South Oxfordshire and Vale of White Horse
Joint Local Plan 2041

TOPIC PAPER

JUSTIFICATION FOR HIGHER BIODIVERSITY NET GAIN

South Oxfordshire and Vale of White Horse
Joint Local Plan 2041
EXAMINATION LIBRARY DOCUMENT
TOP04.1

Joint Local Plan

Submission Version

(Regulation 22)

South Oxfordshire District Council
Listening Learning Leading

Vale of White Horse District Council

December 2024

This topic paper supports the Joint Local Plan 2041.

We have prepared topic papers to present a coordinated view of the evidence that has been considered in drafting the Joint Local Plan 2041. We hope this will make it easier to understand how we have reached our position.

Publication history

This topic paper was first published in October 2024 and released with the Regulation 19 publication version of the Joint Local Plan.

This December 2024 version contains the following updates since the October 2024 version:

- Addition of a section setting out the local context.
- Addition of a section setting out how our approach to BNG has evolved throughout the plan-making process.
- Amendments were made to more clearly set out the local need for a higher BNG percentage.
- Amendments were made to more clearly set out the local opportunities for a higher BNG percentage.
- Amendments were made to more clearly set out the locally specific assumptions that were applied during the viability testing.

Contents

Section 1: Introduction

1.1 This topic paper sets out the justification for requiring development in South Oxfordshire and Vale of White Horse to deliver at least a 20% biodiversity net gain (unless the development is not subject to the statutory framework for biodiversity net gain) as set out in Policy NH2 (Nature Recovery) of the submission version Joint Local Plan 2041.

Section 2: Biodiversity net gain requirements

2.1 Biodiversity Net Gain (BNG) is an approach to development that aims to ensure that habitats are left in a measurably better state than they were before development, after first avoiding and minimising harm.

2.2 BNG involves numerically comparing the total 'biodiversity value' of existing habitats present on a site before development starts with the predicted total 'biodiversity value' after development is complete. Development can achieve a net gain in biodiversity value by creating more valuable habitats than those present beforehand, or by retaining and enhancing existing habitats. BNG can be delivered either on the same site as development or elsewhere. For off-site gains and significant on-site gains, the habitat created/enhanced must be maintained for a minimum of 30 years and this is secured through a legal agreement.

2.3 BNG only refers to habitats, which are used to represent overall 'biodiversity value'. BNG is a separate, additional consideration to requirements to protect designated sites, Priority and Irreplaceable Habitats, and Protected and Priority Species. Measures to provide enhancements for species, such as nest boxes or bat boxes, are also separate from BNG.

2.4 The Environment Act 2021 introduced a mandatory requirement for development to deliver at least a 10% BNG.[1] This came into force for major developments from 12 February 2024 and for smaller developments from 2 April 2024. There are a limited number of development types that are exempt from BNG requirements, including householder developments and small-scale self and custom build developments.

2.5 It is possible for local authorities to set higher BNG requirements through their local plans if this justified. National Planning Practice Guidance (NPPG) states:

> *"Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented."*[2]

[1] Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).
[2] Planning Practice Guidance: Biodiversity Net Gain: About biodiversity gain: How should plan-makers deal with biodiversity net gain? Paragraph: 006. Reference ID: 74-006-20240214

Section 3: The local context

3.1 South Oxfordshire and Vale of White Horse District Councils are two of five local planning authorities in Oxfordshire, the other authorities being Cherwell District Council, Oxford City Council and West Oxfordshire District Council. In addition, Oxfordshire County Council has responsibilities extending across Oxfordshire, including as the local transport authority, lead for the production of the Local Nature Recovery Strategy, and as the minerals and waste planning authority.

3.2 All the Oxfordshire authorities have signed up to the Oxfordshire Strategic Vision, which sets out a highly ambitious pathway towards a more sustainable future. The vision is designed to be overarching and cross-cutting to inform a range of local and national plans, strategies and programmes, including local plans. The first of the nine outcomes the Strategic Vision aims to achieve by 2050 is: "*Our natural environment will be in a better state than that in which we found it*"[3]. The Strategic Vision also defines what good growth means for Oxfordshire, stating: "*Good growth will: enhance the historic and natural environment*".

3.3 All the Oxfordshire local authorities have also endorsed[4] shared regional principles for protecting, restoring and enhancing the natural environment in the Oxford-Cambridge Arc area[5]. These principles include a commitment for:

> *"Delivering biodiversity net gain for Town & Country Planning Act developments of 20%. This is above the 10% Government mandated minimum to reflect the Arc's world leading environmental ambitions."*

3.4 The Oxfordshire Local Nature Partnership (OLNP) includes representatives from businesses, farming, universities, landowners, local authorities and

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[3] Future Oxfordshire Partnership (May 2021) Oxfordshire's Strategic Vision for Long-Term Sustainable Development. Available online: https://www.futureoxfordshirepartnership.org/a-vision-for-oxfordshire

[4] South Oxfordshire District Council cabinet meeting Thursday 8 April 2021. Minutes available online: https://democratic.southoxon.gov.uk/ieListDocuments.aspx?CId=121&MId=2653
Vale of White Horse District Council cabinet meeting Friday 9 April 2021. Minutes available online: https://democratic.whitehorsedc.gov.uk/ieListDocuments.aspx?CId=507&MId=2747
Cherwell District Council executive meeting Tuesday 6 April 2021. Minutes available online: https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=115&MId=3374
Oxford City Council cabinet meeting Wednesday 14 April 2021. Minutes available online: https://mycouncil.oxford.gov.uk/ieListDocuments.aspx?CId=527&MId=5690
West Oxfordshire District Council cabinet meeting Wednesday 21 April 2021. Minutes available online: https://meetings.westoxon.gov.uk/ieListDocuments.aspx?CId=1139&MId=1815
Oxfordshire County Council cabinet meeting Tuesday 15 November 2022. Minutes available online: https://mycouncil.oxfordshire.gov.uk/mgAi.aspx?ID=25975

[5] Oxford-Cambridge Arc Leadership Group Environment Working Group (March 2021) Shared Regional Principles for Protecting, Restoring and Enhancing the Environment in the Oxford-Cambridge Arc (page 9). Available online: https://democratic.southoxon.gov.uk/documents/s22377/Appendix%203%20-%20Arc%20Environment%20Principles.pdf

environmental NGOs. The OLNP's BNG Guiding Principles[6] support the need for higher BNG requirements and suggest that the Oxfordshire authorities should aim to adopt a minimum requirement BNG of 20% or greater in local plans.

3.5 At the district level, Cherwell District Council and West Oxfordshire are also proposing to set higher BNG requirements, demonstrating the shared local intention to ensure that new developments have a positive impact on local nature and biodiversity.

3.6 Cherwell District Council is currently producing a new local plan to 2042. The Regulation 19 stage is due to commence in December 2024. Policy CSD 12 (Biodiversity Net Gain) of the proposed submission plan states: "*At least 20% biodiversity net gain will be sought in the Nature Recovery Network Core and Recovery zones, and the strategic allocations in this Plan"*[7].

3.7 West Oxfordshire District Council is currently producing a new local plan covering the period to 2041. An initial scoping consultation was undertaken from August to October 2022. The consultation document included a section on increasing biodiversity which stated: "*We would like to see exemplary biodiversity net gain in West Oxfordshire*"[8]. A further focused consultation on ideas and objectives took place from August to October 2023. This consultation document stated:

> *"In response to our initial consultation last year, 87% of those responding on the issue biodiversity wished to see an increase in biodiversity, including a requirement for exemplary BNG… if a local approach to BNG can be justified, a policy could be pursued, for example advocating a higher percentage net gain…"*[9].

