

Biodiversity Net Gain: Small Sites Exemption Statement

Assessment of eligibility for the 0.2 hectare exemption from the mandatory biodiversity gain condition

Site location: Spondon, Derby

Date: 26 August 2026

1. Purpose of this statement

This statement has been prepared to demonstrate that the proposed development is exempt from the mandatory biodiversity net gain (BNG) condition under Schedule 7A to the Town and Country Planning Act 1990, by virtue of the new small sites exemption that came into force on 6 August 2026. On this basis, it is submitted that no biodiversity gain plan, statutory biodiversity metric calculation, or habitat baseline survey is required to accompany this application.

2. Legislative background

Since the mandatory BNG regime took effect (12 February 2024 for major development; 2 April 2024 for minor/other development), most grants of planning permission in England have been subject to a biodiversity gain condition, supported by the Biodiversity Gain Requirement (Exemptions) Regulations 2024. Those regulations already provide a long-standing “de minimis” exemption where a development affects less than 25m² of onsite habitat (or 5m of onsite linear habitat such as hedgerow), provided no onsite priority habitat is affected.

With effect from **6 August 2026**, the Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 (SI 2026/790) introduced a further, separate **small sites exemption**. Under this exemption, development is excluded from the biodiversity gain condition where:

- (a) the application (red line) site area is **0.2 hectares (2,000m²) or less**; and
- (b) the development does not negatively impact an **onsite priority habitat** (i.e. a habitat of principal importance for the conservation of biodiversity, as listed under section 41 of the Natural Environment and Rural Communities Act 2006, lying within the application boundary).

Government and professional planning commentary confirm that the 0.2 hectare threshold is measured against the application's red line boundary (i.e. the development site itself), and that the disqualifying test is whether a priority habitat is present *within that boundary* and would be harmed — not whether a designated site or priority habitat exists nearby, outside the site. This exemption operates in addition to, and independently of, the pre-existing 25m² de minimis exemption described above.

3. The application site

The submitted site plan identifies two distinct boundaries which should not be conflated:

Ownership boundary (blue line): the applicant's wider landholding extends to approximately **1.2 hectares**, as annotated on the deposited plan.

Application boundary (red line): the actual development site the subject of this application is substantially smaller, comprising an area of approximately **780–800m² (c. 0.08 hectares)**. This is the site area relevant to the exemption test, not the wider ownership.

At approximately 0.08 hectares, the application site is well within — at roughly 40% of — the 2,000m² (0.2 hectare) statutory ceiling for the small sites exemption, leaving a substantial margin before that threshold would be engaged.

4. Assessment against the onsite priority habitat test

A biodiversity data search was carried out for the site and its surroundings. The results are summarised below.

Habitat / designation	Location relative to site	On site?
Local Nature Reserve	Within 500m	No
Priority Habitat Inventory – Deciduous Woodland (England)	Within 500m	No
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No entry in the data search returns an “on site” result. The nearest Local Nature Reserve and the two recorded Deciduous Woodland Priority Habitat Inventory parcels all lie wholly outside the application red line, at a minimum separation of approximately 500 metres. As shown on the accompanying plan (Figure 2), these features are further separated from the application site by an intervening public road, meaning there is no shared boundary, hydrological link, or direct ecological connectivity between the application site and these off-site designations that the proposed development could plausibly affect.

The application site itself, as shown on the submitted layout plan (Figure 1), contains no mapped priority habitat, ancient woodland, veteran trees, or other irreplaceable habitat within the red line boundary. On this basis, limb (b) of the small sites exemption — no impact on an onsite priority habitat — is satisfied.

5. Conclusion

Taking the above together:

the application (red line) site area is approximately 0.08 hectares, well below the 0.2 hectare (2,000m²) statutory threshold; and

no priority habitat is present within the application boundary, and the nearest priority habitats and the Local Nature Reserve are located approximately 500m away, off site, and physically separated from the site by a public road.

The proposed development therefore satisfies both limbs of the small sites exemption introduced by SI 2026/790 with effect from 6 August 2026, and is exempt from the biodiversity gain condition under Schedule 7A to the Town and Country Planning Act 1990. Accordingly, it is respectfully submitted that no biodiversity gain plan or statutory biodiversity metric calculation is required to determine this application.

