

2a Internationally and nationally designated sites

Internationally designated sites: Special Areas of Conservation (SAC)

Oxfordshire has seven sites designated at this level which fall partly or entirely within the county; they are shown in orange on **Map 1**. The law is very strict with regard to these sites; development proposals which will adversely affect these sites are not permitted*.

If a development is proposed that could possibly impact on a SAC, the applicant will need to submit an assessment of potential impacts and their significance with their planning application; this information is used by the local authority to make an 'Appropriate Assessment' of the implications for the SAC.

Impacts that will need to be considered include direct impacts, for example habitat loss through land take, and indirect impacts such as changes to water quality or quantity, air pollution or increased recreational pressure.

Indirect impacts could result from development proposals some distance from a SAC; impacts on internationally designated sites in other counties should also be considered. These might include Special Protection Areas (SPAs), designated for their importance for birds (there are no SPAs in Oxfordshire).

** In exceptional circumstances a proposal that would impact negatively on a SAC may be permitted but only where there are no alternative solutions and the proposal is necessary for imperative reasons of overriding public interest. Where this is the case, compensatory measures will be necessary.*

Oxfordshire's Special Areas of Conservation

- ▶ **Oxford Meadows:** Lowland hay meadows including the larger of only two known sites in the UK for creeping marshwort
- ▶ **Cothill Fen:** Largest surviving example of alkaline fen in central England
- ▶ **Little Wittenham:** One of the best studied great crested newt sites in the UK
- ▶ **Aston Rowant:** One of the best remaining examples in the UK of lowland juniper scrub on chalk
- ▶ **Chilterns Beechwoods:** Extensive tract of beech forest in the centre of the UK range of this habitat
- ▶ **Hackpen Hill:** Significant population of early gentian
- ▶ **Hartslock Wood:** Yew woodland and chalk grassland supporting one of only three UK populations of monkey orchid

Nationally designated sites: Sites of Special Scientific Interest (SSSI)

SSSIs are a series of sites from across the UK, which provide a representative sample of the country's best habitats. There are 102 SSSIs in Oxfordshire, covering a total of 4,012 ha. SSSIs are designated for either their biological or geological interest; they are shown in green on **Map 1**. Oxfordshire's SACs are also designated as SSSIs — the features for which the different types of site have been designated may differ.

SSSIs are given a high level of protection through both the planning and legal system. Normally development which would adversely affect a SSSI is not acceptable. Only in special cases, where the importance of a development outweighs the impact on the SSSI, would an adverse affect be permitted. In such cases, planning conditions or obligations would be used to mitigate the impact.

There is not a requirement for the 'Appropriate Assessment' process for SSSIs, but for developments likely to impact on a SSSI an [Environmental Impact Assessment](#) will probably be necessary.

Legislation

[Special Areas of Conservation \(SACs\)](#)
[EC Habitats Directive](#)
[Special Protection Areas \(SPAs\)](#)
[EC Birds Directive \(Council Directive 79/409/EEC on the conservation of wild birds\)](#)

In the UK these are implemented through UK law by the [Conservation \(Natural Habitats, &c.\) Regulations 1994](#) and [Wildlife & Countryside Act 1981 \(as amended\)](#)

Planning policy

Because these sites are strictly protected by law, no further protection is required through PPS9.

[Policy NRM5](#) of the South East Plan identifies that that if an appropriate assessment is unable to conclude that there will be no adverse impact on a European site the plan or project will not be approved irrespective of conformity with other policies in the South East Plan. It goes on to state:

'In the event that a local planning authority concludes that it cannot distribute an allocation accordingly, or otherwise avoid or adequately mitigate any adverse effect, it should make provision up to the level closest to its original allocation for which it can be concluded that it can be distributed without adversely affecting the integrity of any European sites.'

SACs are identified on proposals maps within Local Development Frameworks, and may be accompanied by some explanatory text.

