

3-5 New Street, Salisbury SP1 2PH
Planning Application for Material Change of Use

Statement with reasons for the applicability of the de minimis exemption from biodiversity net gain

Statement

The applicant believes the development comprising the division of the existing single dwelling into two dwellings to be within the scope of the *de minimis* exemption from biodiversity net gain.

Reasons

The application is subject to the requirements set out in the following Gov.uk Guidance:

- i. Guidance Biodiversity net gain: what local planning authorities should do;
- ii. Guidance on Biodiversity net gain: exempt development; i
- iii. Biodiversity net gain: De Minimis Exemption

The immediately relevant part of the guidance is contained in Paragraph: 004 Reference ID: 74-004-20240214 of '*Biodiversity net gain*', copy attached.

Paragraph 004 explains the exemption as follows:

'The de minimis exemption only applies to development if the following two conditions are met: the development must not impact on any onsite priority habitat; and if there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m by 5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow) Onsite habitat is impacted by the development if it is lost or degraded such that there is a decrease in the biodiversity value of that habitat (as determined by the statutory biodiversity metric). A decrease in biodiversity value occurs where there is a change in habitat type, extent, or condition which results in a negative unit score. A priority habitat is a habitat listed by the Secretary of State for Environment, Food and Rural Affairs under section 41 of the Natural Environment and Rural Communities Act 2006.'

'The exemption is designed to cover planning permissions for:

- Development which only impacts on onsite habitat with a biodiversity value of zero so no gain would be required if there was no exemption;
- Developments where there is only a de minimis impact on other onsite habitat to ensure biodiversity net gain is applied proportionally;
- Minor development in established areas of habitat where the development would have less than 25 square metres (or less than 5 metres for linear habitat) impact on this habitat (unless priority habitat); and
- Change of uses to development where there is no or only a de minimis impact on onsite habitat.'

It is readily apparent from this, that a proposal which involves no alterations whatsoever cannot impact to any degree on any onsite priority habitat, so the proposal falls within the *de minimis* exemption.

Further, the 'Scenario 1' example given in Paragraph 004 where the *de minimis* exemption would apply is directly relevant:

'Scenario 1: A development solely on a sealed surface

'The development is a new commercial building on an existing car park. There are no other habitats (e.g. a green verge or tree) within the red line boundary of the development. The development would be exempted from biodiversity net gain by the *de minimis* exemption as:

- the development does not impact on any onsite priority habitat;
- the car park would be classified as developed land: sealed surface which has a biodiversity value of zero under the statutory biodiversity metric;
- and there are no other onsite habitats.'

This application to divide the existing single dwelling into two dwellings, has these features in common with the example:

- it does not impact on any onsite priority habitat;
- it would be classified developed land: sealed surface because it comprises existing buildings that will be unchanged by the proposal. This has a biodiversity value of zero under the statutory biodiversity metric.

Unlike the example the application does have a garden, but because there is no physical development involved in the division of the building it does not impact at all on the garden habitat.

Evidence

The guidance suggests that in cases where the development would be smaller than 25 square metres, the description of development, existing and proposed site plans, and the development's area size (in square metres) may be sufficient evidence. In this case there is no development outside the developed land: sealed surface, so the description of the development and site plans provided with the application should provide sufficient evidence.

Conclusion

It is, therefore, concluded that the development has nil or *de minimis* effect having applied the requirements of the guidance to the application results

Attachments

The following attachments are relevant to this Statement of Heritage Significance: (i) Biodiversity net gain-what local planning authorities should do-GOV.UK, (ii) Biodiversity net gain-exempt developments - GOV.UK, (iii) De Minimis Exemption Biodiversity net gain - GOV.UK