

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

Biodiversity Net Gain (BNG) Exemption Statement

For:

INSTALLATION OF A GAS GOVERNOR AND KIOSK AND ACCESS

Planning Reference:

PL/2026/0813

At:

Land adjacent to 56 Bonscale Crescent, Bonscale Crescent, Middleton, Manchester, M24 5LY

Completed By:

Kylah Louch, Planning Assistant, MacMarshalls

Date of Exemption Statement Completion:

28/09/2026

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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):

Regulation 7A ("Development no larger than 0.2 hectares") of The Biodiversity Gain Requirements (Exemptions) Regulations 2024, as inserted by The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 (SI 2026/790), in force from 6 August 2026:

"7A. —(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 is carried out on a site which has an area no larger than 0.2 hectares.

(4) The exemption in paragraph (1) does not apply in relation to planning permission where the application for planning permission was made before 6th August 2026."

Regulation 7A(6)(d) provides that a habitat is impacted where the habitat is lost or degraded such that there is a decrease in the biodiversity value of that habitat.

The proposed development meets the first and second conditions of Regulation 7A, and the application was made after 6 August 2026.

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

¹ The Biodiversity Gain Requirements (Exemptions) Regulations 2024:

<https://www.legislation.gov.uk/ukxi/2024/47/made/data.pdf>

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The application seeks full planning permission for the installation of a gas governor and kiosk, with access gates and 2.4m high perimeter fencing, on land adjacent to 56 Bonscale Crescent, Middleton, M24 5LY, on behalf of Cadent Gas Ltd.

Application made on or after 6 August 2026 (Regulation 7A(4))

Application PL/2026/0813 was made after 6 August 2026. It is a new application for full planning permission, not an application under section 73, and so the transitional restrictions in Regulation 7A(4) and (5) do not apply. The earlier application for the same form of development on land adjoining No. 54 Bonscale Crescent (PL/2026/0416) was withdrawn before determination. It does not form part of this application.

Second condition: site area no larger than 0.2 hectares

The application site, as defined by the red line boundary on drawing 002 - C200-356 ("Proposed New Kiosk", dated 11/08/2026), measures approximately 70.34 sq m (0.007 hectares). This is about 3.5% of the 0.2 hectare threshold, so the second condition is met.

First condition: no impact on an onsite priority habitat

The site does not contain any habitat on the Government's list of habitats of principal importance in England (section 41 of the Natural Environment and Rural Communities Act 2006), which is the definition of "priority habitat" applied by Regulation 4 of the Exemptions Regulations.

The site lies on the outer eastern edge of an area of public open space. It is directly against the existing boundary treatment of No. 56 and abuts the Bonscale Crescent highway frontage. It comprises regularly mown amenity grassland. It does not include, adjoin or affect the children's play area or the footpaths crossing the open space.

On 26 May 2026, Miranda Cowan Ecology Ltd (MCIEEM) carried out a UK Habitat Classification survey and condition assessment of this open space for the Cadent kiosk proposal. The survey was undertaken for the scheme's original position adjoining No. 54, which is within the same continuous parcel of mown amenity grassland. It recorded the following:

- The habitat is g4 Modified grassland, regularly mown as an urban amenity park, in Poor condition. It is dominated by perennial rye-grass, with occasional dandelion and creeping buttercup and an average of 3–4 species per m².
- Modified grassland is a low distinctiveness habitat and is not a priority habitat.
- The site is in an urban context and is not within a Nature Recovery Opportunity Area on the Greater Manchester Nature Network Map.
- There are no designations or UK priority habitats terrestrially or hydrologically linked with the on-site habitat.

The relocated site adjacent to No. 56 is the same regularly mown amenity grassland, as shown in the photographs in Section 7. No trees, hedgerows, watercourses or other linear habitats are within the red line, and no trees are to be removed.

Conclusion

The development does not impact an onsite priority habitat (first condition). It is carried out on a site of approximately 0.007 hectares, well below 0.2 hectares (second condition). The application was made after 6 August 2026. The development is therefore exempt from the biodiversity gain planning condition under Regulation 7A of The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (as amended). No biodiversity gain plan or statutory metric is required.

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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.

