

Biodiversity Net Gain Exemption Memo

Project	Chester Terrace, London
Date	03/12/2024
Author	Brooke Waites, MCIEEM, Principal Ecologist
Reviewer	Simon Thomas, MCIEEM, Director of Ecology
Updates	Version A – 09/12/2024 – Minor rewording and clarification of site location.

Summary: The proposed development involves the deconstruction of 2 bays of the dwarf wall and adjacent shrubs to allow temporary access during ongoing construction works. Following completion, the wall and shrubbery will be replaced. As such, the proposed works will restore the habitat to its baseline habitat type and condition within 2 years. Therefore, no loss of habitat is due to occur, in accordance with guidance. As such, the proposed development is considered to be exempt from mandatory Biodiversity Net Gain.

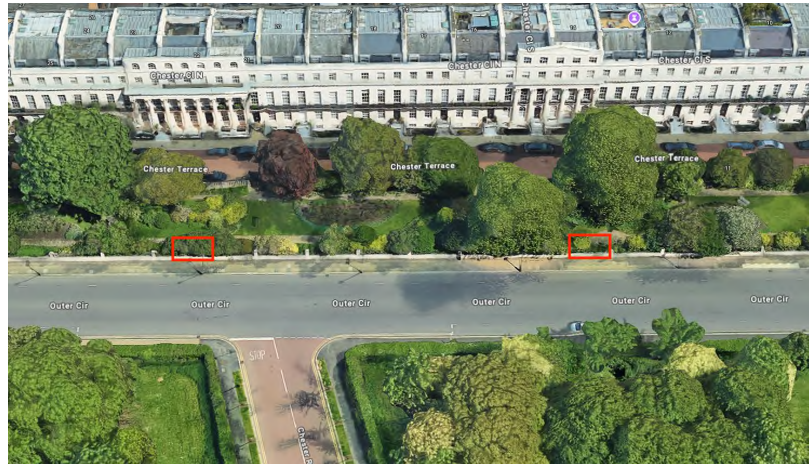
Purpose of this report

- 1.1 This report assesses the anticipated impact of the proposed alternative access route on biodiversity value within the site. The proposed alternative access route entails the removal of a small area of introduced shrub and deconstruction of 2 bays of the existing dwarf wall. Following completion, the dwarf wall and shrubs will be reinstated. This report assesses the exemption of the site from needing to achieve mandatory 10% Biodiversity Net Gain.

Site description and location

- 1.2 The central grid reference for the site is TQ 28731 82746. The wider site area comprises a mix of buildings, introduced shrub and mature trees.
- 1.3 The site is located in central London. The surrounding area is dominated by urban development with public parklands and green space. Regents Park, a large area of green space with a mix of habitat include a lake, grassland and wooded areas is present immediately west of the site.
- 1.4 Planning permission and listed building consent has been granted for the full replacement of the retaining wall and balustrade at Chester Terrace (ref. 2023/0282/P), which includes access for the proposed construction site via Chester

Terrace. Planning permission is being sought to allow alternative access via Outer Circle which will require the temporary loss of two small sections of dwarf wall and shrubbery. The approximate location of which is shown below.



Planning Policy

- 1.5 The National Planning Policy Framework (DLUHC, 2023) section 180d states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. NPPF section 185b states that plans should identify and pursue opportunities for securing measurable net gains for biodiversity.
- 1.6 Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning permissions granted in England (with a few exemptions) must deliver at least 10% biodiversity net gain compared to the pre-development biodiversity value of the on-site habitat, resulting in more or better-quality natural habitats. The outputs and statutory metric of this legislation may be amended in the future by the Secretary of State.

Exemptions to Biodiversity Net Gain

- 1.7 Developments are considered below the 'de minimis threshold when the development that does not impact a priority habitat and impacts less than:
- 25 square metres (5m by 5m) of on-site habitat
 - 5 metres of on-site linear habitats such as hedgerows
- 1.8 A development 'impacts' a habitat if it decreases the biodiversity value.

- 1.9 Additionally, the current user guide (DEFRA, 2024) states 'You do not need to record a habitat as lost when there are temporary impacts to a habitat and the area can be restored to both:
- Baseline habitat type within two years of the initial impact; and
 - Baseline condition within two years of the initial impact

Assessment

- 1.10 The proposed development involves the deconstruction of 2 bays of the existing dwarf wall and adjacent shrubs to allow temporary access during ongoing construction works. Following completion, the wall and shrubbery will be replaced.
- 1.11 The proposed works will restore the habitat to its baseline habitat type and condition (introduced shrubs do not require a condition assessment) within 2 years. No trees are due to be impacted. Therefore, no loss of habitat is due to occur in accordance with guidance. As such, the proposed development is considered to be exempt from mandatory Biodiversity Net Gain.

References

- Department for Environment, Food and Rural Affairs (2024) The Statutory Biodiversity Metric, User Guide.
- Department for Levelling Up, Housing and Communities (2023). National Planning Policy Framework.
- UKHab Ltd. (2023). UK Habitat Classification Version 2.0 (at <https://ukhab.org>)



TMA Environmental Consultants

2 The Stables, Cannons Mill Lane, Bishop's Stortford CM23 2BN

0845 094 3268 | info@tma-consultant.co.uk | www.tma-consultants.co.uk

TMA Environmental Consultants is a trading name of Tim Moya Tree Services Ltd. Company registration number: 03028475