



25/14765/PINS | Application for Planning permission for demolition of existing buildings on site and the erection of a three storey building comprising 6no flats, and 3no. Terraced dwellinghouses. | 66 Church Road Redfield Bristol BS5 9JY

Objection

The applicant claims that the development is exempt from the requirement to deliver at least 10% biodiversity net gain because it is a development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows (the *de minimus* rule). This is because:

Site is 100% hardstanding, with scattered ruderal planting/buddleia. As such, developable area is 100% sealed surface, and the proposal impacts on less than 25sqm of habitat.

We do not accept this.

Paragraph 6 of Schedule 7A of the Towns and Country Planning Act 1990 states:

If—

(a) a person carries on activities on land on or after 30 January 2020 otherwise than in accordance with—

(i) planning permission, or

(ii) any other permission of a kind specified by the Secretary of State by regulations, and

(b) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been,

the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.¹

The Google Earth image below at Figure 1 shows the condition of the site in May 2021. The site is approximately 521 square metres and contains two areas of vegetation which we calculate cover approximately 44 square metres.

The Google Street View image at Figure 2 was taken from Dove Lane, which is adjacent to the site in September 2025. Foliage can clearly be seen growing above the roof line. This appears to be onsite habitat.

On this basis, '*the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities*'. As this is an onsite area habitat greater than 25 square metres, the application is not exempt under the *de minimus* rule.

¹ <https://www.legislation.gov.uk/ukpga/1990/8/schedule/7A>.

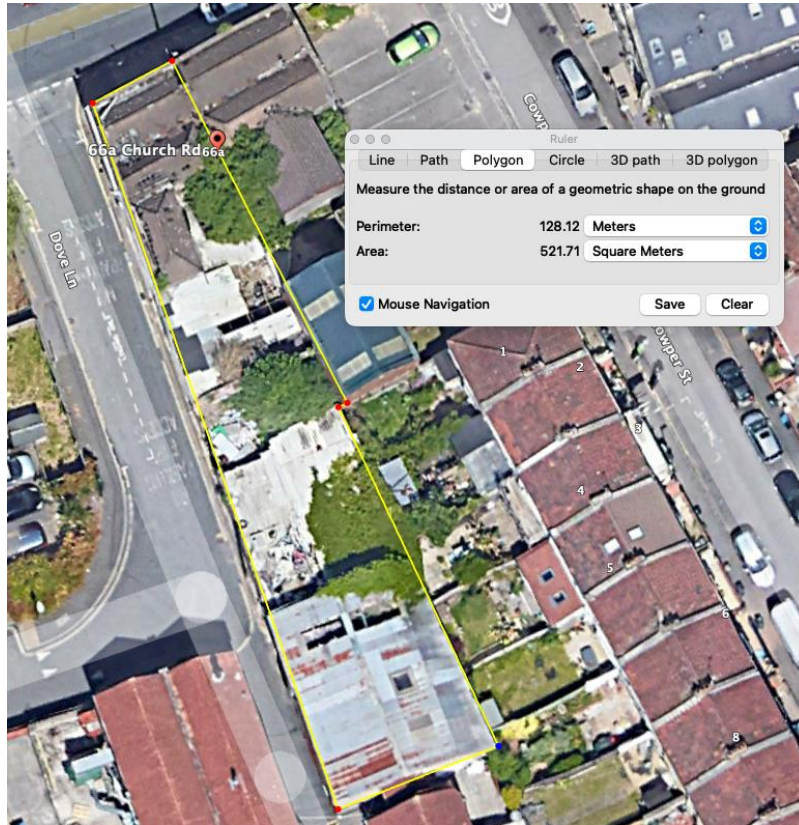


Figure 1: The condition of the site in May 2021.



Figure 2: View of the site from Dove Lane dated September 2025.