



Balancing Growth with Green



Biodiversity Net Gain Exemption



Kulwinder Singh Bamrah
124 Harlington Road, UB8 3EY

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Authors

Author(s)	Ella Walker BSc (Hons.), MRes. Relevant Qualification: MRes Ecology & Conservation
Reviewer	Michelle Huang BSc, MRes (DIC) Relevant Qualification: MRes (DIC) Ecology and Conservation
Approver	Dr Ayan Chakravarty BEng (Hons). PGDip, MSc (Double), MRes, MPhil, PhD. Relevant Qualification: MRes (Ecology and Conservation)

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1 Introduction

1.1 Background & Context

ACP Consultants Ltd. was instructed to undertake a Biodiversity Net Gain (BNG) Assessment to support a planning application to the Hillingdon Borough Council. Kulwinder Singh Bamrah (hereafter referred to as 'the client') is seeking consent for the demolition of a side garage and the addition of a residential dwelling in its place (hereafter referred to as 'the proposed development') at 124 Harlington Road, UB8 3EY (hereafter referred to as 'the site').

The site is located at National Grid Reference TQ 07236 82441 and has an area of approximately 0.0346 ha. The site is a residential property with associated hardstanding pathways and patio and a rear grass garden. The site is immediately surrounded by other residential dwellings and an industrial park. The wider landscape is a densely urbanised and build-up area of Uxbridge (West London).

1.2 BNG Exemption Informative

As a stipulation of the Environment Act (2021), BNG sets a legal commitment for qualifying developments to generate a net positive impact on habitats, specifically targeting a minimum +10% measurable uplift from the baseline, leaving biodiversity in a better state than before. As advised by the guidance titled '[Biodiversity Net Gain: Exempt Developments](#)' (GOV.UK, 2024), a number of development types are exempt from the demonstration of BNG, with the most common types summarised in Table 1.2 below.

Table 1.2: Common BNG exemptions

Development Type	Definition
Householder applications	Applications made by householders as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 . This includes, for example, small projects like home extensions, conservatories, or loft conversions.
Self- and custom-build application	A development which meets all of the following criteria: <ul style="list-style-type: none">Does not consist of more than 9 dwellings;Site area is no larger than 0.5ha; andConsists exclusively of dwellings that are self-build or custom-build housebuildings as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. In general, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.
Developments below the <i>de minimis</i> threshold	A development 'impacts' a habitat if it decreases the biodiversity value. A development would be eligible for the <i>de minimis</i> exemption if it: <ul style="list-style-type: none">Does not impact a priority habitat;Impacts less than 25m² of a baseline area-based habitat; andImpacts less than 5m of a baseline linear-based habitat.

1.3 Scope of Report

The aims and objectives of the report are as follows:

- To establish the pre-development (baseline) biodiversity value of the site, including any degradation, if applicable.
- To establish whether the development decreases the biodiversity value of any pre-development (baseline) habitats.

- To determine whether the site is eligible for a BNG Exemption.

2 Methodology

2.1 Desk Study

2.1.1 Priority Habitat Search

A scope for priority habitats was conducted by reviewing the Multi-Agency Geographic Information for the Countryside (MAGIC; DEFRA, 2025) and current satellite imagery (Google Earth, OS Maps) of the site.

2.1.2 Degradation Investigation

Historic aerial satellite images from Google Earth backdating to the last available image prior to 30 January 2020 to the present image have been reviewed for degradation. Where necessary, additional historic Google Maps Street View photographs were accessed to discern habitat types previously present.

2.2 Site Visit

A site visit was undertaken to discern current habitats present on site. Existing habitats on site were classified and mapped in accordance with the UK Habitat Classification User Manual (v2, 2023). Where required, appropriate condition assessments were undertaken.

2.3 Geographic Information System (GIS)

The proposed site plan was georeferenced and overlaid atop an existing site plan generated from qGIS to determine the amount of habitats with biodiversity value lost to the proposal.

