

Biodiversity Net Gain (BNG)

Exemption Statement

For:

rear extension and change of use from takeaway (sui generis) to bar with seating area, office and small kitchen (sui generis).

Planning Reference:

(tbc)

At:

703 Fishponds Road, Fishponds, Bristol BS16 3UH

Completed By:

John Rooney, Associate Planner, Stokes Morgan Planning

Date of Exemption Statement Completion:

09/12/2025

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):

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):

The extension would be erected on an area of hardstanding and impacts less than 25m². Given this, the proposal would be exempt from the BNG requirements under the act as it would fall under the 'deminimis exemption'

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:

Established at appeal - ref: APP/Z0116/W/25/3371768. see also existing and proposed plans.

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:

None proposed as de minimus. If required, the provision of bird boxes could be conditioned.