3.8 West Oxfordshire District Council is planning to undertake a further Regulation 18 consultation in 2025.

3.9 It is also relevant that Policy 9 (Biodiversity Net Gain) of West Oxfordshire District Council's pre-submission draft Salt Cross Garden Village Area Action Plan[10] requires development at Salt Cross to demonstrate an overall

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[6] Oxfordshire Local Nature Partnership (November 2023) Biodiversity Net Gian – Guiding Principles. Available online: https://www.olnp.org.uk/partnership-publications#:~:text=Oxfordshire%20Biodiversity%20Net%20Gain%20(BNG)%20guiding%20principles&text=Our%20aspiration%20is%20that%20they,and%20restore%20our%20county's%20nature.

[7] Cherwell District Council (December 2024) Cherwell Local Plan Review 2041 Proposed Submission Plan (Regulation 2024) version for overview and scrutiny. Available online: https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=116&MId=4166&Ver=4

[8] West Oxfordshire District Council (August 2022) Local Plan and Council Plan Consultation (paragraph 8.10). Available to view online: https://www.westoxon.gov.uk/planning-and-building/planning-policy/local-plan-2041/

[9] West Oxfordshire District Council (August 2023) Focused Consultation: Ideas and Objectives (Page 25). Available online: https://www.westoxon.gov.uk/planning-and-building/planning-policy/local-plan-2041/

[10] West Oxfordshire District Council (August 2020) Salt Cross Garden Village pre-submission draft Area Action Plan. Available online at: https://www.westoxon.gov.uk/planning-and-building/planning-policy/salt-cross-garden-village/

biodiversity net gain of 25%. The Inspector's Report on the Examination of the Salt Cross Garden Village Area Action Plan[11] states:

> "*The requirement for an overall biodiversity net gain of 25% in Policy 9 is ambitious and would exceed the minimum 10% target introduced by the Environment Act 2021. However, the evidence base [EV28, EV29 & EV35] demonstrates a good understanding of the ecological conditions of the land within the AAP boundary. We are also satisfied that the requirement is achievable given the baseline condition of the land and allowing for the margin for error that is evidenced. The 25% requirement in Policy 9 is therefore justified."*

3.10 Oxford City Council's Oxford Local Plan 2040 submission draft[12] Policy G4 (Delivering Mandatory Net Gains in Biodiversity) does not seek to set a BNG requirement greater than the mandatory 10%. However, it did state that "*Delivery that exceeds 10% net gain is strongly encouraged wherever possible*." The supporting background paper[13] explains that setting a higher BNG requirement was considered but was not taken forward as it would not be realistic/deliverable in Oxford, particularly on many smaller, constrained sites and when combined with other policy requirements that have an impact on space. The background paper states: "*Indeed, current performance of the 5% net gain policy suggests that the 10% target in itself is likely to be challenging enough to deliver onsite in many areas of [the] city*." It is relevant to note that Oxford, as an urban authority, has very different characteristics to the predominantly rural authorities that surround it and therefore surrounding authorities are unlikely to face the same constraints in setting higher BNG requirements.

3.11 Oxfordshire County Council's Oxfordshire Environmental Principles[14] state a commitment to "*[a]chieve and where possible exceed government and local biodiversity net gain targets with an ambition of achieving 20% net gain*".

3.12 Oxfordshire County Council is also leading the production of Oxfordshire's Local Nature Recovery Strategy (LNRS), which will set out biodiversity priorities for the county, as well as measures to help achieve the desired outcomes. Consultation was undertaken on the draft LNRS from October -

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[11] The Planning Inspectorate (1 March 2023) Report on the Examination of the Salt Cross Garden Village Area Action Plan (paragraph 156). Available online at: https://www.westoxon.gov.uk/planning-and-building/planning-policy/salt-cross-garden-village/

[12] Oxford City Council (November 2023) Oxford Local Plan Submission Draft. Available online: https://www.oxford.gov.uk/downloads/file/2363/csd001---oxford-local-plan-2040-proposed-submission-draft

[13] Oxford City Council Oxford Local Plan 2024 Background Paper 8 Biodiversity including Source Pathway Receptor Analysis (SPRA) (paragraph 5.5). Available online: https://www.oxford.gov.uk/downloads/file/3184/bgp008---biodiversity-including-source-pathway-receptor-analysis-spra

[14] Oxfordshire County Council cabinet meeting Tuesday 15 November 2022. Minutes available online: https://mycouncil.oxfordshire.gov.uk/mgAi.aspx?ID=25975

December 2024 and the strategy is due to be finalised in Spring 2025. The proposed biodiversity priorities[15] for Oxfordshire included:

- More grassland habitats which are larger and better connected in Oxfordshire which include scrub and mosaic habitats.
- More areas of mixed habitat are created in Oxfordshire including wood pasture, parkland, orchard, and open mosaic habitats to support biodiversity.
- Create new areas of diverse woodland in Oxfordshire that are in good ecological condition and managed to support biodiversity.

3.13 It is noted that the Oxfordshire authorities' previous work on a Joint Statutory Spatial Plan included an intention to pursue a higher BNG requirement across the county. The Oxfordshire Plan Regulation 18 (Part 2) consultation[16], which was approved by all partner authorities, ran from July to October 2021 and included a preferred option under Policy Option 08 (Biodiversity Net Gain) for 20% BNG to be the standard benchmark for the whole of the county.

[15] Oxfordshire County Council (September 2024) Oxfordshire's Local Nature Recovery Strategy Statement of Biodiversity Priorities. Draft Version. Available online: https://letstalk.oxfordshire.gov.uk/lnrs-phase3-consultation

[16] Oxfordshire Plan Regulation 18 (Part 2) Consultation Document (page 65). Available online: https://democratic.southoxon.gov.uk/documents/s23078/Appendix%20A%20-%20Ooxfordshire%20Plan%202050%20Regulation%2018%20Part%202%20Consultation%20Document.pdf

Section 4: How our approach has evolved

4.1 There have been three key stages in the development of the Joint Local Plan:

i. Regulation 18 part one issues consultation (12 May - 23 June 2022);
ii. Regulation 18 part two preferred options consultation (10 January - 26 February 2024); and
iii. Regulation 19 pre-submission publication (1 October - 12 November 2024).

4.2 At the issues stage, we consulted on the proposed vision for the Joint Local Plan. The vision is important as it sets out what we want the plan to achieve. The principles of protecting nature and enhancing biodiversity are at the heart of the Joint Local Plan's vision which aims: "*For this to be a place where nature is thriving, and nature reserves are no longer isolated pockets."* The vision was widely supported (with around 85% of responses selecting 'strongly agree' or 'agree' with the vision[17]) and has not changed significantly since the issues stage.

4.3 The Joint Local Plan vision is closely aligned with the priorities set out in the councils' corporate plans. Objective 1 of South Oxfordshire District Council's Corporate Plan 2020 - 2024[18] is to protect and restore our natural world. The Corporate Plan states:

> *"We will champion the opportunity to restore our natural world in both biodiverse and bio-depleted areas through nature recovery networks and other means. We will connect urban communities to their local green spaces and restore nature to urban environments."*

4.4 The Vale of White Horse District Council's Corporate Plan 2020 - 2024[19] sets a number of targets including:

> "*Develop a Biodiversity Net Gain Targeting Strategy and contribute to a Nature Recovery Network for Oxfordshire*."

