

Biodiversity Gain Exemption Statement

'Trees', Gosmore Road, Hitchin, Hertfordshire SG4 9AN

Proposal	Construction of 3no. detached dwellings with garages, hardstanding and landscaping following demolition of existing house and outbuildings
Applicant	Judge & Sons Building Services Ltd
Agent	Pentangle Design Group, Suite 1, 21 Bancroft, Hitchin, Herts SG5 1JW
Local planning authority	North Hertfordshire District Council
Job reference	3707
Date	August 2026

1. Introduction

- 1.1 This statement is submitted on behalf of Judge & Sons Building Services Ltd in support of a full planning application for the redevelopment of 'Trees', Gosmore Road, Hitchin.
- 1.2 It explains why the general biodiversity gain condition set out at paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 does not apply to this application, and records the evidence relied upon. It should be read alongside Section 6.7 of the Design and Access Statement.
- 1.3 The exemption relied upon is the one recorded on the application form: the site area is 0.2 hectares or below.

2. The statutory position

- 2.1 Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 provides that every planning permission granted in England is deemed to have been granted subject to the biodiversity gain condition, unless the development is exempt or otherwise out of scope. The exemptions are set out in secondary legislation.
- 2.2 The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 (SI 2026/790) came into force on **6 August 2026**. They introduce a new exemption for development where the site area is **0.2 hectares (2,000 m²) or below**, provided that on-site priority habitat is not harmed.
- 2.3 National Planning Practice Guidance confirms the position: "From 6 August 2026, BNG does not apply to planning applications for developments of 0.2 hectares or below."

- 2.4 The transitional provisions apply the amended exemptions to applications for planning permission made on or after 6 August 2026. This application is made after that date and the new exemption is therefore engaged.
- 2.5 The exemption operates by reference to the whole application site. It cannot be applied to part of a site, or by dividing a development between separate parcels of land. As set out below, this application relates to a single, contiguous parcel.

3. Site area

- 3.1 The application site is edged red on drawing 3707/01 revision C. It extends to **1,987 m² (0.1987 hectares)**, which is below the 0.2 hectare threshold.
- 3.2 The red line is drawn to include all land required to carry out the development, including the new vehicular access and the boundary planting to No. 8 Coach Drive which is relied upon for screening. No land required to implement the permission falls outside the red line.
- 3.3 Adjoining land in the applicant's ownership is shown edged blue. No development is proposed on that land, and no landscaping or other measure on that land is relied upon in the assessment of this application. It forms no part of the development and is correctly excluded from the site area.
- 3.4 The application site is a single, contiguous parcel and the development is not divided across separate parcels of land.

4. Priority habitat

- 4.1 The site has been assessed by Coyne Environmental Ltd. The assessment comprised a Preliminary Roost Assessment and ecological site survey (April 2024), and a habitat assessment of the site and the current proposals carried out in April 2026 using the statutory biodiversity metric and UK Habitat Classification.
- 4.2 The habitats recorded on the application site are:
- **Urban — developed land; sealed surface** (the existing dwelling, outbuildings and hardstanding), approximately 0.058 ha, very low distinctiveness;
 - **Urban — vegetated garden** (mown lawn, borders and ornamental planting), approximately 0.130 ha, low distinctiveness;
 - **Individual trees — urban trees**, approximately 0.053 ha, medium distinctiveness and moderate condition; and
 - **Native hedgerow** to the site boundaries.
- 4.3 None of the area habitats recorded is a habitat of principal importance for the conservation of biodiversity under section 41 of the Natural Environment and Rural Communities Act 2006. Developed land, vegetated garden and individual urban trees are not priority habitats.

- 4.4 The native hedgerow is the only feature on the site capable of falling within the “Hedgerows” habitat of principal importance. **It is retained in its entirety.** The ecological assessment records no loss of hedgerow length and no reduction in hedgerow condition on the site as a result of the development. The boundary planting is reinforced by the proposals, including additional native hedge and shrub planting to the boundary with No. 8 Coach Drive.
- 4.5 There is no ancient woodland, ancient or veteran tree, pond or other irreplaceable habitat on the site. The trees identified for removal in the Arboricultural Impact Assessment (Harrison Arboriculture, 23 August 2026) are young or low-category cherry, sycamore and Norway maple, none of which is a priority or irreplaceable habitat feature. Their loss is more than compensated by the new native tree planting shown on drawing 3707/06 revision T.
- 4.6 No on-site priority habitat is therefore negatively affected by the proposed development.

5. Conclusion

- 5.1 The application site extends to 1,987 m², below the 0.2 hectare threshold, and the development does not harm any on-site priority habitat. The exemption introduced by SI 2026/790 accordingly applies.
- 5.2 The general biodiversity gain condition does not apply to this application, and the reason is recorded in the biodiversity net gain section of the application form.
- 5.3 The underlying ecological assessment and the statutory biodiversity metric calculation are held by the applicant and will be provided to the Council on request should the presence of priority habitat be disputed.

6. Biodiversity notwithstanding the exemption

- 6.1 The exemption removes the statutory biodiversity gain requirement. It does not displace Policies NE4 and SP12 of the North Hertfordshire Local Plan 2011–2031, the duty under section 40 of the Natural Environment and Rural Communities Act 2006, or the natural environment policies at Chapter 19 of the National Planning Policy Framework (August 2026). Guidance is explicit that exempt sites remain subject to those protections.
- 6.2 The scheme responds directly to the comments made by the Council’s Ecologist on the refused application:
- the number of trees to be removed is reduced from six to five, and the more significant trees around the southern corner and the site perimeter are retained and protected in accordance with the Tree Protection Plan;
 - the mature perimeter trees and hedgerows are retained, and the planting to the boundary with No. 8 Coach Drive is reinforced;
 - substantial new native tree, hedge and shrub planting is provided within the site;

- wall-mounted bat and bird boxes are replaced by features integrated into the built fabric, as the Ecologist recommended. Each dwelling will incorporate at least one swift brick and integrated bat tubes or bricks; and
- the built footprint and the extent of hard surfacing are both reduced compared with the refused scheme, increasing the proportion of the site in soft landscaping.

6.3 Final planting details, and the specification and positions of the integrated ecological features, can be secured by condition in the usual way.