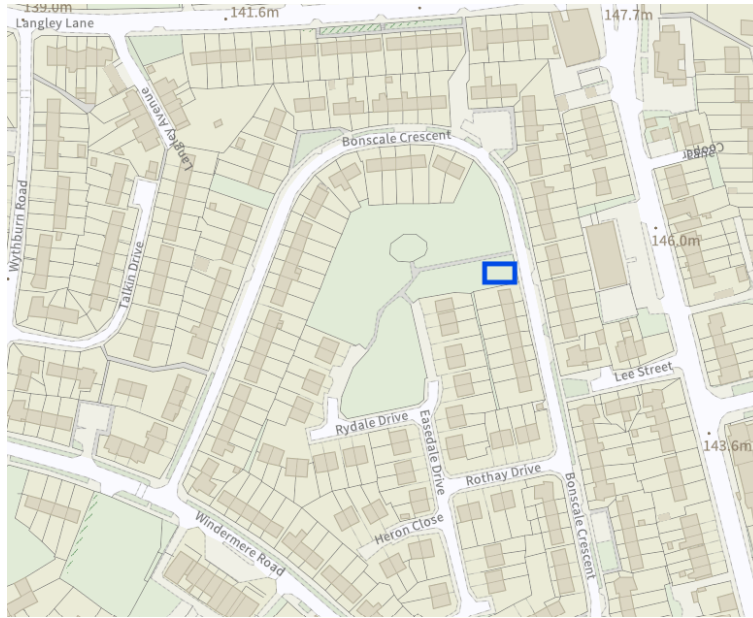


Figure 1: Location plan. The application site is outlined in blue on the eastern edge of the public open space off Bonscale Crescent, away from the central play area and footpaths.



Figure 2: Aerial image of the open space enclosed by Bonscale Crescent. The site is at the eastern edge beside No. 56, within the regularly mown amenity grassland. No priority habitat is present.

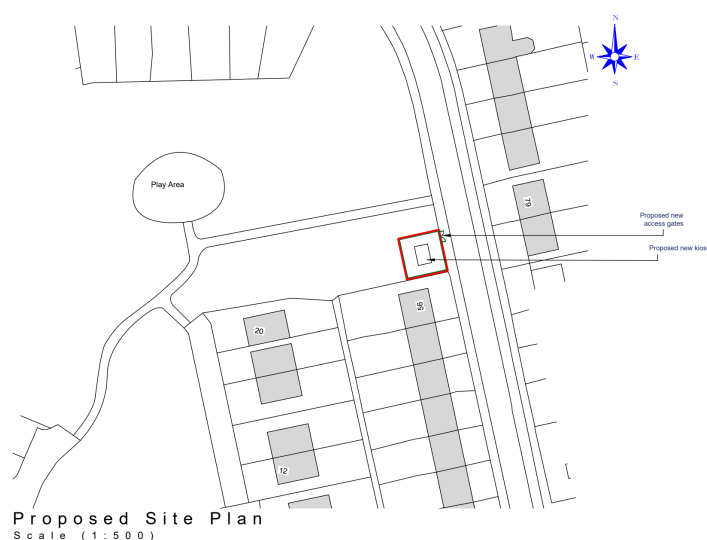
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Figure 3: View from the Bonscale Crescent highway towards the site, showing the short-mown amenity grassland (g4 Modified grassland) behind the railings, next to the boundary of No. 56.



Figure 4: Existing site plan (extract from drawing 002 - C200-356, 1:500). Red line site area approx. 70.34 sq m (0.007 ha), about 3.5% of the 0.2 ha Regulation 7A threshold.



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Figure 5: Proposed site plan (extract from drawing 002 - C200-356, 1:500) showing the kiosk, perimeter fencing and access gates within the red line. No development extends beyond the 0.007 ha site.



Figure 6: General view of the amenity grassland within the open space (Miranda Cowan Ecology Ltd, Plate 4, survey 26 May 2026). The habitat was classified as g4 Modified grassland in Poor condition.

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 proposal is a small, essential utility installation of about 70 sq m within an area of low-distinctiveness amenity grassland. Proportionate and locally appropriate measures are as follows:

- **Retention of existing features:** no trees or hedgerows will be removed, and the works are confined to the edge of the open space, next to an existing residential boundary.
- **Reinstatement:** ground disturbed during installation outside the kiosk base will be reinstated by topsoiling and seeding, as set out in the Planning Supporting Statement.
- **Complementary landscaping:** the applicant is willing to accept an appropriately worded condition, or to offer complementary landscaping or planting within the retained open space, to maintain or improve the amenity and biodiversity value of the wider space. Details can be agreed with the Local Planning Authority.