4.5 The corporate plans show that restoring nature is a key priority for both councils.

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[17] Joint Local Plan Issues Consultation Results, February 2023, available at: http://www.southandvale.gov.uk/storymaps-results

[18] South Oxfordshire District Council Corporate Plan 2020-2024, available at: https://www.southoxon.gov.uk/south-oxfordshire-district-council/about-the-council/corporate-plan/

[19] Vale of White Horse District Council Corporate Plan 2020-2024, available at: https://www.whitehorsedc.gov.uk/wp-content/uploads/sites/3/2020/11/VOWH-Corporate-Plan-2020-2024.pdf

4.6 Both South Oxfordshire District Council[20] and Vale of White Horse District Council[21] have declared climate emergencies, reflecting the serious environmental challenges we are facing. This has been a key influence on the Joint Local Plan's vision and policies, with the plan including a chapter dedicated to policies responding to climate change. Therefore actions to restore and enhance nature and biodiversity are also a priority in helping to reduce, mitigate and adapt to the impacts of climate change.

4.7 South Oxfordshire District Council has also declared an ecological emergency in response to significant declines in nature and biodiversity. South Oxfordshire District Council resolved to ensure that addressing the climate and ecological emergencies and nature recovery are considered as strategic priorities for planning policies[22].

4.8 Nature Recovery was a core theme of the issues consultation, recognising that development can put pressure on nature and the countryside, but the planning process can help avoid, reduce and offset the harm that can occur.

4.9 At the preferred options stage, a set of strategic objectives to help achieve the Joint Local Plan vision were set out. These objectives have further shaped the direction of the policies within the plan. Of particular relevance is Objective 4, which seeks to:

> "*Help nature recover by protecting wildlife and expanding natural habitats, requiring developments to achieve the highest viable net gain in biodiversity so that it leaves the natural environment better than it was before the development."*

4.10 The preferred options stage also set out the councils' preferred approach to BNG under Policy NH1 (Nature Recovery). The preferred approach was:

> *"4) Development** in South Oxfordshire and Vale of White Horse must deliver at least 11-25% biodiversity net gain (whatever is the maximum assessed as deliverable through the Joint Local Plan Viability Assessment) measured using the latest Defra Biodiversity Metric.*
>
> *5) 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.*

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[20] South Oxfordshire District Council council meeting Thursday 11 April 2019. Minutes available online: https://democratic.southoxon.gov.uk/ieListDocuments.aspx?CId=122&MId=2439
[21] Vale of White Horse District Council council meeting Wednesday 13 February 2019. Minutes available online: https://democratic.whitehorsedc.gov.uk/ieListDocuments.aspx?CId=108&MId=2453
[22] South Oxfordshire District Council council meeting Thursday 11 February 2021. Minutes available online: https://democratic.southoxon.gov.uk/ieListDocuments.aspx?CId=122&MId=2640

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, as a last resort, purchase national biodiversity credits."

4.11 The councils' preferred policy approach was tested alongside reasonable alternatives through the Sustainability Appraisal (SA) process[23]. The councils' preferred option was found to have positive effects in relation to a number of sustainability objectives and scored the most positively out of all the options tested. Alternative option D (do not have a policy) would result in the councils relying only on the mandatory requirement for 10% BNG and this option scored negatively against a number of sustainability objectives, with the SA noting that a "*Lack of dedicated policy would miss opportunities to protect, enhance and restore biodiversity and the associated benefits it provides in terms of ecosystem services*".

4.12 The majority of respondents who commented on Policy NH1 (78%) stated that the councils' preferred option was also their preferred option and 77% either agreed or strongly agreed with the proposed draft policy wording. There was significant support for setting a higher BNG requirement, however there were also comments, mainly from the development industry, suggesting that we should not go above the mandatory 10% requirement due to viability impacts, lack of flexibility, and lack of justification. It is noted that Natural England, the Environment Agency and Oxfordshire County Council all stated that the councils' preferred option was also their preferred option. Natural England strongly encouraged increasing BNG above the mandatory 10% and recommended that we identify where in the ecological network BNG may be delivered in situations where on-site delivery is not possible in a way that reflects local priorities.

4.13 Moving from the preferred options to the pre-submission publication stage, we further refined our policy approach to BNG with consideration given to Regulation 18 (Part 2) consultation responses and relevant evidence including:

- Habitats and Species Trends[24] - *An analysis of biodiversity and land use datasets to identify key trends in the districts in recent decades.*
- Assessment of sites' BNG potential[25] - *An assessment of how much BNG might feasibly be delivered on sites in the districts and,*

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[23] Urban Edge Environmental Consulting (December 2023) Sustainability Appraisal and Strategic Environmental Assessment for the South Oxfordshire and Vale of White Horse Joint Local Plan Sustainability Report for the Preferred Options Local Plan. Available online: https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2024/01/JLP_SA_and_SEA_Report_Dec_2023.pdf

[24] Thames Valley Environmental Records Centre (June 2023) South Oxfordshire and Vale of White Horse Joint Local Plan 2041 Habitats and Species Trends. Available online: https://www.southandvale.gov.uk/joint-local-plan-2041-supporting-documents/

[25] Thames Valley Environmental Records Centre (August 2024) •South Oxfordshire and Vale of White Horse Joint Local Plan 2041 Assessment of sites' BNG potential. Available online: https://www.southandvale.gov.uk/joint-local-plan-2041-supporting-documents/

subsequently, how many (if any) off-site biodiversity units might need to be purchased under different BNG requirements.

- Joint Local Plan Viability Report[26] - *Tested the impacts of Joint Local Plan policies, including a higher BNG requirement, on the financial viability of development.*

- Sustainability Appraisal and Strategic Environmental Assessment for the Pre-Submission Local Plan[27] - *An appraisal of the potential impacts of preferred plan policies and reasonable alternatives on environmental, social and economic objectives.*

4.14 This refinement resulted in the identification of a 20% BNG requirement as being appropriate, viable and feasible in South Oxfordshire and the Vale of White Horse.

[26] Aspinall Verdi (September 2024) South Oxfordshire District Council and Vale of White Horse District Council Joint Local Plan Viability Main Viability Report. Available online: https://www.southandvale.gov.uk/joint-local-plan-2041-supporting-documents/

[27] Urban Edge Environmental Consulting (September 2024) Sustainability Appraisal and Strategic Environmental Assessment for the South Oxfordshire and Vale of White Horse Joint Local Plan Sustainability Report for the Pre-Submission Local Plan. Available online: https://theconversation.southandvale.gov.uk/jlp/

Section 5: The need for a higher biodiversity net gain requirement

5.1 There is a strong need for a higher BNG requirement in South Oxfordshire and the Vale of White Horse (the Vale) based on the following local circumstances:

i. In recent decades, the rate of expansion of built-up areas in the districts has been well above comparative regional and national figures.

ii. The expansion of built-up areas has placed increasing pressure on the districts' biodiversity, as habitats are lost and become increasingly fragmented. This has resulted in biodiversity declines above comparative regional and national figures.

iii. Development pressure in the districts will remain high to 2041. The Joint Local Plan provides an opportunity to help address past biodiversity losses and to deliver real gains for nature.

These points are discussed in further detail below.

i) In recent decades, the rate of expansion of built-up areas in the districts has been well above comparative regional and national figures.

5.2 UK Centre for Ecology and Hydrology land cover change maps show that in the period from 1990 to 2015, South Oxfordshire experienced a 30.9% increase in built-up area and the Vale experienced a 29.4% increase in built-up area. These percentages are higher than the increases in built-up area across Oxfordshire (20.0%) and England (22.7%) over the same period[28].

