

Biodiversity Net Gain (BNG)

Exemption Statement

For:

Change of use from three residential flats (Use Class C3) to a 12-bed extension to an existing Nursing Home (Use Class C2), including demolition and replacement of rear extension and external alterations

Planning Reference:

Submitted to PINS (Section 62a), reference not yet assigned

At:

Completed By:

Lyn Jones (Agent) Planning Ventures Ltd, on behalf of MeadowCare Homes Ltd

Date of Exemption Statement Completion:

14 April 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](#)¹
5. The development proposals for this application meets the following exemption criterion from the Regulations (reference wording from the Regulations):

De minimis exemption

4.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.

(2) The first condition is that the development does not impact an onsite priority habitat.

(3) The second condition is that the development impacts—

(a) less than 25 square metres of onsite habitat that has biodiversity value(3) greater than zero; and

(b) less than 5 metres in length of onsite linear habitat.

(4) For the purposes of this regulation— (a) "priority habitat" means a habitat specified in a list published under section 41 of the *Natural Environment and Rural Communities Act 2006*(4); (b) a habitat is impacted where the habitat is lost or degraded such that there is a decrease in the biodiversity value of that habitat; (c) "linear habitat" means the types of hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric(5) (which are measured by length (expressed in kilometres) rather than area).

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

The proposals are for the change of use of the existing property and a replacement extension which adds an additional 11m² to the existing structure (spread over two floors). The replacement extension is located on a paved patio area, in a largely gravelled domestic garden.

Thus the proposals meet the two conditions (2) and (3) set out in the requirements of Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024:

(2) The proposed change of use and replacement rear extension does not impact an onsite priority habitat

(3) (a) The proposed replacement rear extension impacts less than 25m² of on site habitat that has biodiversity value greater than zero

(b) The proposed replacement rear extension impacts less than 5 metres of on site linear habitat

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

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.

The increased footprint of the proposed replacement rear extension is shown on the application drawings (Drawing No.'s PA010 Rev A and PA031 Rev B, Existing and Proposed Lower Ground and Ground Floor Plans). The replacement extension will be located on a paved patio area, photographic evidence of which is included within the submitted Design and Access Statement, page 4. An aerial image is therefore not necessary in this instance.

¹ [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:

The front forecourt and rear patio areas are hard paved and the remainder of the rear garden largely gravelled. The proposals will result in general improvements to the upkeep of both, which will provide an opportunity for nature conservation enhancements. Specific details of biodiversity enhancements could be secured by planning condition.

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

Example response:

Section 5: The exemption criterion claimed:

Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024, also known as the “de minimis exemption”, states the following: The biodiversity gain planning condition does not apply in relation to planning permission for development which: (Condition 1) does not impact an onsite priority habitat, and (Condition 2) impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero; and less than 5 metres in length of onsite linear habitat.

The proposed development meets Conditions 1 and 2 of Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Section 6: Statement

The site does not contain any priority habitats listed under the Government’s List of priority habitats and species in England (‘Section 41 habitats and species’) for public bodies, landowners and funders to use for biodiversity conservation, a copy of which can be found at the following website: <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

The proposed dwellinghouse will be constructed on land currently occupied by outbuildings and hardstanding surfaces, consisting of a mix of resin, stones, and concrete.

Consequently, the area to be developed can be described as consisting of a mix of habitats classified under the UK Habitat Classification, as detailed in Appendix 2 of The Small Sites Metric (Statutory Biodiversity Metric) User Guide (2024), as follows:

- Urban - Un-vegetated garden
- Urban - Developed land; sealed surface (“Impermeable Hardscape”)
- Urban - Artificial unvegetated, unsealed surface (“Permeable Hardscape”)

None of the habitat classifications within the red line boundary have a biodiversity value exceeding zero, as can be verified in the Government’s Small Sites Metric (Statutory Biodiversity Metric) User Guide and Calculation Tools (2024). Consequently, the proposed development would impact less than 25 square metres of onsite habitat that has a biodiversity value greater than zero, thereby meeting Condition 2 of Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

As a result, the proposed development is exempt from biodiversity net gain requirements and planning conditions under the de minimis rule of Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Provide two aerial images of the site, marked up to show existing and proposed development areas, and how that accords with the exemption criteria claimed above, together with photographs of the current site conditions, to provide the Nature Conservation Officer with context.

Section 7: Evidence

- A biodiverse green roof with features for invertebrates including log piles and a varied substrate
- Soft landscape schedule comprised of native plant species
- Provision of 2 bird boxes and 1 bat box
- Creation of a wildlife pond
- Hedgehog highways in gravel boards of boundary fences

Section 8: Measurable Net Gains for Nature Conservation