

Eligibility for exemption from the general biodiversity gain condition: development no larger than 0.2 hectares

Regulation 7A of the Biodiversity Gain Requirements (Exemptions) Regulations 2024, as inserted by the Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026

Site	Hollybank Rest Home, Botley, Hampshire
Exemption claimed	Regulation 7A — development on a site no larger than 0.2 hectares
Site area	Confirmed as below 0.2 hectares, the regulation 7A threshold
Onsite priority habitat	None recorded within the red line boundary
Prepared by	Joe's Blooms Ltd (Company No. 13892230)
Date	28 August 2026
Evidence annexed	Priority Habitats report for Hollybank Rest Home (Natural England data)

1. Purpose of this report

1. This report sets out why the application for planning permission at Hollybank Rest Home, Botley, is eligible for an exemption from the general biodiversity gain condition imposed by paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. Joe's Blooms Ltd specialises in biodiversity net gain compliance and is the National Planning Portal Partner for biodiversity net gain submissions.
2. The exemption relied upon is that at regulation 7A of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 (SI 2024/47), inserted with effect from 6 August 2026 by regulation 3(a) of the Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 (SI 2026/790). It applies to development on a site no larger than 0.2 hectares which does not impact an onsite priority habitat.
3. This report is to be read with the reasons for exemption given by the applicant on the application form, and serves as the supporting evidence for those reasons at the validation stage. It is accompanied by, and annexed to, a Priority Habitats report for the site drawn from Natural England's Priority Habitat Inventory.
4. Both statutory conditions are met. No priority habitat is recorded within the red line boundary, so the development cannot impact an onsite priority habitat; and the area of the site within that boundary has been confirmed as below 0.2 hectares.

2. The statutory framework

5. Schedule 7A to the Town and Country Planning Act 1990 was inserted by section 98 of, and Schedule 14 to, the Environment Act 2021. Paragraph 13 provides that every planning permission granted for the development of land in England is deemed to have been granted subject to the condition that the biodiversity gain objective is met — commonly, that the post-development biodiversity value of the onsite habitat exceeds its pre-development value by at least 10%. Paragraph 17 permits the Secretary of State to specify by regulations descriptions of development to which the condition does not apply, and the 2024 Regulations were made under that power.
6. The condition applies to applications for planning permission first made on or after 12 February 2024 in the case of major development, and on or after 2 April 2024 in the case of minor development.
7. Where an applicant considers the condition does not apply, article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 — as amended by the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 — requires the application to be accompanied by a statement to that effect together with the reasons relied upon. National guidance is that applicants claiming an exemption should give reasons and, where appropriate, evidence, so that the local planning authority can satisfy itself at validation that the development is genuinely exempt. This report discharges that evidential expectation.

3. The Regulation 7A exemption

8. Regulation 7A of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 provides:

- (1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.
- (2) The first condition is that the development does not impact an onsite priority habitat.
- (3) The second condition is that the development is carried out on a site which has an area no larger than 0.2 hectares.

9. Two definitions in regulation 7A(6) are material. First, "priority habitat" carries the same meaning as in regulation 4, namely a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006 (habitats of principal importance in England). Second, a habitat is "impacted" where it is lost or degraded such that there is a decrease in its biodiversity value, biodiversity value being calculated in accordance with paragraphs 3 and 4 of Schedule 7A to the 1990 Act.
10. Regulation 7A(4) and (5) restrict the exemption in time. It is unavailable where the application for planning permission was made before 6 August 2026, and unavailable in relation to a permission granted under section 73 of the 1990 Act where the original permission in the sequence was applied for or granted before that date.
11. The threshold in regulation 7A(3) is expressed by reference to the area of the site on which the development is carried out. It is not a measure of built footprint. The relevant area is therefore the whole of the land within the application red line boundary, including any access, parking, garden or landscaped land within it.

4. First condition: the development does not impact an onsite priority habitat

12. The Priority Habitats report annexed to this document interrogates Natural England's Priority Habitat Inventory for England — the spatial dataset recording habitats of principal importance under section 41 of the Natural Environment and Rural Communities Act 2006, and so the dataset giving effect to the definition of "priority habitat" in regulation 7A(6)(b).
13. Twelve priority habitat parcels are recorded in the vicinity of the site. Each is classified as lying within 500 metres of the site boundary. None is classified as lying on the site.