2.4 Limitations

The site visit was conducted outside of the optimal timeframe for surveying flora, when flowering characteristics of plants are not readily observable. However, this is not considered a major limitation considering the usage of the site as a private garden.

3 Results

3.1 Desk Study

3.1.1 Priority Habitat Search

A review of the MAGIC database and current satellite imagery revealed no priority habitats are present within the site boundaries. Priority habitats present in a 2km radius are summarised in Table 3.1.1 below.

Table 3.1.1: Priority habitats within a 2km radius of the site

Habitat	Distance & Direction of Closest Parcel
Deciduous woodlands	~350m west
Traditional orchards	~500m northwest
Woodpasture and parkland BAP	~1200m north

3.1.2 Degradation Investigation

There were small changes in the rear garden between January 2020 and April 2022; however, these changes are believed to be associated with an approved planning application in 2022 (Ref: 41525/APP/2022/490). The habitats on site have remained unchanged since the time of the 2022 application, therefore the site is not considered to have undergone degradation and the baseline value of the site reflects the date of the site visit.

Historical imagery < 24 Mar 2020 >



24 March 2020

Historical imagery < 10 Apr 2022 >



10 April 2022



Current Satellite Imagery (2025)

3.2 Site Visit

A walkover of the site was undertaken by Ella Walker on 8th December 2025.

Table 3.2: Summary of conditions during survey

Factor	Recorded Value
Temperature (° Celsius)	12
Humidity (RH%)	75
Wind (m/s)	1.2
Cloud Cover (%)	100
Precipitation	None

The site comprises Buildings (u1b5), Developed Land, Sealed Surface(u1b), and Vegetated Garden (u1 828). A baseline plan with extant habitats on site is provided in Appendix 1.

Buildings (u1b5) and Developed, Land Sealed Surface (u1b)

The site currently consists of a three-storey dwelling with a rear single-storey extension and garage. The driveway at the front of the house is comprised of a hardstanding, brick driveway. To the rear of the house, there is a private garden. The garden has a tiled pathway leading to a patio and outbuilding at the back of the garden.

Condition assessment: N/A



Fig 1 – front site view, facing north



Fig 2 – rear site view, facing north



Fig 3 – rear site view, facing south

Vegetated Garden (u1 828)

There is a small strip of an unvegetated flowerbed to the south of the garden; however, the majority of the garden was vegetated. There are some sections of bare ground within this garden section where a trampoline once was. Several vascular species including but not limited to perennial ryegrass *Lolium perenne*, common nettle *Urtica dioica*, borage *Borago officinalis*, and spear thistle *Cirsium vulgare* are present within the garden.

Condition assessment: N/A



Fig 4 – unvegetated flowerbed along northern periphery



Fig 5 – grass lawn



Fig 6 – additional colonisers



Fig 7- additional colonisers

3.3 GIS

The proposed plans, when overlaid atop existing habitats, reveals that ~5m² of the existing flowerbed will be lost to facilitate works. A georeferenced plan indicating habitats with biodiversity value which will be lost to the proposal is provided in Appendix 2.

4 Conclusions

The site is exempt from Biodiversity Net Gain requirements, as this report has demonstrated that:

- There are no priority habitats on site;
- The site has not undergone any unauthorised degradation upon review of historic satellite imagery;
- Habitats on site comprise Buildings (u1b5), Developed Land, Sealed Surface (u1b), and Vegetated Garden (u1 828); and that
- The proposals will not 'impact' (i.e. result in the decrease in biodiversity value of) more than 25m² of area-based habitats as the georeferenced plans indicate a loss of 5m² of vegetated garden (Appendix 2).

