

BIODIVERSITY NET GAIN EXEMPTION STATEMENT

397 HARLINGTON ROAD

PROPERTY ADDRESS
397 HARLINGTON ROAD
UXBRIDGE
HILLINGDON
UB8 3JG

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PREPARED BY
EAL Consult

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1. EXECUTIVE SUMMARY

Site description

This report has been prepared to support the planning application for the sub-division of an existing house into two dwellings.

Strategy

The strategy highlights how the proposed development will meet the requirements for Biodiversity Net Gain responding to the UK Planning and regulatory framework, National Planning Policy Framework 2023 and Hillingdon Council's Local Plan Strategic Policies.

Biodiversity Net Gain Strategy

In accordance with the Biodiversity Gain and Mitigation Hierarchies detailed within the National Planning Policy Framework (NPPF) 2023 and Town and Country Planning Order (Development Management Procedure, England) 2015, this assessment uses DEFRA Statutory Metric for Small Sites (SSM). The metric shows there are not enough habitat units on site and therefore qualifies for a ***de minimis exemption***.

2. PLANNING POLICY CONTEXT

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Meaning of biodiversity gain hierarchy

37A. In this Part, “biodiversity gain hierarchy” means the following actions in the following order of priority—

- a. in relation to onsite habitat with a habitat distinctiveness score, applied in the biodiversity metric, equal to or higher than four—
 - i. avoiding adverse effects of the development, or
 - ii. insofar as those adverse effects cannot be avoided, mitigating those effects;
- b. in relation to any onsite habitat which is adversely affected by the development, compensating for that adverse effect by—
 - i. habitat enhancement of onsite habitat;
 - ii. insofar as there cannot be that enhancement, creation of onsite habitat;
 - iii. insofar as there cannot be that creation, the availability of registered offsite biodiversity gain for allocation to the development;
 - iv. insofar as registered offsite biodiversity gain cannot be allocated to the development, the purchase of biodiversity credits.

National Planning Policy Framework (NPPF) 2023

Habitats and biodiversity

185. To protect and enhance biodiversity and geodiversity, plans should:

- a. Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b. promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

186. When determining planning applications, local planning authorities should apply the following principles:

- a. if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b. development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c. development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d. development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

187. The following should be given the same protection as habitats sites:

- a. potential Special Protection Areas and possible Special Areas of Conservation;

- b. listed or proposed Ramsar sites; and
- c. Sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

188. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Policy EM7: Biodiversity and Geological Conservation

The Council will review all the Borough grade Sites of Importance for Nature Conservation (SINCs). Deletions, amendments and new designations will be made where appropriate within the Hillingdon Local Plan: Part 2- Site Specific Allocations Local Development Document. These designations will be based on previous recommendations made in discussions with the Greater London Authority

Hillingdon's biodiversity and geological conservation will be preserved and enhanced with particular attention given to:

1. The conservation and enhancement of the natural state of: Harefield Gravel Pits Colne Valley Regional Park Fray's Farm Meadows Harefield Pit
2. The protection and enhancement of all Sites of Importance for Nature Conservation. Sites with Metropolitan and Borough Grade 1 importance will be protected from any adverse impacts and loss. Borough Grade 2 and Sites of Local Importance will be protected from loss with harmful impacts mitigated through appropriate compensation.
3. The protection and enhancement of populations of protected species as well as priority species and habitats identified within the UK, London and the Hillingdon Biodiversity Action Plans.
4. Appropriate contributions from developers to help enhance Sites of Importance for Nature Conservation in close proximity to development and to deliver/assist in the delivery of actions within the Biodiversity Action Plan.
5. The provision of biodiversity improvements from all development, where feasible.
6. The provision of green roofs and living walls which contribute to biodiversity and help tackle climate change.
7. The use of sustainable drainage systems that promote ecological connectivity and natural habitats.

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

De minimis exemption

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⁽¹⁾ greater than zero; and

(b) less than 5 metres in length of onsite linear habitat.

(4) For the purposes of this regulation—

(a) “priority habitat” means a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006⁽²⁾;

(b) a habitat is impacted where the habitat is lost or degraded such that there is a decrease in the biodiversity value of that habitat;

(c) “linear habitat” means the types of hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric⁽³⁾ (which are measured by length (expressed in kilometres) rather than area).

3. METHODOLOGY

a. Guidance

Biodiversity Net Gain (BNG) assessments should follow CIEEM's 'Good practice principles for development' (2016):

Principle 1. Apply the Mitigation Hierarchy

Do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision-makers where possible, compensate for losses that cannot be avoided. If compensating for losses within the development footprint is not possible or does not generate the most benefits for nature conservation, then offset biodiversity losses by gains elsewhere.

Principle 2. Avoid losing biodiversity that cannot be offset by gains elsewhere

Avoid impacts on irreplaceable biodiversity - these impacts cannot be offset to achieve No Net Loss or Net Gain.

Principle 3. Be inclusive and equitable

Engage stakeholders early, and involve them in designing, implementing, monitoring and evaluating the approach to Net Gain. Achieve Net Gain in partnership with stakeholders where possible, and share the benefits fairly among stakeholders.

Principle 4. Address risks

Mitigate difficulty, uncertainty and other risks to achieving Net Gain. Apply well-accepted ways to add contingency when calculating biodiversity losses and gains in order to account for any remaining risks, as well as to compensate for the time between the losses occurring and the gains being fully realised.

