



25/12081/PINS | Partial demolition of boundary wall, altered access and construction of a two storey 5-bedroom Use Class C4 small house in multiple occupation. | Land Rear Of 9 Priory Road Clifton Bristol BS8 1TU

Objection

The applicant's Biodiversity Net Gain (BNG) Statement states:

The site in question is fully developed, consisting entirely of a hardstanding.

When screening this development for BNG, two key requirements have been considered:

- 1. Whether there is any habitat with biodiversity value exceeding 25 square meters; and*
- 2. If so, whether the development will impact more than 25 square meters of such habitat.*

In this case, neither condition is met. As a result, the de minimis exemption applies, and no BNG calculation should be required for this application.¹

This is incorrect. The arboricultural evidence² and the Existing Site Plan³ show a native Holly tree, T1, growing within the redline boundary which will be removed. The tree has a stem diameter of 19.7 cm and so is designated as 'small' category *Individual trees* habitat under the Statutory Metric. Small category trees have a habitat area of 0.0041 hectares (41 square metres).

As this habitat exceeds the 25 square metre de minimis exemption threshold, the applicant is obliged to comply with the requirements of Schedule 7A of the Town and Country Act 1990⁴ (and the regulations made under it) and demonstrate that it will secure a biodiversity net gain of at least 10%.

This has recently been confirmed by the Planning Advisory Service in their guidance - *Navigating BNG, Exemptions: De-Minimus*:

'Many applicants have not realised that the removal of just one tree on a development site will normally push the application over the threshold for the de-minimis exemption. When assessing trees as part of the biodiversity metric tool, it is the root protection area (RPA) and the canopy that are considered. To calculate the area equivalent of an individual tree, the User Guide encourages the use of the Tree Helper within the metric tool. Even the smallest option available equates to 41sqm, this exceeds the de-minimis threshold and so the exemption does not generally apply.'

¹ 25_12081_PINS-BIODIVERSITY_NET_GAIN_STATEMENT-3931868.

² 25_12081_PINS-ARBORICULTURAL_REPORT-3940833.

³ 25_12081_PINS-EXISTING_SITE_PLAN-3931838.

⁴ <https://www.legislation.gov.uk/ukpga/1990/8/schedule/7A>.