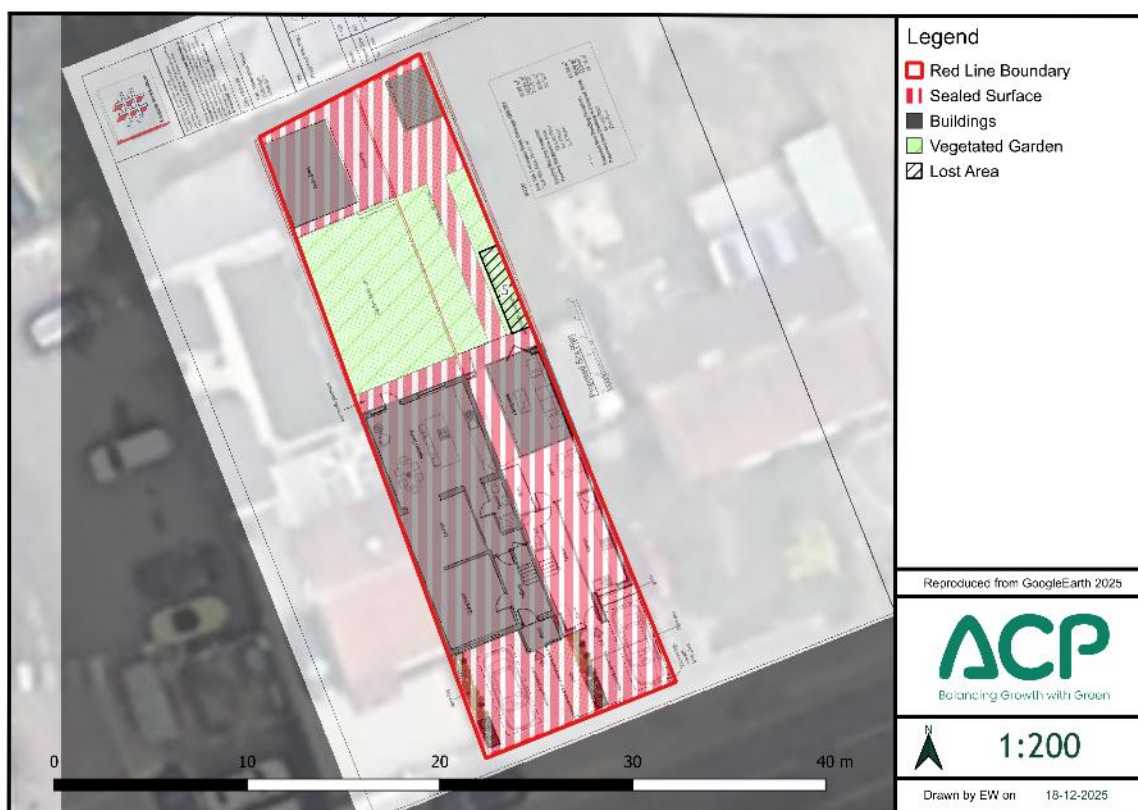
As such, the site is determined to be eligible for the *de minimis* exemption, and in line with current statutory guidance and relevant local planning policy, a formal Biodiversity Metric calculation is not required where habitat loss remains below this threshold. As such, no further BNG-related mitigation or enhancement measures are considered necessary for this application. It can, therefore, be concluded that the proposed development is not considered to conflict with any national, regional or local planning policies.

Proposed plans indicate an increase in vegetated areas. This is due to the removal of approximately half of the patio in the rear garden and the addition of two areas of vegetated garden/planting within the proposed front driveways (Appendix 3). This would offer ecological benefits to the site.