Priority habitat type recorded	Parcels	Relationship to site
Deciduous Woodland (England)	10	Within 500 m — not on site
Coastal and Floodplain Grazing Marsh (England)	2	Within 500 m — not on site
Total parcels identified	12	Nil on site

Table 1 — Priority habitat parcels returned for the site, by type and proximity. The Natural England unique identifier for each parcel is set out in full in the annexed Priority Habitats report. Source: Natural England Priority Habitat Inventory.

14. The map at page 2 of the annexed report plots the position of each parcel. The purple polygons representing priority habitat lie to the north, east and south of Botley, following the woodland blocks and the river corridor. The red line boundary of the application site sits within the built-up area north-west of the High Street, and no purple polygon intersects, abuts or overlaps it.
15. National guidance is that developers should consult publicly available priority habitat datasets to establish whether priority habitat is present on site, and that specialist survey is not required for that purpose. The annexed report is such a consultation of the authoritative national dataset.
16. Because no priority habitat is present within the red line boundary, no priority habitat can be lost or degraded by the development and no decrease in the biodiversity value of an onsite priority habitat can arise. The test in regulation 7A(6)(d) is not engaged. The parcels lying within 500 metres are outside the red line boundary, are not onsite habitat for the purposes of Schedule 7A, and their proximity does not defeat the exemption.
17. The first condition is met.

5. Second condition: the site has an area no larger than 0.2 hectares

18. The applicant has confirmed that the area of the application site is below 0.2 hectares. That confirmation is given in the reasons for exemption accompanying the application and is recorded at Annex A to this report.
19. The threshold in regulation 7A(3) is 0.2 hectares, equivalent to 2,000 square metres. As set out at paragraph 11 above, it is measured by reference to the area of the site on which the development is carried out, and not by reference to built footprint. The applicant's confirmation is given on that basis: it is the whole of the land within the application red line boundary, inclusive of any access, parking, garden or landscaped land within it, that falls below the threshold.

20. The boundary to which that confirmation relates is the red line boundary plotted on the map at page 2 of the annexed Priority Habitats report, and is the same boundary as that shown on the location plan submitted with the application. The local planning authority is therefore able to satisfy itself as to the extent of the site from the application documents themselves.
21. No part of the development extends beyond that boundary. The area test is accordingly satisfied for the site as a whole, and would remain satisfied irrespective of how much of the site is built upon.
22. The second condition is met.

6. The temporal conditions

23. Regulation 7A is available only in respect of applications for planning permission made on or after 6 August 2026, and is not available in respect of a section 73 permission where the original permission in the sequence was applied for or granted before that date. This report is prepared on the basis that the application it accompanies is made on or after 6 August 2026 and is not such a section 73 application. If either is not the case, the regulation 7A exemption is not available and this report should not be relied upon; the applicant should instead consider the other exemptions in the 2024 Regulations, including the de minimis exemption at regulation 4.
24. The exemption for self-build and custom housebuilding, formerly at regulation 8 of the 2024 Regulations, was removed by regulation 3(b) of SI 2026/790 with effect from 6 August 2026, subject to the savings in Part 4 of those Regulations. No reliance is placed on that exemption here.

7. Conclusion

25. On the evidence set out above and on the information provided by the applicant, it is the opinion of Joe's Blooms Ltd that the development is exempt from the general biodiversity gain condition by virtue of regulation 7A of the Biodiversity Gain Requirements (Exemptions) Regulations 2024:
 - a. the development does not impact an onsite priority habitat, no priority habitat being recorded within the red line boundary on Natural England's Priority Habitat Inventory; and
 - b. the development is carried out on a site whose area has been confirmed as below 0.2 hectares, and so no larger than the 0.2 hectares specified in regulation 7A(3).
26. It is our further assessment that no additional reason or evidence is required to demonstrate the applicant's eligibility for this exemption, and that the application should be validated on that basis.

Statement of exemption. The general biodiversity gain condition at paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 does not apply to this development, by reason of regulation 7A of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The site has an area no larger than 0.2 hectares and the development does not impact an onsite priority habitat.

