



Addendum to Design & Access Statement: Biodiversity Net Gains Exemption

Application Site:

Burr Hall
Chiltern View Road
Uxbridge
UB8 2PF

Date:

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Produced by:

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Biodiversity Net Gain Exemption

1. Policy Context

- The Biodiversity Gain Requirement (Exemptions) Regulations 2024
- The Biodiversity Gain Requirement (Irreplaceable Habitat) Regulations 2024
- Environment Act 2021 Schedule 14
- Town and Country Planning Act 1990 Schedule 7A

The Biodiversity Gain Requirement (Exemptions) Regulations 2024 prescribe categories of planning permission to which the biodiversity gain requirement that would otherwise be imposed as a general condition of planning permission do not apply.

Schedule 14 of the Environment Act 2021 inserts a new Schedule 7A (“Schedule 7A”) into the Town and Country Planning Act 1990 that with certain exceptions, every grant of planning permission in England is deemed to have been granted subject to a condition that development may not begin until a biodiversity gain plan, with certain specified content, has been submitted to and approved by the planning authority.

Paragraph 2 of Schedule 7A explains that this objective is met if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of habitat on the land to which the planning permission relates by at least 10%.

Paragraph 17 of Schedule 7A provides for regulations to prescribe categories of development to be exempt from the requirement, through the Biodiversity Gain Requirement (Exemptions) Regulations 2024.

Further, Paragraph 18 of Schedule 7A provides for regulations to define “irreplaceable habitat” and to modify or exclude the application of Part 2 in such cases, through the Biodiversity Gain Requirement (Irreplaceable Habitat) Regulations 2024. Irreplaceable habitat is managed through a bespoke arrangement.

Schedule 7A makes provision for certain exemptions as:

- Permitted Development
- Urgent Crown Development
- De Minimis Development
- Householder Development
- High Speed Railway Transport Network
- Biodiversity Gain Sites
- Self-build and Custom Home Development

De Minimis

The Explanatory Memorandum for the Biodiversity Gain Requirement (Exemptions) Regulations 2024 defines the “De Minimis” exemption as:

“This exemption will ensure the biodiversity net gain planning condition is not applied to development of such a small scale that it would result in negligible or no loss of habitat value. The de minimis threshold applies to the area or length of habitat impacted within a development, not the total development footprint. This is for sites containing impacted habitat of an area below 25m², and 5m for linear habitats such as hedgerows, but does not apply where priority habitat is impacted. If a development contains any priority habitat, the biodiversity net gain planning condition applies for all habitat within the development”.

1. The Proposal

The proposal seeks to raise the roof of an existing building with C3 Use Class to create 2 additional separate dwellings to the rear part of the building only. The existing building will be retained and refurbished requiring minimal works to the ground area within the curtilage. The existing harstanding the rear will be retained and the existing landscaping and vegetation will be retained and enhanced.

2. Exemption Request

Under the Biodiversity Gain Requirement (Exemptions) Regulations 2024 Schedule 7A we request an exemption to the implementation of mandatory biodiversity net gain requirements under a “De Minimis” exemption.

The de minimis threshold applies to the area or length of habitat impacted within a development, and not the total development footprint. The exemption relates to areas up to 25m².

It is considered that the proposal is an existing structure that has a minimal impact on existing habitat. Further, the proposal is not considered to impact in excess of 25m² of existing habitat or 5 linear metres of existing hedgerow.

3. Mitigation

Notwithstanding, the applicants wish to increase the biodiversity on the property and will follow our recommendations as detailed in our Wildlife Trigger and Biodiversity Checklist that accompanies the application. This will

include installation of breeding boxes, restoration of existing trees and planting of new native trees and landscaping.

