

3rd January 2024

Oxford City Plan proposed submission draft – response from the Oxfordshire Local Nature Partnership

Oxfordshire Local Nature Partnership (OLNP) is pleased to have the opportunity to share its response to Oxford City Council's Local Plan proposed submission draft. Overall we are pleased with the level at which nature is being prioritised within the plan. However, we are disappointed that level of ambition for Biodiversity Net Gain remains at the mandatory minimum of 10%. We use this opportunity to again request this policy be increased to at least 20% or greater, and to raise concern about one or two other issues.

1) Biodiversity Net Gain

Within the evidence presented by Defra consulting on the introduction of Biodiversity Net Gain into the planning system (December 2018-February 2019), it was made clear that an increase of 10% would be the absolute minimum necessary to ensure confidence that a net loss in biodiversity would be avoided. [Defra's Impact Assessment document \(21/11/2018\)](#) include:

- *"..In simple terms, [10%] is the lowest level of net gain that [Defra] could confidently expect to deliver genuine net gain, or at least no net loss, of biodiversity and thereby meet its policy objectives."*
- *"..Advice from some Natural Capital Committee members suggests that a level of net gain at or above 10% is necessary to give reasonable confidence in halting biodiversity losses."*
- *"..The department therefore favours as high a level of net gain as is feasible... The analysis undertaken in this Impact Assessment indicates that the level of requirement makes relatively little difference to the costs of mitigating and compensating for impacts."*

As part of the OP2050 work, the Biodiversity Advisory Group, which is now an OLNP subgroup, secured support for a 20% net gain policy (<https://www.wildoxfordshire.org.uk/proposed-policies-for-op2050/>). Similarly, the Oxfordshire Leadership Group of the Ox-Cam Arc also agreed adopting a level of 20% net gain for planning decisions. Further, there is precedent within Oxfordshire of the Planning Inspector approving a development with 25% net gain for [Salt Cross](#).

Analysis shows that Oxfordshire is very nature-deprived compared to the average for England as a whole. In addition, Oxfordshire's remaining semi-natural habitats face intense pressure from housing and infrastructure development. Further, recent analysis has shown that most biodiversity units are delivered on site, with only around 7% currently being delivered off-site.



Preliminary analysis indicates that a target of 10% BNG would only generate enough off-site biodiversity units to fund a maximum of 11% of the estimated costs of reaching the 30x30 nature recovery target (30% of land protected and managed for nature by 2030).

This paper concludes that the national minimum target of 10% BNG will not be sufficient to reverse the historic losses caused by development in Oxfordshire during the current local plan periods and play a significant role in delivering the national and local biodiversity targets for 2030. Other councils in similar positions have chosen higher targets (e.g. 20% in Surrey) in order to increase confidence that genuine gains for biodiversity can be delivered. The full paper can be found [here](#).

Oxfordshire Local Nature Partnership acknowledges the issues relating to perceived viability. A viability assessment conducted for Kent found the following headlines:

- A shift from 10% to 15% or 20% BNG will not materially affect viability in the majority of instances when delivered onsite or offsite.
- The biggest cost in most cases is to get to mandatory, minimum 10% BNG. The increase to 15% or 20% BNG in most cases costs much less and is generally negligible.
- Because the BNG costs are low when compared to other policy costs, in no cases are they likely to be what renders development unviable.

The objective need for nature is for a policy of at least 20% or greater. Oxford City Council have committed to supporting nature recovery, including in their corporate plan and in agreeing to the outcomes of the strategic vision for Oxfordshire. Therefore Oxfordshire Local Nature Partnership implores Oxford City Council to look again at this policy and increase the ambition.

2) UK priority habitats and species

The NPPF expects policy on that:

"179. To protect and enhance biodiversity and geodiversity, plans should:.....b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."

The policy wording in relation to it in the draft Oxford City Local Plan within Policy G6 states:

"Other features of interest

Development should seek to retain and enhance habitats and species of principal importance for biodiversity wherever possible."

Our concern is that although superficially this may seem like strong policy e.g. it could be argued it is almost always "possible" – our experience over the years with policy worded "wherever possible" is that it is often in practice not strong policy, perhaps because it can be ambiguous. As such we much preferred the wording in the previous Oxford City Local Plan (attached in case helpful) which used the same policy for priority habitat and species as for

LWSs and OCWSs. And although wordings vary this is also more similar in general to the wording we commonly see in Local Plans on priority habitat and species:

"On sites of local importance for wildlife, including Local Wildlife Sites, Local Geological Sites and Oxford City Wildlife Sites, on sites that have a biodiversity network function, and where there are species and habitats of importance for biodiversity that do not meet criteria for individual protection, development will only be permitted in exceptional circumstances whereby:

a) there is an exceptional need for the new development and the need cannot be met by development on an alternative site with less biodiversity interest; and

b) adequate onsite mitigation measures to achieve a net gain of biodiversity are proposed; and

c) where this is shown not to be feasible then compensation measures will be required, secured by a planning obligation."

3) Irreplaceable habitats

The NPPF paragraph 180 (c) expects a policy that addresses irreplaceable habitat and we cannot find any in the Oxford Local Plan. In this instance we are pleased to borrow text from BBOWT's response to your preferred options consultation:

In the Oxford City context that includes lowland fen (such as Lye Valley SSSI), unimproved lowland meadow habitats (such as Oxford Meadows SAC) and ancient woodland (such as Brasenose Woods) and veteran trees. In addition to policy, a map should also be included to show these habitats;"

NPPF Glossary wording: **"Irreplaceable habitat:** Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen." Some forms of lowland meadow, such as the MG4 Oxford floodplain meadows, also meet the definition of irreplaceable habitat.

Lowland Fen is found at a number of sites within the City boundaries (including Lye Valley SSSI and Rivermead Nature Park Oxford City Wildlife Site) and also outside but close to the City (including Raleigh Park LWS, Cothill Fen SAC, and Sydlings Copse SSSI). The Lye Valley SSSI and other sites include a particular type of lowland fen (type M13), of which only 19.1 hectares remain in the whole of England.

This habitat cannot be recreated elsewhere as it is dependent on a combination of geology and geography with a calcareous spring-fed water source of the right quality and quantity. This occurs at only a few locations in the UK. Oxfordshire, including Oxford City, is host to several of the finest examples of these alkaline valley fens. They are the rarest habitats that Oxford City has; as such the City has a special responsibility to conserve them. The fens are irreplaceable habitats and therefore have specific protection in the NPPF.

The fens are highly vulnerable to changes in water quality and quantity which may arise from development within their catchment. They are also vulnerable to trampling damage, increases in nutrients (from dog mess and air pollution), and changes in the grazing regime (which may be inevitable due to increased recreational pressures) that may be needed at some sites to maintain the plant species that make a fen special.

Due to the exceptional rarity and vulnerability of these fens we consider that bespoke planning policy is needed to ensure their protection, either within the Local Plan itself, or through an SPD or similar.”