8. Scope, assumptions and disclaimer

27. This report is a supplementary source of information accompanying the reasons for exemption given by the applicant. Those reasons rest on information provided by the applicant, and this report is predicated on that information being complete and accurate. Joe's Blooms Ltd gives no warranty as to the truthfulness or otherwise of information provided by the applicant.
28. The site area relied upon at Section 5 is as confirmed by the applicant. Joe's Blooms Ltd has not undertaken a measured land survey and does not verify the extent of the applicant's legal interest in the land. The habitat findings rest on Natural England's Priority Habitat Inventory, a desk-based national dataset that national guidance directs applicants to consult for this purpose; no site survey has been undertaken by Joe's Blooms Ltd.
29. This report considers only the development's eligibility for exemption from mandatory biodiversity net gain under Schedule 7A to the Town and Country Planning Act 1990. It does not address any other legal or policy requirement — protected species obligations, the duty in section 40 of the Natural Environment and Rural Communities Act 2006, local plan policy on biodiversity, or any separate local biodiversity requirement applying notwithstanding paragraph 17 of Schedule 7A. Exemption from the statutory condition does not displace those requirements.

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Joe's Blooms Ltd is happy to discuss the contents of this report and the judgement reached in it. Questions may be sent to exemptionqueries@joesblooms.com and will be answered within five working days.

Annex A — Summary of the tests under Regulation 7A

Test	Provision	Evidence relied upon	Result
The development does not impact an onsite priority habitat	Reg. 7A(2)	Priority Habitat Inventory: no parcel on site (annexed report)	Satisfied
The site has an area no larger than 0.2 hectares	Reg. 7A(3)	Applicant confirmation that the red line area is below 0.2 ha	Satisfied
The application was made on or after 6 August 2026	Reg. 7A(4)	Date of the application appended to this report	Satisfied
Not a section 73 permission with a pre-6 August 2026 original	Reg. 7A(5)	Applicant confirmation as to the application type	Satisfied

All four tests must be satisfied. Where the exemption applies, the condition does not attach to the permission and no biodiversity gain plan is required.

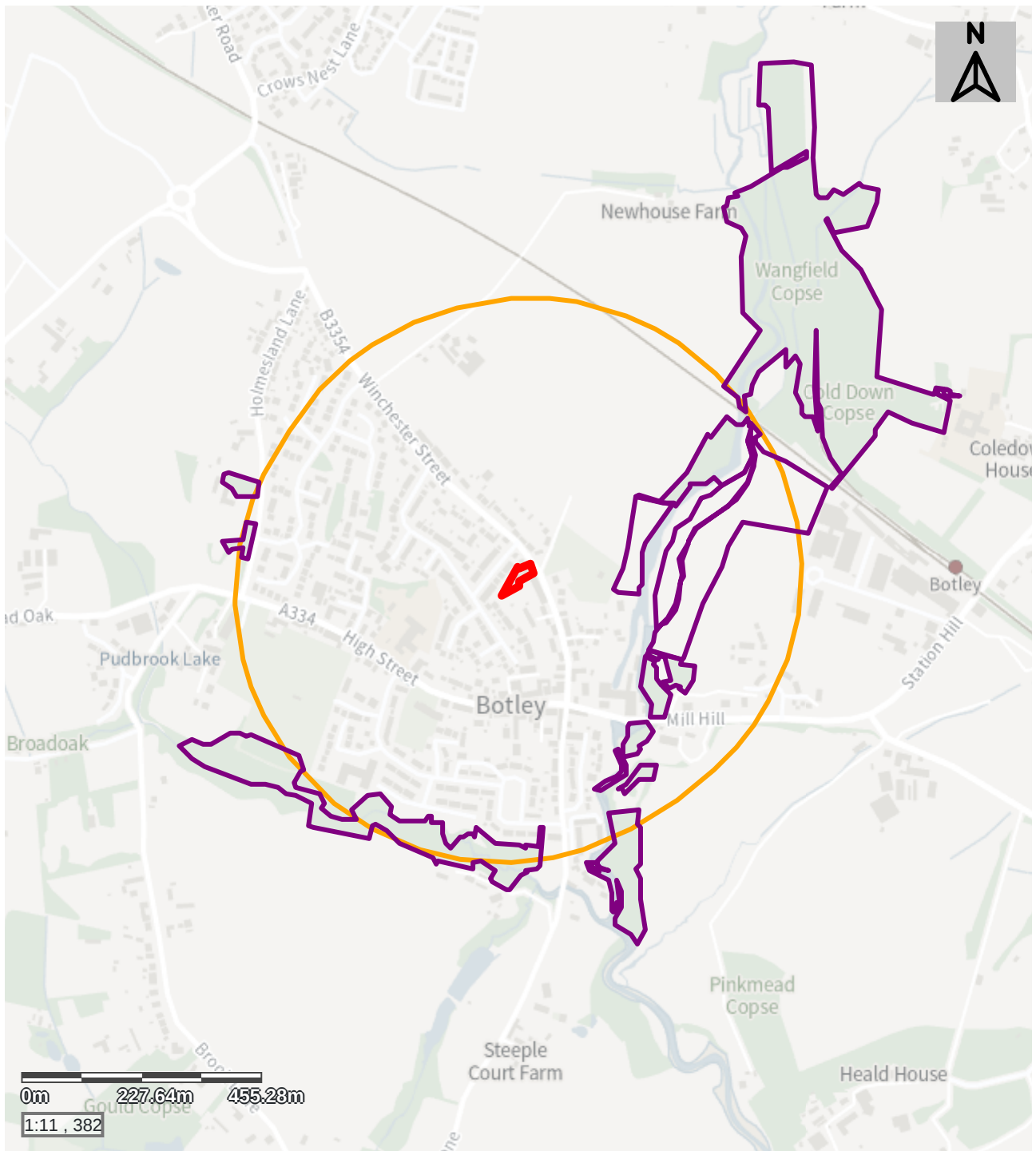
Annex B — Legislation and sources relied upon