5.3 Office of National Statistics data shows that in the period from 2011 to 2022, South Oxfordshire experienced a 26.8% increase in built-up area and the Vale experienced a 31.7% increase in built-up area. Again, these percentages are higher than the increases in built-up area across Oxfordshire (25.4%) and England (14.5%)[29] over the same period. In fact, the increase in the Vale was more than double the national figure and the increase in South Oxfordshire was close to double the national figure.

5.4 The Office of National Statistics also provides data on net additions to the dwelling stock. This considers new builds, conversions, changes of use and other gains/losses, offset by demolitions, per 1,000 dwellings. The latest

[28] Thames Valley Environmental Records Centre (June 2023) South Oxfordshire and Vale of White Horse Joint Local Plan 2041 Habitats and Species Trends - Table 2. Available online: https://www.southandvale.gov.uk/joint-local-plan-2041-supporting-documents/

[29] Thames Valley Environmental Records Centre (June 2023) South Oxfordshire and Vale of White Horse Joint Local Plan 2041 Habitats and Species Trends - Table 3. Available online: https://www.southandvale.gov.uk/joint-local-plan-2041-supporting-documents/

figures for 2022 - 2023 show that net additions to the dwelling stock in South Oxfordshire and the Vale are well above the national average.

5.5 Figure 1 shows net additions to the dwelling stock in South Oxfordshire in 2022 - 2023 relative to other lower-tier and unitary authorities in England. The national average (9 dwellings) is shown using a blue line. Net additions in South Oxfordshire (20 dwellings) were more than double the national average.

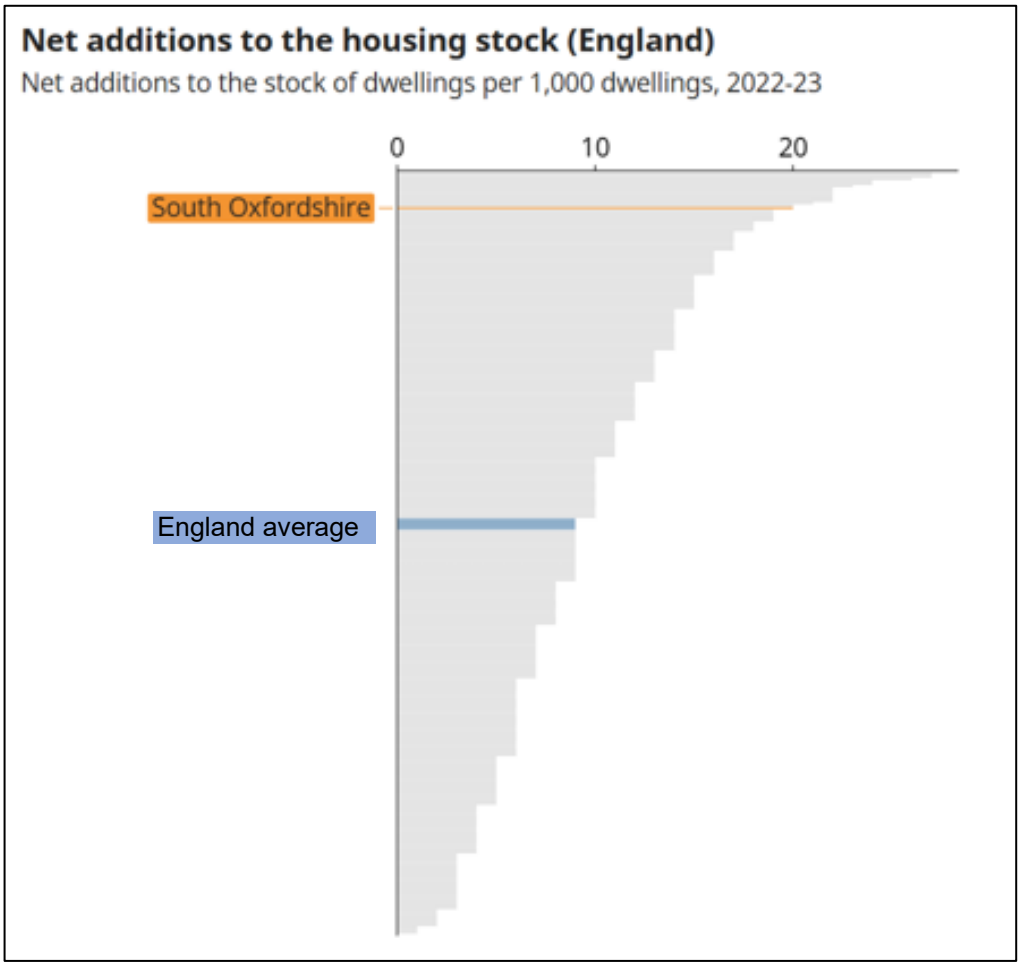

Figure 1: Net additions to the dwelling stock in South Oxfordshire relative to other lower-tier and unitary authorities in England 2022 - 2023[30]

5.6 Figure 2 shows net additions to the dwelling stock in the Vale in 2022 – 2023 relative to other lower-tier and unitary authorities in England. The national average (9 dwellings) is shown using a blue line. Net additions in the Vale (22 dwellings) were also more than double the national average.

[30] Office of National Statistics Net additions to the housing stock (England) 2022-23. Available online: https://explore-local-statistics.beta.ons.gov.uk/areas/E07000179-south-oxfordshire/indicators#housing

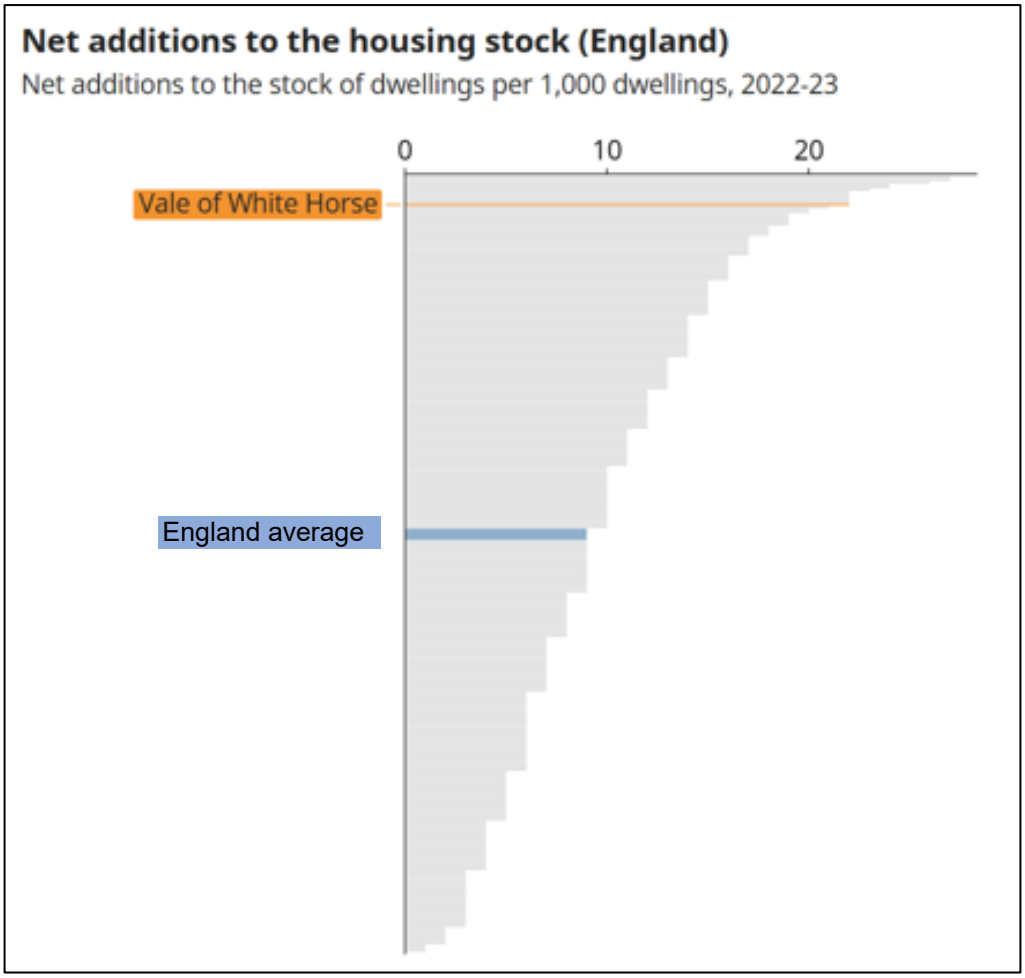

Figure 2: Net additions to the dwelling stock in Vale of White Horse, relative to other lower-tier and unitary authorities across the country in 2022 - 2023[31]

