Planning Factsheet – Biodiversity Net Gain

Owl Ln, Dewsbury, WF12 7RQ

This statement sets out our justification for why we are of the opinion that this small development, despite having a site area of less than a hectare, will only directly affect 25 square metres or less of habitat that is also not priority habitat, and therefore is exempt from biodiversity net gain requirements.

"*Where applicants consider that the development would not be subject to the general biodiversity gain condition, Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 provides that the applicant must provide a statement as part of the planning application setting out why they believe this is the case*"[1].

This is that statement.

Government guidance[2] currently clearly states:

"*Developments* ***below the threshold***

A development that's below the threshold means that it does not impact a priority habitat and impacts less than:

25 square metres (5m by 5m) of habitat

5 metres of linear habitats such as hedgerows

[...]

Other exemptions

The following are exempt by the Environment Act 2021:

- *developments that are granted planning permission by a development order (including* ***permitted development rights****)*".

"*Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.* [...]

Whilst BNG applies to all development, some development types are exempt[3].

This development is exempt.

Further information on this exemption, including what evidence will be required to show that a development is in scope of this exemption, is available in the planning practice guidance".

[1] https://www.gov.uk/guidance/draft-biodiversity-net-gain-planning-practice-guidance
[2] https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments
[3] https://defralanduse.blog.gov.uk/2024/01/22/biodiversity-net-gain-what-are-the-exemptions/