Legislation

[Wildlife and Countryside Act \(1981\)](#)
[Countryside and Rights of Way Act \(2000\)](#)

Planning policy

[Planning Policy Statement 9](#) para 7, 8:

'those features of SSSIs not covered by an international designation, should be given a high degree of protection under the planning system'

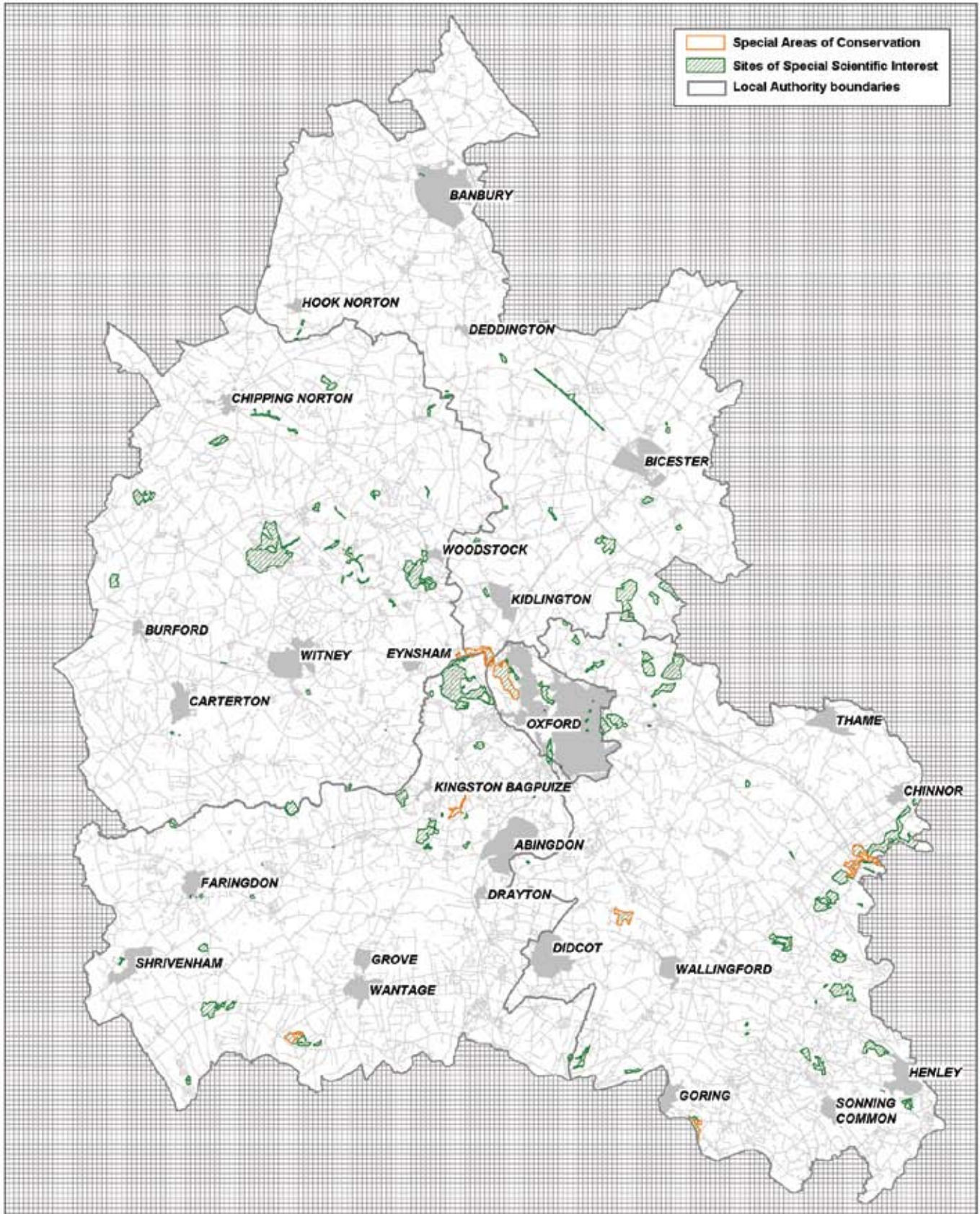
[South East Plan \(NRM5\):](#)

'avoid damage to nationally important Sites of Special Scientific Interest'

Key organisations

[Environment Agency](#)
Local authorities
[Natural England](#)

Special Areas of Conservation and Sites of Special Scientific Interest in Oxfordshire



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2b Legally protected species

Protected species occur throughout the county

The distribution of current records is provided on **Map 2**. A full list of protected species occurring in Oxfordshire, and the level of protection they receive, can be found in [Appendix I](#) available on the Oxfordshire County Council website.