5.7 These trends are echoed in population growth figures. In the 10 years between the 2011 and 2021 censuses, South Oxfordshire's population increased by 11.1%, from around 134,300 people in 2011 to around 149,100 people in 2021[32]. Over the same period, the Vale's population increased by 14.8%, from around 121,000 people in 2011 to around 138,900 people in 2021[33]. The population increases in the districts were significantly higher than the population increases across the South East of England (7.5%) and nationally (6.6%) over the same period.

5.8 The data presented demonstrates that the districts have experienced significant increases in population, dwelling stock and built-up area, well

[31] Office of National Statistics Net additions to the housing stock (England) 2022-23. Available online: https://explore-local-statistics.beta.ons.gov.uk/areas/E07000180-vale-of-white-horse/indicators#housing

[32] Office of National Statistics (28 June 2022) How the population changed in South Oxfordshire: Census 2021. Available online: https://www.ons.gov.uk/visualisations/censuspopulationchange/E07000179/

[33] Office of National Statistics (28 June 2022) How the population changed in Vale of White Horse: Census 2021. Available online: https://www.ons.gov.uk/visualisations/censuspopulationchange/E07000180

above national and regional averages. The negative impact that this has had on the districts' biodiversity and the need for action through planning policy are discussed below.

ii) The expansion of built-up areas has placed increasing pressure on the districts' biodiversity, as habitats are lost and become increasingly fragmented. This has resulted in biodiversity declines above comparative regional and national figures.

5.9 The level of development seen in South Oxfordshire and the Vale in recent decades, combined with pressures from agricultural practices and climate change, has had negative impacts on the districts' nature and biodiversity.

5.10 Thames Valley Environmental Records Centre's (TVERC) has explored habitats and species trends in the districts[34] and found that biodiversity has been in decline, with examples of biodiversity losses in the districts above comparative regional and national figures. This is significant given the loss of biodiversity seen at a national scale as set out in the latest State of Nature report[35], with TVERC stating (at paragraph 3.7.3):

> "*Considering the bleak national picture, we should be concerned by instances where South and Vale shows a relatively greater loss of habitats and species*".

5.11 The expansion of built-up areas in the districts has been at the expense of grassland. Between 1990 and 2015 South Oxfordshire lost 4.7% (1,088 hectares) of its grassland to built-up areas and the Vale lost 4.4% (929 hectares) of its grassland to built-up areas. These losses are greater than those seen nationally over the same period, when 3.4% of England's grassland was lost to built-up areas.

5.12 The loss of grassland is concerning, as it is an important habitat for many species that inhabit the districts, including many threatened species. Grassland is also important for carbon storage. TVERC state (at paragraph 3.7.8) that "*Grasslands can support more species than forests, yet they are the least protected among European ecosystems*". The losses in grassland are likely to be linked to decreases in grassland butterfly species across the districts.

5.13 The TVERC report also shows a loss of arable land in the districts between 1990 and 2015. This, combined with intensive farming practices, has reduced food sources and habitats for farmland species and there are examples of decreases in bird species that live on farmland in the districts.

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[34] Thames Valley Environmental Records Centre (June 2023) South Oxfordshire & Vale of White Horse Joint Local Plan 2041 Habitats and Species Trends. Available online: https://www.southandvale.gov.uk/joint-local-plan-2041-supporting-documents/

[35] State of Nature Partnership (2023) State of Nature. Available online: https://stateofnature.org.uk/wp-content/uploads/2023/09/TP25999-State-of-Nature-main-report_2023_FULL-DOC-v12.pdf

5.14 Whilst evidence shows that woodland cover has increased in the districts in recent decades, much of this has also been at the expense of grassland, further exacerbating grassland habitat losses in the districts. Between 1990 and 2015, South Oxfordshire lost 889 hectares of grassland to woodland and the Vale loss 455 hectares of grassland to woodland. The TVERC report states (at paragraphs 3.8.1):

> *"There has been a slight increase in woodland land cover, however we still have only a fraction of woodland we used to, and woodland species are not doing as well as these gains might suggest."*

5.15 The TVERC report also states (at paragraph 8.1.1):

> *"…the increases in woodland land cover have not resulted in clearly improving trends for woodland bird indicators & woodland butterfly specialists. This may be due to poorly targeted tree planting, and also because it takes time for newly-planted woodland to reach similar biodiversity levels as fully established woodland."*

5.16 It is also relevant to note broader countywide trends outlined in Oxfordshire's emerging LNRS[36]. This shows that whilst there will have been significant historical losses of a wide range of species, there are a number of species where records indicate fairly recent declines (mainly since 1998) to the point that some species are now considered extinct or near extinct in Oxfordshire. This includes wall butterflies (grassland specialists which had been widespread but are now considered extinct in county having not been recorded since 2009) and adders (typically found in heathland but now very rare (all but extinct) in the county. Whilst it was considered to have a stable population in 1998, the last confirmed record of an adder in Oxfordshire was from the Chilterns in 2015).

5.17 It is clear that biodiversity in the districts has been in decline and that action is needed to restore and protect habitats and the species that depend on them. The Joint Local Plan provides a critical opportunity to take action by increasing the delivery of BNG to support nature recovery and ensure that future development leaves our natural environment in in a better state.

iii) Development pressure in the districts will remain high to 2041. The Joint Local Plan provides an opportunity to help address past biodiversity losses and to deliver real gains for nature.

5.18 The previous local plans for the districts contained ambitious housing targets, reflecting the following local circumstances:

i. the Oxfordshire Housing and Growth Deal (the Growth Deal) announced in 2017, which committed the local authorities in Oxfordshire to delivering 100,000 new homes between 2011 and 2031; and

[36] Oxfordshire County Council (September 2024) Oxfordshire's Local Nature Recovery Strategy. Draft Version. Available online: https://letstalk.oxfordshire.gov.uk/lnrs-phase3-consultation

ii. provision for an apportionment of Oxford's unmet housing need between 2011 and 2031. (The apportionment for South Oxfordshire was 4,950 homes and the Vale was 2,200 homes.)

5.19 In the context of the Growth Deal, the South Oxfordshire Local Plan 2035 was based on an uplifted housing need figure of 775 homes per year, totalling 18,600 homes over the plan period from 2011 to 2035. In addition, a further 4,950 homes were required to provide for Oxford's unmet need. Therefore, the total number of homes required over the plan period was 23,550 homes. To provide flexibility, the South Oxfordshire Local Plan 2035 planned for a supply of 30,056 homes from 2011 to 2035, with strategic allocations expected to deliver a further 2,815 homes beyond the plan period (extending further into the Joint Local Plan period). Census data shows that there were 56,644 households in South Oxfordshire in 2011, the previous local plan would therefore result in an increase of 26,588 homes (53%) by 2035.

