

Biodiversity Net Gain (BNG) Exemption Statement

For:

Erection of 2 external sprinkler tanks, proposed concrete bases and associated pump station building. Located within the existing hard standing service yard of the site of Kingsway Business Park, Unit I, John Milne Avenue, OL16 4SY.

Planning Reference:

PP-14083586 / (25/00601/FULL)

At:

Kingsway Business Park, Unit I,
John Milne Avenue, OL16 4SY,
Rochdale

Completed By:

Tom Leach – Senior Architectural Technologist - NIRAS

Date of Exemption Statement Completion:

01-07-2025

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 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.

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

¹ The Biodiversity Gain Requirements (Exemptions) Regulations 2024:
<https://www.legislation.gov.uk/uksi/2024/47/made/data.pdf>

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

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

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>

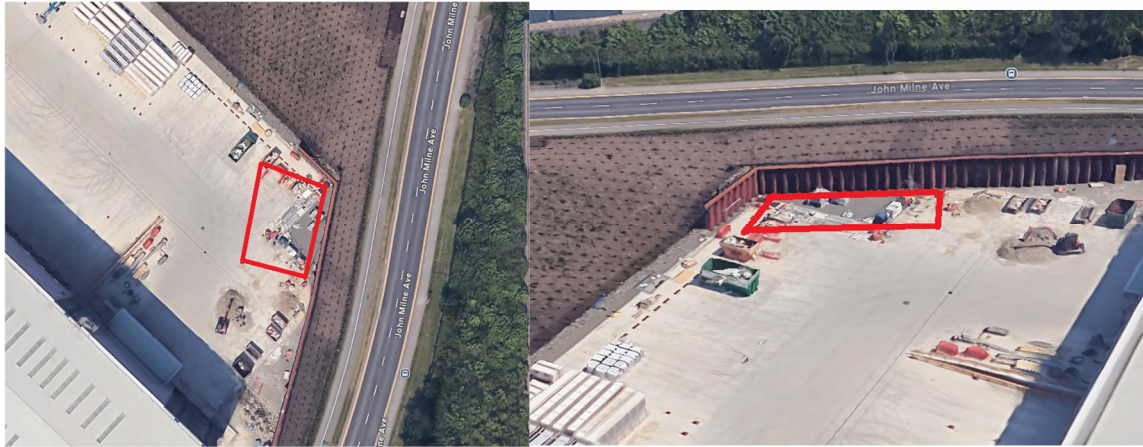
The proposed development of 2 external sprinkler tanks and associated pump station reside within the existing service yard of the site. All the proposed works associated with the application in question fall within existing hardstanding concrete yard areas. No existing retaining walls or soft landscaped areas are affected or touched by the proposed application.

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.

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

Photograph 1: Google Earth Images, **Red lines** showing location of proposed works (all within the existing hardstanding yard area)



Photograph 2: Existing site pictures showing some more detailed context. **Blue lines** show that all proposed works are within existing hard landscaping areas of the service yard. No existing retaining walls or soft landscaping areas are affected by the proposed works.



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: