

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

Biodiversity Net Gain (BNG) Exemption Statement

For:

The application seeks full planning permission for the redevelopment of a former vehicle breakers yard at Corporation Road, Rochdale (OL11 4JB) to construct two single-storey industrial/storage units (Use Classes B2/B8), each measuring 173m². The development includes the demolition of existing structures.

Planning Reference:

25/00575/FUL

At:

Ind Estate, Corporation Road, Rochdale, OL11 4JB,

Completed By:

Studio FRI Limited

Date of Exemption Statement Completion:

24.06.25

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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):

In line with Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and Schedule 14 of the Environment Act 2021, the development is exempt from BNG obligations under the 2024 Exemptions Regulations because it meets the de minimis threshold for habitat impact. As such, no biodiversity gain plan or planning condition relating to BNG is required to validate or determine this planning application.

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

The proposed development at Corporation Road, Rochdale (OL11 4JB) qualifies for a statutory exemption from the requirements of Biodiversity Net Gain (BNG) in accordance with Regulation 3(1)(a) and Schedule 1, Paragraph 1(a) of *The Biodiversity Gain Requirements (Exemptions) Regulations 2024*. This regulatory provision exempts developments which do not impact any on-site habitat of measurable biodiversity value. In this instance, the application site comprises a previously developed brownfield parcel of approximately 1,073m², historically operating as a vehicle breakers yard under a Sui Generis planning use. The existing land condition is one of full surface engineering, with 100% of the site covered in impermeable or compacted surfacing materials, namely concrete, tarmac, and aggregate hardstand. There are no vegetated areas, exposed soil horizons, or ecological substrates within the red line boundary. The site supports no habitat features whatsoever that could be attributed with biodiversity value under the DEFRA statutory framework.

A site inspection confirmed the absence of trees, grassland, scrub, hedgerows, ponds, priority habitats, or any flora and fauna typically recognised under the UK Habitat Classification system. The surface composition of the site is consistent with the “urban – sealed surface (unvegetated)” category identified within DEFRA Biodiversity Metric 4.0, which carries a distinctiveness score of 'none' and a condition score of 'n/a', thus resulting in a biodiversity unit value of precisely 0.00. This position has been formally quantified within the accompanying Planning Statement and is evidenced further through photographic documentation and Ordnance Survey mapping which reveals no baseline ecological connectivity or vegetative land cover. Furthermore, no linear features (hedgerows, tree lines, watercourses, or field boundaries) are present on or adjacent to the site, resulting in a baseline value of 0.00 linear habitat units.

The proposed development comprises the erection of two purpose-built industrial/storage units (Use Classes B2 and B8) and associated works including the resurfacing of the external yard area using porous tarmac. Crucially, the entire development footprint overlays land that is already ecologically inert. There are no proposed works that would disturb, remove, or degrade any habitat feature of biodiversity value. The proposed surfacing and development will not result in any measurable loss of existing habitat, and will not alter the biodiversity baseline of the site which is demonstrably nil. There is no introduction of lighting, fencing, cut or fill, or offsite drainage outfalls that could otherwise generate indirect effects on nearby habitats, and the surrounding area consists of equally industrialised and hard-engineered plots devoid of ecological sensitivity. In terms of the spatial risk multiplier and connectivity modifier applied within the Biodiversity Metric framework, the site is classified as having zero spatial risk and zero ecological connectivity, thus confirming that its redevelopment constitutes a de minimis ecological impact scenario.