5.20 The Vale of White Horse Local Plan 2031 was produced in two parts. Part 1 made provision for 20,560 homes to meet the district's own needs from 2011 to 2031 (1,028 homes per year). This included an uplift for economic growth and housing affordability in the context of the Growth Deal. Part 2 sought to additionally address the Vale's apportionment of Oxford's unmet housing need (2,200 homes). Part 2 also allocated an additional site for 400 dwellings to support the Science Vale area and the delivery of strategic infrastructure. Therefore, the total number of homes provided for in the Vale from 2011 to 2031 was 23,160 homes. Census data shows that there were 51,020 households in South Oxfordshire in 2011, the previous local plan would therefore result in an increase of 27,860 homes (45%) by 2031.

5.21 Given the predominantly rural nature of South Oxfordshire and the Vale, and the scale of development planned, the majority of the site allocations identified in the previous local plans were greenfield sites. Strategic allocations on greenfield land in South Oxfordshire totalled 612 hectares[37] and in the Vale totalled 1,173.79 hectares[38]. The further loss of greenfield land through neighbourhood plan allocations and windfall development is likely. This will result in further losses of arable and grassland in the districts, with further negative impacts on grassland and farmland species in terms of the loss and fragmentation of habitats and food sources.

5.22 Much of the development identified in the districts' previous local plans is still to be built out and is carried forward in the Joint Local Plan, meaning that

[37] STRAT9 Land adjacent to Culham Science Centre (217 ha), STRAT10i Land at Berinsfield Garden Village (132 ha), STRAT11 Land South of Grenoble Road (153 ha), STRAT12 Land at Northfield, and STRAT13 Land North of Bayswater Brook (110 ha).

[38] North West of Abingdon-on-Thames (12.6 ha), North of Abingdon-on-Thames (50.65 ha), South of Kennington (11.79 ha), North West of Radley (12.15 ha), East of Kingston Bagpuize with Southmoor (11.85 ha), East of Sutton Courtenay (8.83 ha), Milton Heights (25 ha), Valley Park (186 ha), North West Valley Park (33.25 ha), West of Harwell (8.57 ha), Crab Hill (98.71 ha), Monks Farm (60.63 ha), West of Stanford-in-the-Vale (11.62 ha), South Faringdon (18.35 ha), South West of Faringdon (10.47 ha), East of Great Coxwell Road, Faringdon (8 ha), Land South of Park Road Faringdon (27.85 ha), and North of Shrivenham (31.47 ha).

these significant development pressures, and further losses of arable and grassland, will continue over the plan period to 2041, reaffirming the need for the Joint Local Plan to take action to reverse biodiversity declines.

5.23 Whilst the mandatory requirement for at least 10% BNG will go some way towards halting the trend of biodiversity decline resulting from development, 10% BNG is not considered sufficient in South Oxfordshire and the Vale given the scale of development pressure (both past and future) and evidence of habitats and species losses above national trends. It is clear that the Joint Local Plan needs to do more to support nature recovery in the districts, to address last losses and to deliver meaningful gains for nature, particularly given the local context set out in Section 4 of this topic paper.

5.24 It is relevant that the DEFRA (2019) BNG Impact Assessment[39] states that there cannot be full certainty that genuine BNG will be achieved, rather than simply no net loss, if the minimum BNG is set at 10%.

5.25 In addition, the Oxfordshire Local Nature Partnership's BNG Guiding Principles[40] suggest that evidence is unclear whether a 10% target will actually result in biodiversity gain. OLNP suggest that a higher requirement should be set, making it more likely that meaningful gains will be delivered. OLNP highlight that measuring biodiversity using an excel spreadsheet (the Biodiversity Metric) will never be an exact science, and that setting a higher requirement would help to mitigate the risk that is inherent within the measurement process. OLNP emphasise that a 20% requirement is not doubling the amount of BNG to be achieved, it is raising the requirement from 110% to 120% and that existing evidence suggests that this does not usually have significant viability impacts.

5.26 It is also noted that the University of Oxford's evidence to inform the selection of Oxfordshire's BNG requirement[41] states

> *"Therefore we conclude 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."*

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[39] Defra (October 2019) Impact Assessment: Biodiversity net gain and local nature recovery strategies. Available online: https://assets.publishing.service.gov.uk/media/5da5d695ed915d17b4f13f63/net-gain-ia.pdf

[40] Oxfordshire Local Nature Partnership (November 2023) Biodiversity Net Gian – Guiding Principles. Available online: https://www.olnp.org.uk/partnership-publications#:~:text=Oxfordshire%20Biodiversity%20Net%20Gain%20(BNG)%20guiding%20principles&text=Our%20aspiration%20is%20that%20they,and%20restore%20our%20county's%20nature.

[41] University of Oxford Environmental Change Unit (12 April 2023) Evidence to inform selection of Oxfordshire's biodiversity net gain target. Available online: https://www.olnp.org.uk/partnership-publications

5.27 The evidence set out above demonstrates a clear justified and real local need for a higher BNG requirement in South Oxfordshire and the Vale.

Section 6: Local opportunities for a higher BNG requirement

6.1 There are three ways that BNG can be achieved:

i) Habitats can be enhanced or created on-site (within the red line boundary of a development site).

ii) If the full BNG requirement cannot be met on-site, a mix of on-site and off-site habitat creation/enhancement can be provided. Developers can either make off-site biodiversity gains on their own land outside of the development site or purchase off-site biodiversity units on the market.

iii) If it is not possible to meet the full BNG requirement on-site or off-site, then statutory biodiversity credits must be purchased from the government. However, this should be a last resort.

These steps must be followed in order, as set out in the biodiversity gain hierarchy[42].

6.2 There are advantages and disadvantages associated with both the delivery of BNG on-site and off-site as set out in Table 1.

Table 1: Advantages and disadvantages of on-site and off-site BNG

On-site BNG	
Advantages	Disadvantages
• Provided alongside development. • Helps to maintain/enhance local ecological networks. • Provides opportunities for the occupants of development to interact with nature. • Creates more attractive developments.	• More complicated to effectively manage/maintain BNG long term. • Habitats can be disturbed/damaged by the occupants of development. • Risk of piecemeal approach.
Off-site BNG*	
Advantages	Disadvantages
• More likely to provide wider benefits for nature at a strategic/landscape-scale. • More effective management/ maintenance arrangements overseen by people with specialist expertise.	• May not be close to where development takes place.

[42] Planning Practice Guidance: Biodiversity Net Gain: About biodiversity gain: What is the Biodiversity Gain Hierarchy and how does it relate to the mitigation hierarchy for planning decisions where there is a significant harm to biodiversity? Paragraph: 008. Reference ID: 74-008-20240214

**The advantages and disadvantages for off-site BNG primarily relate to purchasing biodiversity units from habitat banks on the market. Should developers choose to deliver off-site gains on their own land, the advantages and disadvantages are likely to be more variable.*

6.3 There are local opportunities in South Oxfordshire and the Vale, both on-site and off-site, to deliver a higher BNG requirement (as set out below).

Local opportunities for delivering higher BNG on-site in the districts

6.4 The councils commissioned Thames Valley Environmental Records Centre (TVERC) to undertake an Assessment of Sites' BNG Potential[43]. The aim of this assessment was to understand how much BNG might feasibly be delivered on sites in the districts and, subsequently, how many (if any) off-site biodiversity units might need to be purchased under different BNG requirements.