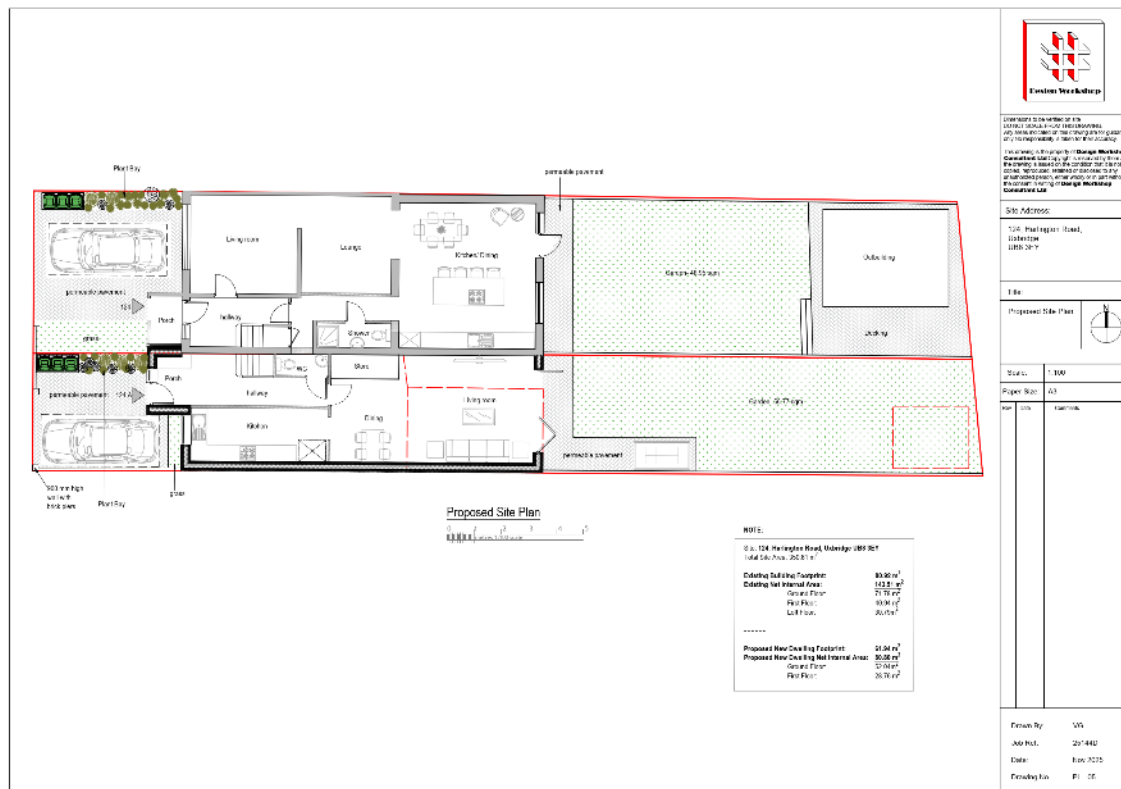
Appendix 1: Baseline Habitat Plan



Appendix 2: Proposed Plan Overlaid on Existing Habitats



Appendix 3: Proposed Plan



Appendix 4: Planning Policy & Legislation

This section summarises the relevant National and Local legislative and policy background, statutory and non-statutory guidelines relevant to the potential commercial development.

National Policy

National Planning Policy (December 2024)

The principal national planning policy guidance with respect to the potential development is the National Planning Policy Framework (NPPF). The most recent update of the NPPF was published in December 2024 by the Ministry of Housing, Communities and Local Government. This guidance sets out the Government's planning policies for England and how they are expected to be applied. Three dimensions to sustainable development have been identified in the NPPF: economic, social, and environmental.

The NPPF Section 187 states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

Section 188 states that:

"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."

Section 189 states that:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads⁶³. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."

Section 190 states that:

“When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development⁶⁴ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

Section 192 states that:

“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 steppingstones 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.”*

Section 193 states that:

“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.”*

Section 194 states that:

“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.”

Relevant National Planning Practice Guidance (NPPG, 2016)

NPPG is a web-based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

The guidance note on 'Natural Environment' explains key issues in implementing policy to protect and enhance the natural environment, including local requirements. This has been referred to when preparing this report. It states that:

"Planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications. Guidance on the law affecting Habitats Sites, protected species and SSSIs.

Natural England has issued standing advice on protected species. A protected species mitigation licence from Natural England may be required before any work can start."

The PPG also states that:

"Information on biodiversity and geodiversity impacts and opportunities needs to inform all stages of development (including site selection and design, pre-application consultation and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Pre-application discussions can help to scope whether this is the case and, if so, the survey work required.

