

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

description –

demolition of part 2 storey / part single storey building, buttress as required, clear site and surface finish with type 2 hardcore

Biodiversity Net Gain (BNG) Exemption Statement

For:

PP 13866371 - 25/00277/FUL

Planning Reference:

Land to the rear of 7 to 15 Lodge Street, Middleton, M24 6AA

At:

Lee Hollinworth – Whittaker Design

Completed By:

20 August 2025

Date of Exemption Statement Completion:

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 2024¹
5. The development proposals for this application meets the following exemption criterion from the Regulations (reference wording from the Regulations):

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.

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

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>

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 courtyard
- Urban - Developed land; sealed surface ("Impermeable Hardscape")

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

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.

7. Provide aerial imagery / photographs (or alternative sources), plans 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:

Photograph 1: The image shows the development site in red. The plot is taken up mainly with dilapidated buildings which need to be demolished for health and safety reasons. There is a small entrance courtyard which has hard standing and not habitat / landscaping.



The Biodiversity Gain Requirements (Exemptions) Regulations 2024

8. Whilst the development may be exempt from statutory Biodiversity Net Gain (BNG)

No gains are proposed with this application as the works are to remove a potential dangerous building that is dilapidating and for health and safety reasons it needs to be demolished so the site can be cleared and made safe to assess future use of the site, which will be subject to a future planning application which will include net gains. We could provide 2 approved bird boxes.