

218 Hampton Road, Twickenham TW2 5NJ

# L018 - BNG Exemption Statement

## Proposals:

Erection of a 2-bedroom flat with the provision of amenity space and parking at rear of property.

## The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024:

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 15 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).

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%]".

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.

**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 2024.**

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 application 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>

Consequently, the proposed development meets Condition 1 of Section 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The proposed dwellinghouse will be constructed in the rear part of the application site, on previously developed land situated outside. This area is currently occupied by outbuildings and hardstanding surfaces, consisting of a concrete surface.

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”)

Neither of the aforementioned habitat classifications has 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.

Whilst the development may be exempt from statutory Biodiversity Net Gain (BNG) requirements, it is evident from the plans and other supporting documents for the application for planning permission that the proposals would enhance biodiversity habitats. This would be achieved through the inclusion of a biodiversity garden and winter gardens within the development and at the rear of the proposed dwelling, thereby significantly increasing biodiversity of the application site, which currently lacks any habitats of biodiversity value.