
and
- 7) Full details of biodiversity enhancements that will be provided.

If mitigation and compensation proposals have been recommended within the biodiversity report, these must be illustrated on submitted drawings with your application. For example, if a bat loft is recommended, then you should ensure that the details of its location, dimensions, materials and access points are incorporated onto the submitted plans. This will ensure that the Local Planning Authority can be satisfied that the mitigation measures can be achieved as part of the development.

Biodiversity reports should be used to inform the design of the proposed development as part of a holistic approach. Mitigation and enhancement recommendations of the report should be taken in conjunction with the landscaping, green infrastructure and built environment proposals to ensure that they are effectively integrated into the development. **If there are any discrepancies between the recommendations of the biodiversity report and other disciplines within the planning application, these will be highlighted by the local planning authority and may result in delays to determination.**

For assistance in finding an ecological consultant to advise you and carry out the necessary surveys and assessments, please consult the CIEEM Registered Practices directory at <https://cieem.net/i-need/finding-a-consultant/>

Depending on the outcome of your initial assessment, there are two types of biodiversity reports that are sufficient for submission with a planning application, Preliminary Ecological Appraisal (PEA) and Ecological Impact Assessment (EIA). The type of report required depends on the type of assessment that has been carried out and whether there would be any biodiversity impacts arising from the development.

Preliminary Ecological Appraisal (PEA)

Also referred to as 'Phase 1 habitat surveys', PEA's are a scoping assessment of ecological features present/potentially present within the site or surrounding area and likely important biodiversity features. This normally involves a desk study and walkover survey. Can be

undertaken at any time of year, although the optimal time for the survey is April to September inclusive.

Outcomes will include any potential ecological constraints, likely mitigation requirements, need for further surveys and opportunities for biodiversity enhancements.

The report must be prepared in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines: <https://cieem.net/resource/guidance-on-preliminary-ecological-appraisal-gpea/>

It is only acceptable to submit a PEA as a standalone document with your application if the report confirms that your proposal will have:

- 1) No significant impacts on habitats, species and ecosystems;
- 2) No mitigation is necessary (other than precautionary working methods); and
- 3) No further surveys are required

The majority of applications will require further surveys in addition to a PEA to inform an **Ecological Impact Assessment (EcIA)** and/or design appropriate mitigation or compensation measures.

Other types of report, such as those to provide species survey information e.g. Bat Survey or Preliminary Roost Assessment for Bats, might be sufficient where only certain impacts relating to these species would occur and no other habitat or species would be affected, for example, where proposals only involve works to a roof space and there is potential for bats and their roosts to be impacted. However, in most cases, a PEA should be conducted first to identify the habitats and species that might be affected by the proposal, as there could be other direct and indirect impacts that would not be immediately obvious, such as machinery access and storage areas.

Note for major development proposals: all major developments are required to submit an Ecological Impact Assessment (a Preliminary Ecological Appraisal may be acceptable where no further surveys or only precautionary mitigation measures are required).

Ecological Impact Assessment (EcIA)

This report is required where more detailed surveys are necessary. EcIA's collate the results from the individual habitat and species surveys, and assesses the impacts of the proposal, makes recommendations for avoidance, mitigation, compensation and ecological enhancement measures.

This report must be prepared in accordance with CIEEM guidelines: <https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/>

Phase 2 surveys for protected/notable species and habitats

Where more targeted and specific reports are necessary (for example bat surveys). These surveys might be seasonally constrained as there are optimal times of year to survey when there is peak activity. For example, during the summer months for bat roosts, or when habitats




tend to “look their best” and the majority of flowering plants are present e.g. April – May for ancient woodlands. Phase 2 surveys must:

- 1) Be undertaken by a competent, i.e. an appropriately qualified and/or experienced), person
- 2) Be of appropriate scope and detail (i.e. using best practice guidance)
- 3) Be conducted at an appropriate time of year, in suitable weather conditions and using recognised methodologies (e.g. Bat Survey Good Practice Guidelines, 2023).