The species receiving the strictest protection are generally referred to as 'European Protected Species' since they are protected under European Directives (see right). The European Protected Species you are most likely to come across in relation to development in Oxfordshire are great crested newt and bats. Other Oxfordshire species include otter, dormouse, and natterjack toad. These species are protected against killing, injury, disturbance in their place of shelter, taking and selling.

Examples of activities that could breach the legislation include: in-filling or earthworks near to a great crested newt pond, felling of trees or demolition of buildings used by bats, clearance of woodland or hedgerows supporting dormice, or work on water course banks near to an otter holt.

Species can receive varying levels of protection under the Wildlife and Countryside Act (WCA); Oxfordshire species receiving protection under this act include water vole, common lizard, grass snake, slow worm and roman snail; all these species are protected against killing and injury, sale and advertisement for sale. It is also illegal to take a roman snail or freshwater crayfish. Water voles receive full protection under this Act, additionally making it illegal to obstruct access to, or destroy a water vole burrow, or to disturb a water vole in its burrow. The WCA makes it illegal to pick, uproot or destroy certain rare plants, of which there are records of 18 species in Oxfordshire.

Development will need to avoid impacts on protected species, and where this is not possible, mitigation or compensation will be necessary. If there is a possibility that a development proposal will impact on a protected species, surveys will need to be submitted with a planning application to determine the impacts. Please note: surveys to determine the presence of protected species need to be provided upfront with a planning application and should not be made a condition of planning permission since the local authority will need this information to inform their decision (see Circular 06/05, page 9). If planning permission is granted, a development licence, or conservation licence, from Natural England may be required.



Red kite © Andy Fairbairn

Birds

All bird nests, eggs and young are protected under the Wildlife and Countryside Act. Therefore, removal of any bird nesting habitat such as trees or scrub (or buildings in the case of birds such as barn owls, swifts, swallows, house martins and house sparrows) should only take place outside of the bird breeding season.

Some birds, listed on Schedule 1 of the Wildlife and Countryside Act receive an extra level of protection which means that they cannot be disturbed during the breeding season; those likely to be found in Oxfordshire include red kite, kingfisher, barn owl, peregrine, hobby, harriers, little ringed plover, and Cetti's warbler. A full list can be found in [Appendix I](#) online.

Legislation

[EC Habitats Directive](#), transposed into UK law by [Conservation \(Natural Habitats, &c.\) Regulations 1994](#)
[Wildlife and Countryside Act \(1981\)](#)
[Protection of Badgers Act 1992](#)

Planning policy

Planning Policy Statement 9 and the South East Plan do not cover protected species specifically since they are protected by law.

Badgers

Badgers are a fairly common species, and are, therefore, quite likely to be encountered on a potential development site. Whilst not a rare species, badgers receive legal protection due to persecution and animal welfare issues.

Badgers are protected under the Protection of Badgers Act 1992 against killing, injury or taking. Badger setts are also protected against damage, destruction or obstruction and it is illegal to disturb a badger in its sett.

A badger survey and report will be needed if a development is likely to impact on a badger sett, and appropriate mitigation will need to be put in place if impacts cannot be avoided.