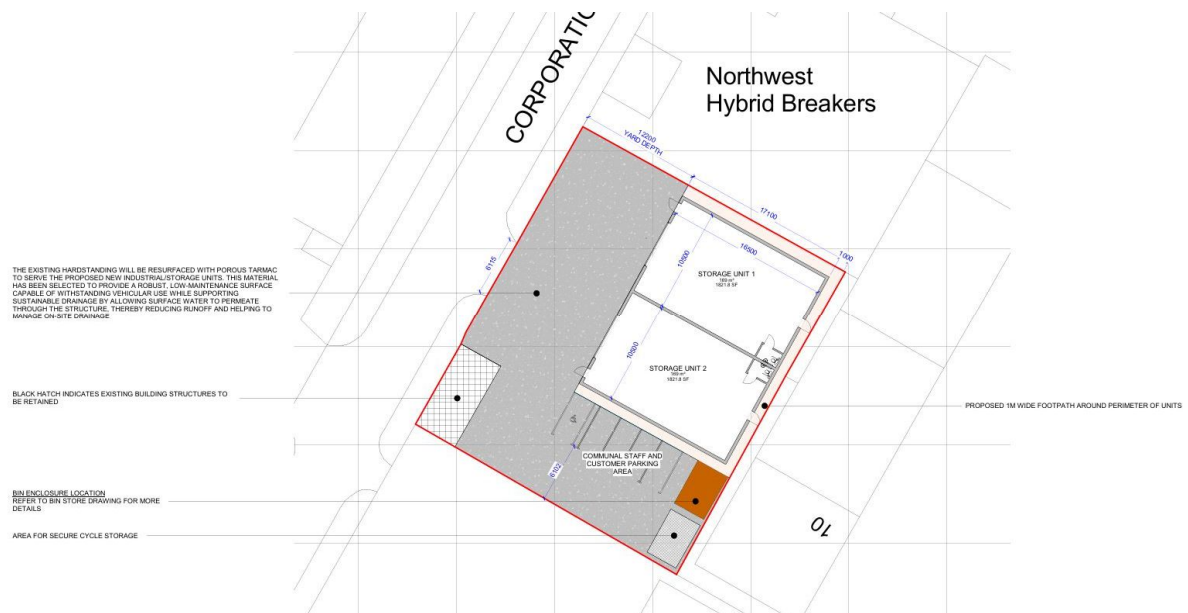
The Environment Act 2021 (Schedule 14) and associated Planning Practice Guidance recognise that where the pre-development biodiversity value is 0.00 habitat units, and no habitats are created, lost, or degraded by the proposal, the biodiversity gain objective cannot logically apply. The statutory guidance accompanying the *Biodiversity Gain Requirements (Exemptions) Regulations 2024* explicitly confirms that development proposals which do not trigger any measurable change in biodiversity value are not subject to the requirement to submit a Biodiversity Gain Plan under Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The exemption is not discretionary and must be accepted by the Local Planning Authority where the eligibility criteria are clearly met and evidenced.

In conclusion, the proposed development satisfies all technical, procedural, and legal thresholds for exemption from Biodiversity Net Gain as defined under the 2024 Regulations. The site is sealed and ecologically inert, the pre- and post-development habitat values are confirmed as zero, and no terrestrial or linear habitat will be affected by the proposal. There is no measurable biodiversity impact to be mitigated, compensated, or enhanced, and the development is fully compliant with the exemption criteria set out in national secondary legislation.

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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.





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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:

Whilst the proposed redevelopment at Corporation Road, Rochdale, is exempt from the statutory requirements of mandatory Biodiversity Net Gain (BNG) under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021), the application nonetheless delivers a measurable, policy-aligned improvement in environmental quality that accords with the underlying principles of ecological enhancement set out in both national and local frameworks. The site, comprising 1,073m² of fully sealed hardstanding formerly used as a Sui Generis scrap yard, is categorised under the DEFRA Biodiversity Metric 4.0 as supporting zero baseline habitat units and no linear ecological features. There is no vegetative cover, no soil substrate capable of supporting terrestrial biodiversity, and no potential for habitat loss. Accordingly, the site qualifies for formal exemption from the 10% BNG uplift threshold, consistent with the provisions outlined in paragraph 5 of the Government's BNG Exemptions Guidance (DEFRA, 2023).

Nevertheless, the proposed development secures a proportionate and locally meaningful biodiversity betterment through a suite of integrated environmental interventions. The replacement of impermeable concrete with 600m² of porous tarmac represents a substantial hydrological and ecological uplift. This change supports enhanced infiltration, reduces surface runoff velocities, and contributes to attenuated discharge into the local drainage network, thereby improving the ecological functioning of the River Roch catchment, as encouraged under the Rochdale Flood Risk Management Strategy (2023). The removal of historically unregulated metal processing, open-air depollution, and scrap storage operations eliminates significant sources of hydrocarbon, heavy metal, and particulate pollution—each of which posed an indirect threat to air, soil, and water quality in the wider area. The proposed B2/B8 units, by contrast, offer a clean, enclosed, and low-intensity employment use with minimal environmental emissions, aligning with Rochdale Core Strategy Policy G7, which seeks to conserve and enhance the borough's natural assets.

Although spatial constraints preclude formal landscaping within the yard, the scheme adopts a passive biodiversity enhancement approach consistent with paragraph 186 of the National Planning Policy Framework (NPPF, 2024), which encourages developments to contribute to environmental net gain wherever feasible. Opportunities for future ecological uplift remain embedded in the scheme's design flexibility, subject to tenant uptake and operational compatibility.

In summary, the development does not merely avoid ecological harm—it actively improves the baseline environmental condition of a derelict and pollutant-generating site. This proportionate and policy-compliant enhancement justifies full planning approval, even in the absence of a formal BNG metric calculation, and contributes to the borough's wider ambition for sustainable, low-carbon, and environmentally regenerative economic development.