Timings for Phase 2 surveys

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Botanical				Optimal	Optimal	Optimal	Optimal	Optimal	Optimal			
Bats (daytime walkover)	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
Bats (roost assessment)	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
Bats (trees – ground level)	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Bats (activity)				Weather or location dependent	Optimal	Optimal	Optimal	Optimal	Optimal	Weather or location dependent		
Bats (emergence/re-entry)				Weather or location dependent	Optimal	Optimal	Optimal	Optimal	Weather or location dependent	Weather or location dependent		
Bats (hibernation)	Optimal	Optimal	Weather or location dependent								Weather or location dependent	Optimal
GCN* (habitat assessment)	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
GCN (presence/absence)			Optimal	Optimal	Optimal	Optimal						
Reptiles							Sub-optimal	Sub-optimal				
Badger	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
Water Vole			Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal		
Otter	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
Birds (winter birds)	Optimal	Optimal									Optimal	Optimal
Birds (nesting birds)			Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal			
Dormouse	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
White Clawed Crayfish				Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal		

*GCN (Great crested newts)

	Optimal
	Sub-optimal
	Weather or location dependent

Biodiversity Enhancements

There are a wide range of biodiversity enhancements that can be incorporated into developments. It is important to consider that these might be at an early stage in the design of your development.

For larger developments, public open spaces provide the most significant opportunity to retain and enhance existing habits and to create new habitats. This will enhance the environment for local people as well as for wildlife. Interaction with nature is vital for our mental health and wellbeing, so a biodiverse green infrastructure should be view as an essential part of any new development.

There are also many small enhancements that can benefit biodiversity such as flowering lawns and wildlife boxes. Even at the small scale, allowing some areas to grow “wild” can provide food and shelter for hedgehogs, common toads, house sparrows, and slow worms (priority species).

Below are some helpful guidance links with information on the types of biodiversity enhancement measures that could be incorporated into your application:

Bird and Bat boxes:

- Swift Conservation
<https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in>
- RSPB
<https://www.rspb.org.uk/birds-and-wildlife/advice/how-you-can-help-birds/nestboxes/nestboxes-for-small-birds/making-and-placing-a-bird-box/>
- Bat Conservation Trust
<https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

Insect boxes and artificial refugia:

- Bumblebee Conservation Trust
<https://www.bumblebeeconservation.org/gardeningadvice/>
- RSPB
<https://www.rspb.org.uk/helping-nature/what-you-can-do/activities>
- Butterfly Conservation
<https://butterfly-conservation.org/how-you-can-help/get-involved/gardening>

Wildlife Ponds:

- Freshwater Habitats Trust
 - 1) <https://freshwaterhabitats.org.uk/habitats/ponds/>
 - 2) <https://freshwaterhabitats.org.uk/advice-resources/survey-methods-hub/clean-water-for-wildlife/>
- WWT
<https://www.wwt.org.uk/discover-wetlands/gardening-for-wetlands/how-to-build-a-wildlife-pond/#:~:text=While%20ponds%20with%20a%20surface,will%20be%20around%20the%20edge.>
- The Wildlife Trusts
<https://www.wildlifetrusts.org/actions/how-build-pond>



- RSPB
<https://www.rspb.org.uk/helping-nature/what-you-can-do/activities>

Grassland restoration and creation:

- Save our Magnificent Meadows
 - 1) <http://www.magnificentmeadows.org.uk/advice-guidance/section/how-can-i-restore-or-recreate-a-meadow>
 - 2) http://www.magnificentmeadows.org.uk/assets/pdfs/Restoration_using_natural_regeneration.pdf
- RSPB
<https://www.rspb.org.uk/helping-nature/what-you-can-do/activities/nature-on-your-doorstep>
- The Eden Project
<https://www.edenproject.com/learn/eden-at-home/how-to-create-a-wildflower-meadow-in-your-garden>
- RHS
<https://www.rhs.org.uk/lawns/creating-wildflower-meadows>
- Plantlife
<https://www.plantlife.org.uk/>
- Bumblebee Conservation Trust
https://www.bumblebeeconservation.org/wp-content/uploads/2017/08/BBCT_Land_Factsheet_4_Grassland_restoration.pdf

Hedgerow management:

- The Wildlife Trusts
<https://www.wildlifetrusts.org/wildlife/managing-land-wildlife/how-manage-hedgerow-wildlife>
- People's Trust for Endangered Species
<https://ptes.org/hedgerow/managing-hedgerows-top-tips/>

Tree planting/ woodland creation:

The Woodland Trust
<https://www.woodlandtrust.org.uk/plant-trees/advice/>

RHS
<https://www.rhs.org.uk/garden-inspiration/design/inspiring-woodland-gardens>

The Wildlife Trusts
<https://www.wildlifetrusts.org/actions/how-make-woodland-edge-garden-wildlife>

Wildlife gardening general advice:

- Berkshire Buckinghamshire & Oxfordshire Wildlife Trust
<https://www.bbowt.org.uk/actions>
- RHS
<https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/encourage-wildlife-to-your-garden>
- The Wildlife Trusts
<https://www.wildlifetrusts.org/gardening>
- RSPB
<https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/>
- National Trust
<https://www.nationaltrust.org.uk/features/nine-ways-to-build-a-wildlife-friendly-garden>

Biodiversity and Planning Policy

The environmental objective of sustainable development is described in paragraph 8(c) of the NPPF as (our emphasis added) *“to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”*.

Chapter 15 of the NPPF is entitled “Conserving and enhancing the natural environment”

Paragraph 180 requires planning policies and decision to contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 185 requires plans to protect and enhance biodiversity and geodiversity by:

- Identifying, mapping and safeguarding components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancements, restoration or creation; and
- Promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identifying and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 186 requires local planning authorities to apply the following principles when determining principles:

- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should 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 Sites of Special Scientific Interest;
- Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶⁷ and a suitable compensation strategy exists; and
- Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The Planning Practice Guidance states “*Information on biodiversity and geodiversity impacts and opportunities needs to inform all stages of development (including site selection and design, pre-application consultation and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Pre-application discussions can help to scope whether this is the case and, if so, the survey work required*” (Paragraph: 018 Reference ID: 8-018-20190721 – Revision date: 21/07/2019).

This is also highlighted in Circular 06/2005, which states at para 99 “*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted...*”

The need to protect and enhance biodiversity and the need to understand the biodiversity resources that might be affected by development proposals are also emphasised in:

- West Oxfordshire District Council Local Plan policy EH3
- British Standard BS 42020:2013 Biodiversity Code of Practice for Planning and Development <http://shop.bsigroup.com/ProductDetail/?pid=000000000030258704>
- Natural England standing advice <https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals>

Appendices

Appendix 1 (Designated sites):

You can find out if your application site is on or near any of these sites from:

www.natureonthemap.org.uk,

www.magic.gov.uk

<https://www.westoxon.gov.uk/media/op1jcjfk/adopted-local-plan-2031-policies-map.pdf>

The Valley Environmental Records Centre (TVERC) can provide detailed maps showing boundaries of all site designations and priority habitats.

SSSI = Site of Special Scientific Interest (designated and protected under UK law); SAC = Special Area of Conservation; SPA = Special Protection Area (these are designated and protected under EU law and are also SSSIs); Ramsar site = internationally important wetland, designated under the Ramsar Convention – these will also be SPAs / SACs and SSSI.

Impact Risk Zones (IRZs) are a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks to SSSI posed by development proposals. They define zones around each SSSI which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts. The SSSI IRZ Dataset can be downloaded from the [Natural England Open Data Geoportal](#). It is also available to view on www.magic.gov.uk

Local Wildlife Sites (LWS) are not legally protected, but are identified in the Local Plan as being of importance for biodiversity and are considered during the planning process.

Appendix 2 (Great crested newts District Licensing scheme):

District level licensing is a new way of considering impacts on great crested newts. The councils each hold their own district licence that developers can opt to use instead of commissioning detailed surveys and applying for a separate licence from Natural England. The main benefit of this is that the licensing requirements are dealt with at the same time as the planning application and reduces delays to commencement. For more information please visit <https://naturespaceuk.com/>

Red zone – the most suitable habitat, with a high risk of great crested newts. Developers may be able to use the District Licence Scheme but there will be some mitigation requirements (e.g. best practice/timing/capture of newts).

Amber zone – suitable habitat, great crested newts likely to be present.