6.5 The Biodiversity Metric used to calculate BNG considers three types of habitat: area habitat (such as grassland and woodland); hedgerows; and watercourses. Each habitat type must be considered independently, and the required level of net gain must be achieved across all three categories. These habitat types are not interchangeable - you cannot address a loss of one type by providing another. The TVERC assessment provides modelled estimates for on-site area habitat and hedgerows units. Commentary is also provided on the potential for proposed site allocations to provide on-site gains in watercourse units.

6.6 The TVERC assessment considered two types of site:

<u>i) Joint Local Plan proposed site allocations</u>

6.7 The TVERC assessment considered large scale residential-led/mixed used site allocations that did not have planning permission at the time of the assessment. These sites were:

- AS1 - Land at Berinsfield Garden Village
- AS2 - Land adjacent to Culham Campus
- AS3 - Land South of Grenoble Road, Edge of Oxford
- AS4 - Land at Northfield, Edge of Oxford
- AS5 - Land at Bayswater Brook, Edge of Oxford
- AS8 - North West of Grove, Grove
- AS9 - North West of Valley Park, Didcot
- AS10 - Land at Dalton Barracks Garden Village, Shippon

6.8 A model was created, using data derived from planning application information for a large greenfield site, to estimate pre-development and post-

[43] Thames Valley Environmental Records Centre (August 2024) Assessment of Sites' Biodiversity Net Gain Potential, available at: www.southandvale.gov.uk/JLPEvidence

development biodiversity values. The model was precautionary and represented a minimum standard approach, meaning that the potential for on-site net gains identified may be underestimated and, in reality, it may be possible to deliver higher levels of BNG on-site.

6.9 Even using this precautionary approach, four of the eight proposed site allocations tested (AS1 Land at Berinsfield Garden Village, AS2 Land adjacent to Culham Campus, AS5 Land at Bayswater Brook and AS9 North West of Valley Park) showed potential to comfortably achieve at least a 25% net gain in area habitat units on-site, with potential to create surplus units that could be sold on. A fifth site (AS4 Land at Northfield) showed net gains in area habitat units of 19%, suggesting that a 20% net gain could be achieved with minor adjustments to habitat creation/enhancement and that 25% gain could also be achievable. One site (AS3 Land South of Grenoble Road) showed on-site area habitat gains below 10%, but this level of gain might be possible on-site with suitable changes to the post-development habitat breakdown. The remaining two sites (AS8 North West of Grove and AS10 Land at Dalton Barracks Garden Village) showed significant losses in area habitat units due to the higher value of existing habitats on-site before development takes place. Delivery of 10% net gain on these sites appears to be difficult to achieve without major changes to the post-development assumptions. However, this does not mean that these sites could not achieve 10% or higher BNG, rather that schemes may need to be revised and/or it is more likely that off-site biodiversity units may need to be purchased to enable these sites to meet BNG requirements, still in compliance with Policy NH2 (Nature Recovery) of the Joint Local Plan.

6.10 For watercourse units, it is suggested that four of the eight proposed site allocations tested (AS3 Land South of Grenoble Road, AS4 Land at Northfield, AS8 North West of Grove, and AS9 North West of Valley Park) have potential to achieve at least a 25% net gain in units on-site. Two of the sites (AS1 Land at Berinsfield Garden Village and AS5 Land at Bayswater Brook) are likely to be able to achieve a 10% gain in watercourse units on-site but 25% is unlikely to be feasible. Further work would be required to understand where in the range between 10% and 25% full on-site delivery is no longer feasible. It is suggested that two sites (AS2 Land adjacent to Culham Campus and AS10 Land at Dalton Barracks Garden Village) may need to purchase off-site units to meet the current 10% BNG requirement.

6.11 For hedgerow units, the assessment suggests that six of the eight proposed site allocations could achieve at least a 25% net gain on-site, the two exceptions being AS2 Land adjacent to Culham Campus and AS4 Land at Northfield. These sites are likely to need to purchase off-site hedgerow units to meet the current 10% BNG requirement.

ii) A sample of smaller sites

6.12 The TVERC assessment also considered a sample of smaller scale planning applications that are representative of the typical type of residential development that might be expected to come forward in the districts over the plan period. (Typical in terms of existing land use, type of development

proposed and site constraints.) Six ‘typical’ planning applications were considered, one greenfield site and one brownfield site from each of the following categories:

- Small residential (between 4-9 dwellings)
- Medium residential (between 25-75 dwellings)
- Large residential (between 150-300 dwellings)

6.13 Again, the approach used for the sample of smaller sites was precautionary. For these sites, there were varying levels of detailed planning application information that could be used to inform pre-development and post-development biodiversity value calculations. However, at the time the assessment was undertaken, mandatory BNG had not been in force very long and it was necessary to consider planning applications that pre-dated the requirement to deliver at least 10% BNG. This means that the schemes were not designed to achieve at least 10% BNG and there may have been opportunities to deliver greater gains that were not implemented. Therefore, the potential for on-site net gains identified for these sites may also be underestimated and, in reality, it may be possible to deliver higher levels of BNG on-site.

6.14 Of the six sample sites tested, three showed an on-site net gain in area habitat units of over 10% (large greenfield, small and large brownfield), two sites showed a gain of less than 10% (medium greenfield and medium brownfield), and one site showed a net loss of habitat units (small greenfield). On-site gains were generally greater for larger sites, than smaller sites. This is not unexpected as larger sites have more space to achieve habitat enhancement/creation. Gains were also higher for brownfield sites than for greenfield sites. Again, this is to be expected as brownfield sites tend to have lower baseline values, meaning that modest gains can have disproportionately high percentage returns.

6.15 Three sites (medium greenfield, small and medium brownfield) showed a net gain in hedgerow units, two of these gains were above 25%. The small greenfield site had a baseline hedgerow unit score of zero. The two large greenfield sites both showed losses of on-site hedgerow units, however there is a lower level of confidence in the original data at these sites - one was not designed with BNG in mind and the other did not originally deal with hedgerows in a manner that is compliant with current guidelines.

6.16 Four of the sites (the small and medium sites) did not have watercourses within 10 metres of their boundary. The baseline scores for these sites were therefore zero. The two large sites appeared to have watercourses within 10 metres of the site boundary that would need to be assessed under current guidance, however these had not been assessed as part of the pre-BNG planning applications and so it was not possible to consider water course units for these sites as part of the TVERC assessment.

Opportunities for delivering higher BNG off-site in South Oxfordshire and Vale of White Horse

6.17 It is important that there is sufficient land available within South Oxfordshire and the Vale for the delivery of off-site BNG, otherwise habitat creation/enhancement risks being delivered in other local authority areas, where it may not support nature recovery in the districts.

6.18 Where BNG is provided off-site, the Biodiversity Metric incentivises local delivery through the 'spatial risk multiplier', which penalises proposals where off-site habitat is located far from where development takes place.

6.19 It is also relevant to note that Policy NH2 (Nature Recovery) of the Joint Local Plan sets out a sequential approach for directing off-site habitat creation/enhancement. This approach prioritises the delivery of off-site BNG within ecological networks in the districts, where it can provide the greatest benefits for ecological connectivity and nature recovery.

6.20 Unlike more constrained urban authority areas, South Oxfordshire and the Vale are predominantly rural, with plentiful opportunities for land to be brought forward for habitat creation/enhancement, if landowners are willing to do so.

6.21 Habitat banks are areas of land where habitats have been created/enhanced, in advance, to provide an uplift in 'biodiversity units' which can be sold developers to meet their BNG requirements. Whilst habitat banks are not a new concept, the market is changing with the introduction of mandatory BNG, as demand for off-site biodiversity units increases and the financial rewards associated with bringing land forward for habitat creation/enhancement become more attractive. Given the relatively recent introduction of mandatory BNG, it will take some time for the market to fully evolve and become established. However, there are already examples of established habitat banks operating in the districts, for example:

- Duxford Habitat Bank[44] (45 hectares, Vale of White Horse)
  The Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) has entered into a legal agreement with the Vale of White Horse District Council to secure the delivery of species rich grassland, scrub and floodplain wetlands.