Even where an Environmental Impact Assessment is not needed, it might still be appropriate to undertake an ecological survey, for example, where protected species may be present or where biodiverse habitats may be lost.

As with other supporting information, local planning authorities should require ecological surveys only where clearly justified. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Further guidance on information requirements is set out in making an application."

Biodiversity net gain is mentioned in the PPG and states that:

"The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. It may help local authorities to meet their duty under Section 40 of the Natural Environment and Rural Communities Act 2006."

Species and Habitats Legislation

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) consolidates all various amendments made to The Conservation (Natural Habitats & c.) Regulations 1994, in respect of England and Wales. The 1994 Regulations transposed the EC Habitats Directive 1992 (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) into national law.

Annexes I and II of the Habitats Directive list (respectively) habitats and species for which member states are required to establish and monitor SACs. The EC Birds Directive provides a similar network of sites (SPAs) for all rare or vulnerable species listed in Annex I and all regularly occurring migratory species, with particular focus on wetlands of international importance.

Together with SACs, SPAs form a network of pan-European protected areas known as 'NATURA 2000' sites.

The Habitats Regulations also make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade on the animals listed in Schedule 2, or pick, cut, uproot, destroy or trade in the plants listed in Schedule 4.

This legislation was amended in January 2021: The main changes to the 2017 Regulations are:

- “the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations
- the establishment of management objectives for the national site network (the ‘network objectives’)
- a duty for appropriate authorities to manage and where necessary adapt the national site network as a whole to achieve the network objectives
- an amended process for the designation of Special Areas of Conservation (SACs)
- arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission
- arrangements replacing the European Commission’s functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species
- arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK.”

The Convention on Conservation of European Wildlife and Natural Habitats (Bern Convention 1979)

The Convention on Conservation of European Wildlife and Natural Habitats (Bern Convention 1979) aims to ensure conservation and protection of all wild plant and animal species and their natural habitats (listed in Appendices I and II of the Convention), to increase cooperation between contracting parties, and to afford special protection to the most vulnerable or threatened species (including migratory species).

The Wildlife and Countryside Act 1981 (as amended) (WCA 1981)

The WCA is the primary UK mechanism for statutory site designation (Sites of Special Scientific Interest [SSSIs]) and the protection of individual species listed under Schedule 1,2,5 and 8 of the Act, each subject to varying levels of protection.

The Countryside and Rights of Way Act 2000

This legislation strengthens the provision of the 1981 WCA (as amended), both in respect of statutory sites such as SSSIs and protected species. It also places a statutory obligation on Local Authorities and other public bodies to further conservation of biodiversity in the exercise of their functions, thus providing a statutory basis to the Biodiversity Action Plan (BAP) process, which began in 1994. Section 74 of the Act lists the habitat types and species of principal importance in England. The UK Biodiversity action Plan has now been superseded by the ‘UK Post-2010 Biodiversity Framework’ (July 2012), however, many of the species and habitats in the UK and local BAPs have not been updated and are still considered relevant to date.

A Bill to amend the Countryside and Rights of Way Act 2000 to extend the right of public access to the countryside, including to woodlands, the Green Belt, waters and more grasslands; and for connected purposes is currently in second reading in the House of Commons (November 2022).

Local Policy: Hillingdon Borough Council Local Plan (2012)

The Hillingdon Borough Council Local Plan was adopted in 2012 and sets out key objectives and policies for development in the area, including those relating to biodiversity.

For example, 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.'*

Policy EM2 (Green Belt, Metropolitan Open Land and Green Chains) also states that:

'Any proposals for development in Green Chains will be firmly resisted unless they maintain the positive contribution of the Green Chain in providing a visual and physical break in the built-up area; conserve and enhance the visual amenity and nature conservation value of the landscape; encourage appropriate public access and recreational facilities where they are compatible with the conservation value of the area, and retain the openness of the Green Chain.'