Green zone – low risk areas where great crested newts are less likely to be present.

White zone – unsuitable, great crested newts highly unlikely to be present.

The impact risk mapping for GCN is available at <https://naturespaceuk.com/gismaps/impact-risk-map/>

Appendix 3 (Priority Habitats):

Areas of designated Ancient Woodland and some Priority Habitats can be found on www.magic.gov.uk. The LPA's Local Plan Proposals Map for your local planning authority may identify the location of any Local Wildlife Sites. A biodiversity data search from the Thames Valley Environmental Records Centre (TVERC) should be obtained if necessary - refer to biodiversity guidance.



Priority Habitat – natural or semi-natural habitats that have been identified as being at risk (i.e. they are rare or in decline) or that are important for certain key species of plant or animal; previously known as UK BAP priority habitats, these are now referred to as Habitats of Principal Importance for Biodiversity (as defined in Section 41 of the Natural Environment and Rural Communities Act 2006):

- Ancient or species-rich hedgerows
- Floodplain grazing marsh
- Fen, marsh, swamp and reedbeds
- Lowland beech and yew woodland
- Lowland calcareous grassland (e.g. species-rich chalk and limestone grasslands)
- Lowland meadows (e.g. species-rich neutral grassland)
- Lowland mixed deciduous woodland (including areas identified as ancient woodland)
- Lowland wood-pasture and parkland
- Standing open water and canals (e.g. lakes, ponds and flooded gravel pits); and
- Wet woodland

Appendix 4 (Avoidance, Mitigation, Compensation and Enhancement):

Avoidance (measures taken to avoid impacts) should be the first considerations; **mitigation** (measures which make unavoidable impacts less severe); **compensation** (measures which counterbalance remaining impacts, resulting in an overall no net loss of biodiversity). NB 'Mitigation' as a general term, or a 'mitigation strategy' is often used to cover all these processes; and then in addition to this, **enhancement** measures to provide a gain in biodiversity.

Appendix 5 (Potential Bat Features and Locations):

This checklist, where relating to potential impacts on **bats**, is adapted from the Bat Conservation Trust's guidelines (see <https://www.bats.org.uk/resources/guidance-for-professionals/bat-surveys-for-professional-ecologists-good-practice-guidelines-4th-edition>) on where bats might reasonably be likely to be found. However, bats can be found in other locations, types or areas of buildings. It is particularly important to note that where a building has hanging tiles but is not within 200m of woodland or water, there is still potentially a reasonable likelihood of bats being present and a survey may be required in situations other than those specifically identified in the BCT.

Appendix 6 (Protected and Priority Species):

There are a number of species that are protected by law, for example under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). For example:

- Bats
- Badgers
- Dormouse
- Great crested newts
- Nesting birds
- Otters
- Reptiles
- Water Voles

Species that have been identified as being at risk (i.e. they are rare or in decline) or important for certain key species of plant or animal; previously referred to as UK BAP priority species, these are now known as "Species of Principal Importance for Biodiversity Conservation" under Section 41 of the Natural



Environment and Rural Communities Act 2006 as listed at <https://jncc.gov.uk/our-work/uk-bap-priority-species/#uk-bap-priority-species-list> . For example:

- *Brown Hare*
- *Skylark*
- *Common toad*
- *Hedgehog*

The Thames Valley Environmental Records Centre (TVERC) hold data on the known locations of millions of protected, notable and priority species. However, the absence of a record does not necessarily mean that the species is absent from an area – it is entirely dependent on recording effort.

Appendix 7 (Important biodiversity features)

There are other important habitats and features that are not included in the national list of priority habitats, but are of great local importance. These include:

- *Secondary woodland*
- *Mature, ancient and veteran trees*
- *Caves, mines and disused tunnels*
- *Trees and scrub (potential bird nesting areas)*
- *Previously developed land with biodiversity interest*
- *Urban green space (such as allotments, disused railway lines); and*
- *Ponds (where not qualifying as priority habitat)*

Appendix 8 (Impacts from works)

*Impacts can be **direct** such as destruction, removal or modification, or **indirect** through disturbance such as run-off, noise, dust, lighting or increased recreational use.*