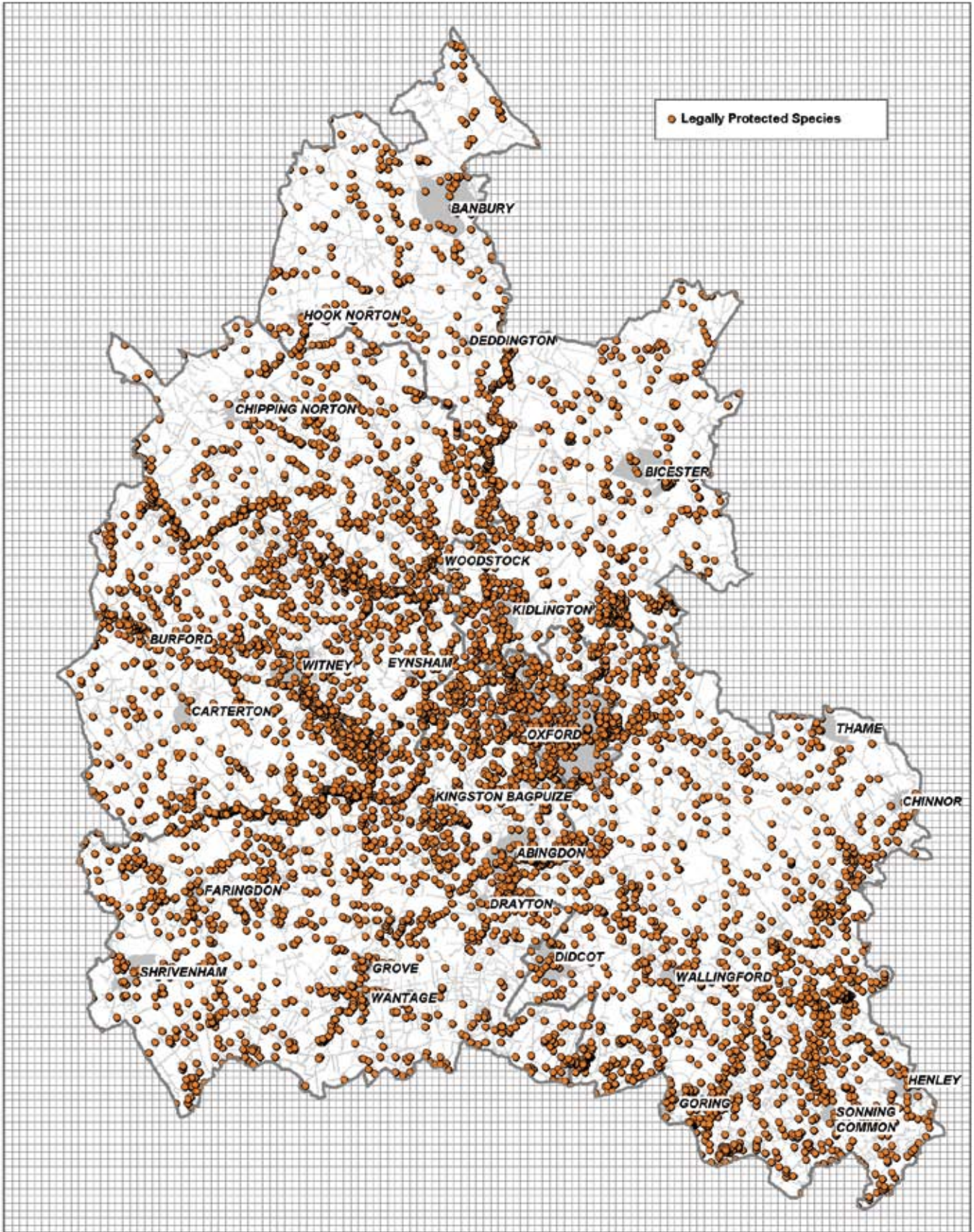
Badgers © Terry Longley/seeing.org.uk



Key organisations

[Environment Agency](#)
Local authorities
[Natural England](#)
[RSPB](#)

Legally Protected Species in Oxfordshire



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2b Legally protected species

Where are protected species likely to occur?

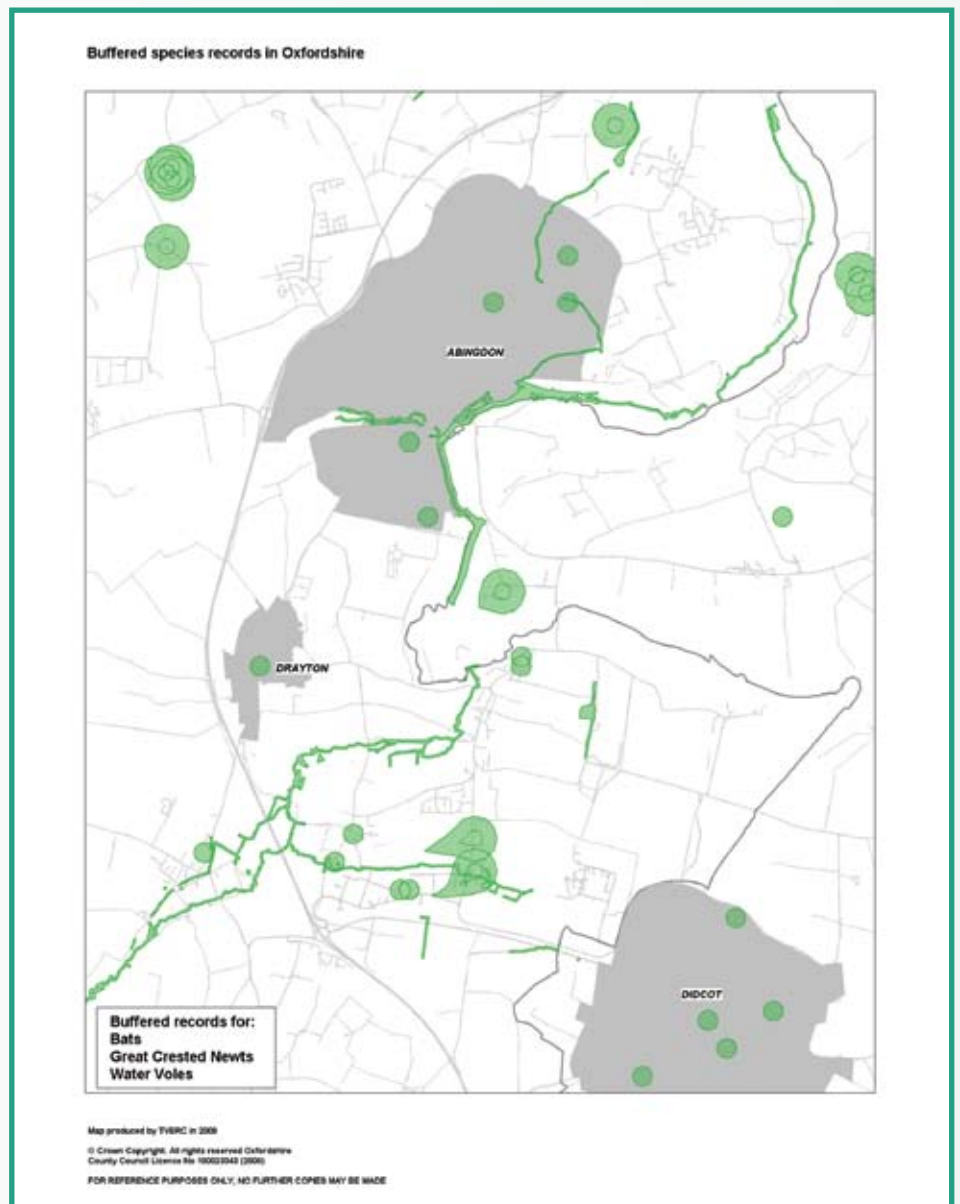
As **Map 2** demonstrates, there are many records for protected species across the county.

The **map opposite** is an example of information produced by [TVERC](#) to aid local authorities in determining the likely occurrence of protected species in relation to planning issues, it shows the locations where bats, great crested newts and water voles have been recorded around Abingdon. Buffers have been applied around these records to give an indication of where there is a high likelihood of this species occurring.

Local authorities can use this information to help work out when protected species survey information needs to be provided to help determine a planning application.

More information on how to determine when a protected species survey is required has been produced by Natural England in a Standing Advice Note for South East England.

It is important to bear in mind that protected species surveys can usually only be undertaken at certain times of year. For example, surveys of ponds for great crested newts must be undertaken between mid-March and mid-June when newts return to ponds to breed.



Further information

- ▶ [Badgers and Development \(Natural England\)](#)
- ▶ [Bat Mitigation Guidelines \(Natural England\)](#)
- ▶ [Circular 06/05: Biodiversity and Geological Conservation — Statutory Obligations and Their Impact Within the Planning System](#)
- ▶ [Dormouse Conservation Handbook \(Natural England\)](#)
- ▶ [Great Crested Newts Mitigation Guidelines \(Natural England\)](#)
- ▶ [Natural England Standing Advice on Protected Species](#)
- ▶ [Water vole guide for planners and developers \(BBOWT\)](#)
- ▶ [Water voles — the law in practice \(Natural England\)](#)