Town and Country Planning Act 1990, Schedule 7A (inserted by s.98 of, and Sch.14 to, the Environment Act 2021) — para. 13, the general condition; para. 17, the exemption power; paras. 3–4, biodiversity value. **Biodiversity Gain Requirements (Exemptions) Regulations 2024 (SI 2024/47)** — reg. 7A, the 0.2 hectare exemption; reg. 4, the definition of priority habitat. **Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 (SI 2026/790)** — reg. 3(a), inserting reg. 7A from 6 August 2026; reg. 3(b), removing the self-build exemption; Part 4, transitional provision. **Natural Environment and Rural Communities Act 2006, s.41** — the list of habitats of principal importance defining "priority habitat". **DMPO 2015, art. 7** — the requirement for an exemption statement and reasons to accompany the application. **Natural England Priority Habitat Inventory (England)** — the dataset evidencing the absence of onsite priority habitat.

The pages that follow are the Priority Habitats report for Hollybank Rest Home, the evidence base for Section 4. Priority habitat data is supplied by Natural England; mapping is reproduced under Crown copyright and database rights.

Priority Habitats report for Hollybank Rest Home

This report shows the presence of priority habitats, as under Section 41 of the Natural Environment and Rural Communities Act (2006). All data comes from Natural England.



The orange boundary in the above map shows the area around the site boundary which comes under the LPA zone of influence. The purple shapes display priority habitat sites around the site boundary.

Habitat Name	Natural England Unique Id	On Site?
Priority Habitat Inventory - Deciduous Woodland (England)	d253af67-7acc-471f-8fd2-e0ddc27194f3	Within 500m
Priority Habitat Inventory - Deciduous Woodland (England)	baff19a0-7790-4e24-add4-806dfcdf3834	Within 500m
Priority Habitat Inventory - Deciduous Woodland (England)	7b44c033-1ec2-40d4-918b-e14e7754aa80	Within 500m
Priority Habitat Inventory - Deciduous Woodland (England)	ea79d2d2-ecb1-4a21-82e8-1f493d83414c	Within 500m
Priority Habitat Inventory - Deciduous Woodland (England)	084884c3-c26d-46a7-84fe-7f70c5aa5e22	Within 500m
Priority Habitat Inventory - Deciduous Woodland (England)	79fd950f-05de-4712-8c41-fc4a05033067	Within 500m
Priority Habitat Inventory - Deciduous Woodland (England)	4c39d737-47eb-4824-91ef-44f7ad9e331a	Within 500m

Priority Habitat Inventory - Deciduous Woodland (England)	1d9f7a63-818d-4451-878f-d521eacefec	Within 500m
Priority Habitat Inventory - Coastal and Floodplain Grazing Marsh (England)	c915b993-6fef-4c64-9ab3-ce158cb67056	Within 500m
Priority Habitat Inventory - Coastal and Floodplain Grazing Marsh (England)	ede9192f-c9b3-43e5-9a6d-7cb155e0fc79	Within 500m
Priority Habitat Inventory - Deciduous Woodland (England)	fe3b9bc2-cfc3-4056-b913-7ef28f35dbcc	Within 500m
Priority Habitat Inventory - Deciduous Woodland (England)	0af8361c-d7f2-4f2f-ba5e-678c0055fe32	Within 500m