

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

Biodiversity Net Gain (BNG) Exemption Statement

For:

Retrospective application for the retention of 6 no power cabinets and associated works.

Planning Reference:

25/00893/FUL

At:

Moto Birch Westbound Services, M62 Between Junctions 18 & 19, Heywood, OL10 2QH

Completed By:

(enter name, job title, company)

Gary Morris, Partner, Alder King

Date of Exemption Statement Completion:

(enter date) 8/9/25

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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):

4.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions. (2) The first condition is that the development does not impact an onsite priority habitat. (3) The second condition is that the development impacts— (a) less than 25 square metres of onsite habitat that has biodiversity value greater than zero; and (b) less than 5 metres in length of onsite linear habitat.

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

The power cabinets are proposed on hard surfaced area in between existing charging units. A small amount of additional tarmac area is being created behind the units. This area is less than 25sqm and does not involve the loss of priority habitat.

Whilst the amount of vegetation to be removed is longer than 5m, this does not constitute linear habitat, which is defined in the Regulations as "the types of hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric(d) (which are measured by length (expressed in kilometres) rather than area)." (Regulation 4(4)c

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

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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.

Aerial imagery:

Photograph 1: Approximate area of grass to be lost to tarmac. Refer to application plans for precise, scalable, area.



Photograph 2: Approximate area of grass to be removed and replaced with tarmac. Refer to application plans for precise, scalable, area.



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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:

Increasing the number and availability of electric vehicle (EV) chargers benefits biodiversity by enabling widespread EV adoption, which in turn leads to a healthier environment for plants and animals. The primary benefits are a reduction in air and noise pollution, and a mitigation of climate change.

Reduction in Air Pollution

Conventional gasoline and diesel vehicles emit harmful pollutants like nitrogen oxides (NOx), particulate matter (PM), and carbon dioxide (CO₂) from their tailpipes. These pollutants contribute to poor air quality, which can directly harm biodiversity.

- **Reduced CO₂ Emissions:** CO₂ is a greenhouse gas that drives climate change. By reducing the number of internal combustion engine vehicles on the road, a robust EV charging network helps lower overall CO₂ emissions, which mitigates the effects of climate change, such as habitat loss and extreme weather, that threaten many species.
- **Improved Air Quality:** NOx and PM can damage plant life, acidify soils and waterways, and cause respiratory issues in wildlife. The widespread use of EVs, enabled by a reliable charging network, significantly reduces these local emissions, leading to cleaner air and healthier ecosystems.

Reduction in Noise Pollution

EVs operate much more quietly than traditional vehicles with internal combustion engines. This reduction in noise pollution, especially in urban and suburban areas, provides a more peaceful environment for wildlife.

- **Less Stress on Animals:** Constant noise from traffic can disrupt animal behaviours such as mating calls, communication, and predator-prey interactions. The quieter operation of EVs helps reduce stress and disturbance, allowing wildlife to engage in their natural behaviours more freely.
- **Enhanced Habitat Quality:** Areas near roads and highways that are typically loud become more habitable for wildlife as vehicle noise decreases. This can help reconnect fragmented habitats and support species that are sensitive to sound.