

## Biodiversity Net Gain (BNG)

### Exemption Statement

For:

Erection of a second floor roof extension, demolition and rebuilding of a single storey rear extension, and change of use of upper floors and part of ground floor from ancillary commercial space to a large 8-bed HMO. New shopfronts to retained ground floor commercial units.

Planning Reference:

(tbc)

At:

265-267 Church Road, Bristol BS5 9HU

Completed By:

John Rooney, Associate Planner, Stokes Morgan Planning

Date of Exemption Statement Completion:

24/02/2025

## The Biodiversity Gain Requirements (Exemptions) Regulations 2024

1. Article 7 ('General requirements: applications for planning permission including outline planning permission') of Part 3 of *The Town and Country Planning (Development Management Procedure) (England) Order 2015*, as amended by Regulation 5 of Part 4 of *The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024* has introduced national validation prerequisites for planning applications relating to Biodiversity Net Gain (BNG).
2. Schedule 14 of the *Environment Act 2021* introduced the concept of BNG into planning legislation, stating that "the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least [10%]".
3. Schedule 14 of the Environment Act 2021 additionally mandates that biodiversity gain objectives will be achieved through the imposition of planning conditions, thus constituting a post-permission process.
4. However, certain types of development for which planning permission is required are exempt from biodiversity net gain requirements and planning conditions. These are outlined in [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)<sup>1</sup>
5. The development proposals for this application meets the following exemption criterion from the Regulations (reference wording from the Regulations):

Development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows.

6. State how this application meets the exemption criterion stated above (see worked example for reference):

Proposal is for change of use, with partial demolition of existing extensions and rebuilding on same or lesser footprint. As such, developable area is 100% sealed surface, and the proposal impacts on less than 25sqm of habitat. There are buddleia growing out of the extension - for the avoidance of doubt, these are multi-stem shrubs and not a linear hedgerow.

7. Provide aerial imagery and photographs (or alternative sources) and captions to evidence your statement. For example, you may wish annotate images to show how the proposed development sits within the existing site/habitats, and how the proposals accord with the exemption claim. Add more photographs, plans or imagery of proposals if necessary.

Aerial imagery:

please refer to submitted plans and photos attached

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<sup>1</sup> [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](https://www.legislation.gov.uk/uksi/2024/47/made/data.pdf):  
<https://www.legislation.gov.uk/uksi/2024/47/made/data.pdf>

Photograph 2:

8. Whilst the development may be exempt from statutory Biodiversity Net Gain (BNG) requirements, the application for planning permission will deliver measurable net gains for nature conservation which are proportional and locally appropriate, in the following ways:

Non proposed as change of use and de minimus. If required, the provision of bird boxes could be conditioned.