Principle 5. Make a measurable Net Gain contribution

Achieve a measurable, overall gain for biodiversity and the services ecosystems provide while directly contributing towards nature conservation priorities.

Principle 6. Achieve the best outcomes for biodiversity

Achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly-justified choices when:

- Delivering compensation that is ecologically equivalent in type, amount and condition, and that accounts for the location and timing of biodiversity losses
- Compensating for losses of one type of biodiversity by providing a different type that delivers greater benefits for nature conservation
- Achieving Net Gain locally to the development while also contributing towards nature conservation priorities at local, regional and national levels
- Enhancing existing or creating new habitat
- Enhancing ecological connectivity by creating more, bigger, better and joined areas for biodiversity

Principle 7. Be additional

Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e. do not deliver something that would occur anyway).

Principle 8. Create a Net Gain legacy

Ensure Net Gain generates long-term benefits by:

- Engaging stakeholders and jointly agreeing practical solutions that secure Net Gain in perpetuity

- Planning for adaptive management and securing dedicated funding for long-term management
- Designing Net Gain for biodiversity to be resilient to external factors, especially climate change
- Mitigating risks from other land uses
- Avoiding displacing harmful activities from one location to another
- Supporting local-level management of Net Gain activities

Principle 9. Optimise sustainability

Prioritise Biodiversity Net Gain and, where possible, optimise the wider environmental benefits for a sustainable society and economy.

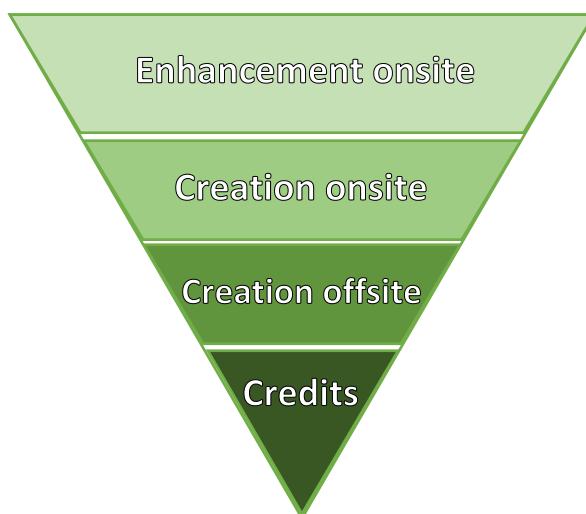
Principle 10. Be transparent

Communicate all Net Gain activities in a transparent and timely manner, sharing the learning with all stakeholders.

b. Biodiversity Hierarchies

This good practice guidance draws on two hierarchies within statutory guidance on how to measure BNG.

Figure 1: Biodiversity Gain Hierarchy

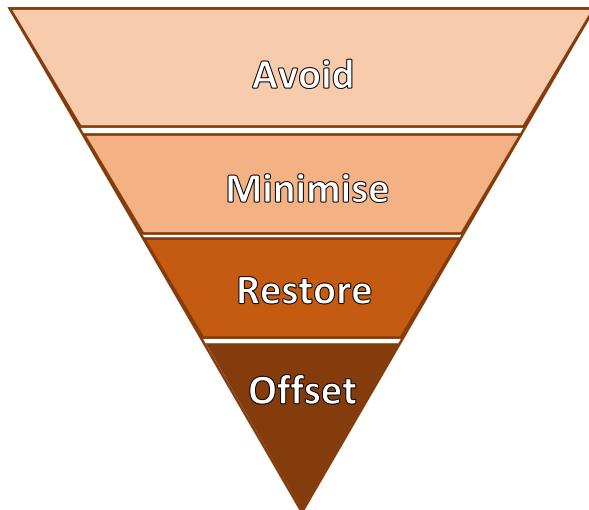


The Biodiversity Gain Hierarchy is introduced in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This hierarchy has been designed for the purpose of discharging the Biodiversity Gain condition to reflect the habitat categories in the biodiversity metric and the type of ways that the objective of at least a 10% gain can be achieved. The hierarchy, (which does not apply to irreplaceable habitats) sets out a list of priority actions:

1. For onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric), to avoid adverse effects from the development and, if they cannot be avoided, the mitigation of those effects
2. For all onsite habitats which are adversely affected by the development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing onsite habitats, creation of new onsite habitats, allocation of registered offsite gains and finally the purchase of biodiversity credits.

The guidance also draws upon the Mitigation Hierarchy as set out in paragraph 186(a) of the National Planning Policy Framework.

Figure 2: Mitigation Hierarchy



This hierarchy states that a planning application should be refused if significant harm to biodiversity resulting from the development cannot be:

1. avoided (through locating on an alternative site with less harmful impacts)
2. adequately mitigated
3. or, as a last resort, compensated for

4. SITE BIODIVERSITY CONTEXT

The site is located within 500m of an SSSI Impact Risk Zone.

5. BIODIVERSITY NET GAIN BASELINE

There are no priority habitats or irreplaceable habitats located on site. The biodiversity on site is mostly a vegetated garden with some perimeter shrubs.

6. CONCLUSION

The proposal relates to the conversion of an existing building into two self-contained units, with only internal works and layout changes. The development does not impact an onsite priority habitat and it impacts less than 25sqm of on-site onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat. This proposal therefore meets the criteria for a de minimis exemption.