

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

Biodiversity Net Gain (BNG) Exemption Statement

For: Hollingworth Heights, Peanock Lane, Littleborough, OL15 0AD

Demolition of existing dwelling and erection of a replacement dwelling with associated parking and landscaping (including biodiversity enhancement) (the "Proposal").

Planning Reference:

To be confirmed

At:

Peanock Lane, Littleborough, OL15 0AD (the "site")

Completed By:

HERA Planning on behalf of Olivia McKee (the Applicant)

Date of Exemption Statement Completion:

3 September 2025

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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):

According to Reg. 8.- (1) of the Biodiversity Gain Requirements (Exemptions) Regulations 2024:

The biodiversity gain planning condition does not apply in relation to planning permission for development which –

- (a) Consists of no more than 9 dwellings;*
- (b) Is carried out on a site which has an area no larger than 0.5ha; and*
- (c) Consists exclusively of dwellings which are self-build or custom housebuilding.*

(2) In this regulation "self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

To confirm, the proposed development described at the outset of this 'statement' comprises a form of 'self-build'.

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

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

Please see text provided at section 5. The development proposed comprises a form of 'self-build'.

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.

Please refer to the information submitted in support of the planning application (including a Site Layout, Landscape Plan, **Biodiversity Enhancement Plan**, Arboricultural Report, and Preliminary Ecological Appraisal) for further details.

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:

Please refer to the Biodiversity Enhancement Plan for details of proposed enhancements at the site.

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Example response:

Section 5: The exemption criterion claimed:

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.

Section 6: Statement

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 dwelling house will be constructed on land currently occupied by outbuildings and hardstanding surfaces, consisting of a mix of resin, stones, and concrete.

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 garden
- Urban - Developed land; sealed surface (“Impermeable Hardscape”)
- Urban - Artificial unvegetated, unsealed surface (“Permeable Hardscape”)

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.

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Section 7: Evidence

Provide aerial images / photos and plans of the site, marked up to show existing and proposed development areas, and how that accords with the exemption criteria claimed above, together with photographs of the current site conditions, to provide the context.

Section 8: Measurable Net Gains for Nature Conservation

- A biodiverse green roof with features for invertebrates including log piles and a varied substrate
- Soft landscape schedule comprised of native plant species
- Provision of 2 bird boxes and 1 bat box
- Creation of a wildlife pond
- Hedgehog highways in gravel boards of boundary fence