- Towersey Solar Farm Habitat Bank[45] (16.5 hectares, South Oxfordshire)
  South Oxfordshire District Council has worked with the Trust for Oxfordshire's Environment (TOE) and a local landowner to secure the delivery of a mosaic of grassland, scrub and woodland habitat.

6.22 There are also other habitat banks soon to come on to the market. For example, TOE has a habitat bank under development in the Vale that will

[44] Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (BBOWT) Duxford Habitat Bank. Information available at: https://www.bbowt.org.uk/what-we-do/future-nature-wtc/biodiversity-net-gain/duxford-habitat-bank
[45] Trust for Oxfordshire's Environment (TOE) Towersey Solar Farm. Information available at: https://www.trustforoxfordshire.org.uk/unit-availability

provide high distinctiveness grassland, medium distinctiveness grassland and woodland habitats[46].

6.23 Furthermore, the Assessment of Sites' BNG Potential identified that four of the Joint Local Plan proposed strategic site allocations (AS1 Land at Berinsfield Garden Village, AS2 Land adjacent to Culham Campus, AS5 Land at Bayswater Brook and AS9 North West of Valley Park) have potential to create significant surplus biodiversity units that could be sold on to other developers and there are strong financial incentives to encourage these developer to do so.

6.24 Engagement with local habitat bank operators took place during Spring/Summer 2024 via email and online meetings. Whilst there is some commercial sensitivity around schemes in development, local habitat bank operators noted increasing landowner interest in bringing sites forward for habitat bank uses and expressed confidence in having a pipeline of schemes ready to be brought forward in the districts in the future.

6.25 In addition, the councils are working proactively with landowners to deliver further habitat banks in the districts. The councils have also published habitat bank guidance[47] for landowners/brokers, which clearly sets out the councils' approach and requirements for habitat banks in the districts to help clarify the process and to make it easier for schemes to be brought forward.

6.26 To summarise, there are already legally secured opportunities to deliver BNG off-site in the districts, as well as actions being taken to secure an ongoing supply of land for habitat bank uses.

[46] https://www.trustforoxfordshire.org.uk/biodiversity-net-gain/unit-availability
[47] South Oxfordshire District Council and Vale of White Horse District Council (May 2024) BNG Guidance: Habitat Banks within South Oxfordshire and Vale of White Horse, available at: https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2024/05/2024_May_Habitat-Banks_Guidance-Note.pdf

Section 7: Impacts on viability

7.1 It is important to demonstrate that policy requirements in the Joint Local Plan would not adversely affect development viability or housing delivery. The Joint Local Plan Viability Report shows that the proposed 20% BNG requirement is viable to implement in the districts.

7.2 The Joint Local Plan Viability Report[48] tested the impact of all relevant Joint Local Plan policies on the viability of a range of different development typologies across different sub-market areas in the districts. This included testing Policy NH2 (Nature Recovery) and the impact of the proposed 20% BNG requirement, in combination with other policy requirements.

7.3 In testing the viability impacts of the 20% BNG requirement, the Viability Report took account of the findings of the Assessment of Sites' BNG Potential,[49] particularly in terms of assumptions for the number of off-site biodiversity units that would need to be purchased for sites to meet different BNG requirements (if any). This means that the assumptions used for the proposed site allocations were site-specific and the assumptions used for the typologies were based on real-world examples of typical developments that would be expected to come forward in the districts over the plan period. All these assumptions were evidence based.

7.4 It should also be noted that the Assessment of Sites' BNG Potential applied a precautionary approach whereby the potential for on-site net gains identified may be underestimated and, in reality, it may be possible to deliver higher levels of BNG on-site. This is relevant because it is more expensive for developers to purchase off-site units than it is for them to provide habitat units on-site. The fact that the precautionary levels of off-site units tested were viable at 20% provides additional confidence.

7.5 The Viability Report also used average local prices for off-site biodiversity units in the districts provided by local habitat bank operators in Summer 2024.

7.6 In some cases, the Assessment of Sites' BNG Potential found that proposed strategic site allocations could provide surplus on-site biodiversity units, significantly beyond those required to meet the 20% BNG requirement, even with the precautionary approach applied. In this case, there is potential for developers to sell surplus units to other developers to generate additional income and this was also factored into the Viability Report. This a significant positive, enhancing the viability of these site allocations.

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[48] Aspinall Verdi (September 2024) South Oxfordshire & Vale of White Horse District Council Joint Local Plan Viability, available at: www.southandvale.gov.uk/JLPEvidence.

[49] Thames Valley Environmental Records Centre (August 2024) Assessment of Sites' Biodiversity Net Gain Potential, available at: www.southandvale.gov.uk/JLPEvidence.

Section 8: Policy implementation

8.1 The higher BNG requirement set out in Policy NH2 (Nature Recovery) of the Joint Local Plan would be implemented alongside the established statutory BNG process, with 10% BNG needed to meet statutory requirements and a further 10% required to meet the Joint Local Plan 20% requirement.

8.2 The statutory biodiversity metric would be used to calculate pre-development and post-development biodiversity values. At least a 20% net gain would be expected to be achieved across all three habitat types - area habitats, hedgerows and watercourses.

8.3 South Oxfordshire and Vale of White Horse District Councils have a track record of BNG delivery. Well before the introduction of mandatory BNG, the councils had been implementing a 'no net loss' approach, with net gains encouraged, as per South Oxfordshire Local Plan 2035 Policy ENV3 and Vale of White Horse Local Plan 2031 (Part 1) Policy 46. The councils' team of specialist in-house ecologists are therefore extremely experienced in assessing BNG metrics and supporting development through the process. The councils have also published detailed BNG guidance for developers' ecological consultants[50]. Due to the in-house officer expertise and thorough understanding of BNG that exists within the councils, both districts are well prepared for the implementation of Policy NH2.

[50] South Oxfordshire and Vale of White Horse (April 2024) BNG: Specialist Guidance Note for Ecological Consultants. Available online: https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2024/04/2024_04-BNG-detailed-technical-note.pdf

Section 9: Conclusion

9.1 This topic paper has clearly demonstrated that the requirement for development in South Oxfordshire and the Vale to deliver at least 20% BNG is justified, based on:

- The clear local need for a higher percentage due to the rate of expansion of built-up areas in the districts in recent decades being well above comparative regional and national figures. This expansion has placed increasing pressure on the districts' biodiversity, as habitats are lost and become increasingly fragmented. This has resulted in biodiversity declines above comparative regional and national figures. Development pressure in the districts will remain high to 2041, meaning that pressure on the districts' biodiversity is likely to continue. The Joint Local Plan provides a critical opportunity to take action by increasing the delivery of BNG to support nature recovery and to ensure that future development leaves our natural environment in in a better state. This is in alignment with wider district, county and regional ambitions.

- Evidence demonstrates that there are sufficient local opportunities to deliver a higher BNG percentage, on-site and off-site, in the districts.

- Evidence demonstrates that a 20% BNG requirement, considered in combination with the costs associated with the implementation of other Joint Local Plan policies, is viable to deliver in South Oxfordshire and the Vale.

9.2 In summary, the 20% BNG requirement is viable, feasible and deliverable in the districts. It is clearly justified and sound for inclusion within Joint Local Plan Policy NH2 (Nature Recovery).

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