This exemption relates solely to the mandatory BNG condition. It does not remove any separate duty to have regard to protected species (e.g. bats, nesting birds, great crested newts), local wildlife policy, or any brief ecological note the local planning authority may reasonably request as part of validation. As this exemption is newly in force, it is recommended that the local planning authority's validation/ecology team confirm acceptance of this statement prior to, or at, submission.

Legislative references: Town and Country Planning Act 1990, Schedule 7A; Biodiversity Gain Requirement (Exemptions) Regulations 2024; The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 (SI 2026/790, in force 6 August 2026); Natural England Priority Habitat Inventory.

Appendix: Supporting plans

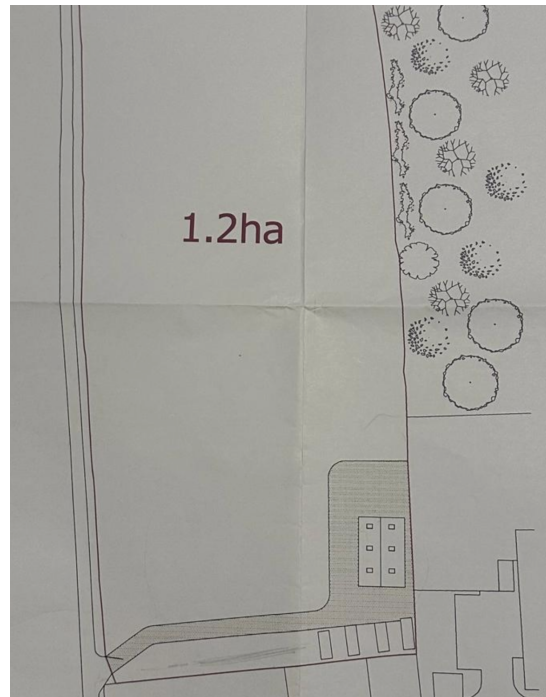


Figure 1: Extract from the submitted site layout plan, showing the applicant's 1.2 hectare ownership (blue line) boundary annotation. The application (red line) site occupies only a small portion of this wider landholding, c. 780–800m².

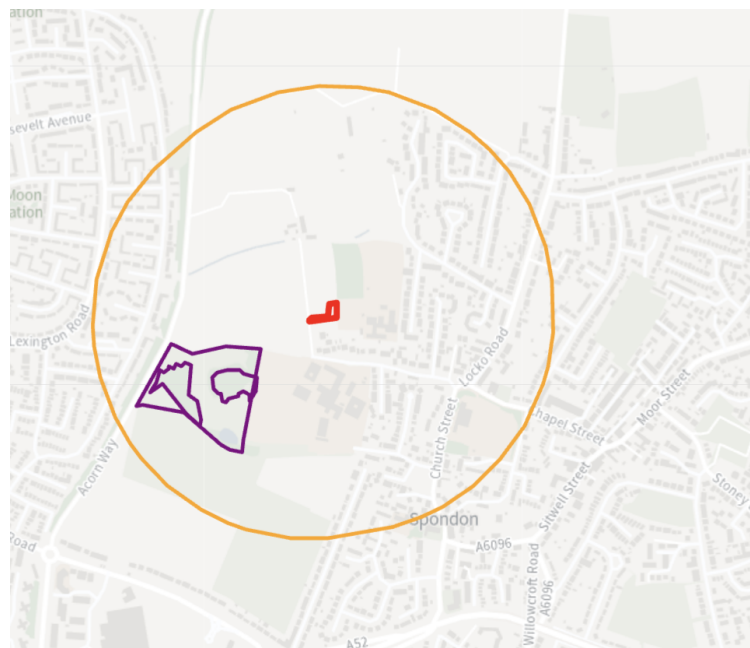


Figure 2: Biodiversity data search extract showing the application site (red, centre) within a 500m search buffer (orange). The Local Nature Reserve and the two Priority Habitat Inventory (deciduous woodland) polygons (purple, south-west) lie wholly outside the application site, separated from it by the intervening residential streets/road network shown on the plan.