

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

Biodiversity Net Gain (BNG) Exemption Statement

For:

Reserved matters (access, layout, scale, external appearance and landscaping) planning application on Plot 3 South Heywood, for the erection of residential dwellings, pursuant to hybrid planning permission 16/01399/HYBR.

Planning Reference:

TBC – yet to be validated

At:

Hareshill Road North, South Heywood, Rochdale

Completed By:

Michael Boucher, Ecological Project Manager, Collington Winter Environmental

Date of Exemption Statement Completion:

November 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):

Existing planning applications

If a planning application for a development was made before day one of mandatory BNG on 12 February 2024, the development is exempt from BNG.

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

The planning application for the development was made before day one of mandatory BNG on 12 February 2024 and therefore the development is exempt from BNG.

¹ The Biodiversity Gain Requirements (Exemptions) Regulations 2024:
<https://www.legislation.gov.uk/ukxi/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

Aerial imagery:

Photograph 1: Pre Development site



Photograph 2: Post Development Site



The Biodiversity Gain Requirements (Exemptions) Regulations 2024

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.

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:

The post-development landscape proposals include the creation of a variety of habitats beneficial to local wildlife. These comprise open grassland, vegetated gardens, and scattered trees, which together will enhance the ecological value of the site and support a wide range of species. The Local Planning Requirement for open space (40m² per new build home) has been fully integrated within areas of public open space, ensuring both community use and biodiversity benefit.

Open Grassland:

Open grassland areas will provide conditions suitable for a diverse mix of plant species, supporting local flora and contributing to a varied ground layer structure. These areas will offer valuable foraging and sheltering opportunities for invertebrates, which in turn provide a food source for birds and bats. The open character of the grassland will also create suitable foraging zones for bats and ground-feeding bird species.

Vegetated Gardens:

The inclusion of planted garden areas will contribute to overall habitat diversity across the development. These spaces will provide resources and refuge for a range of invertebrates, while also offering feeding and nesting opportunities for birds. Vegetated gardens will help to strengthen habitat connectivity within the site, creating transitional zones between built areas and more open green space that are also used by foraging bats.

Scattered Trees:

Scattered trees will introduce vertical structure and additional habitat variety. They will support local plant and invertebrate communities while offering nesting, roosting, and foraging opportunities for birds and bats in the long term. The presence of trees will also help connect different habitat areas, enabling species movement across the site and into surrounding landscapes.

Together, these habitat types will enhance the ecological function of the development, support biodiversity and create a network of green spaces that benefit both wildlife and resident.