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Planning Department
South Holland District Council
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Priory Road
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Your ref: H02-0696-25
Our ref:

Thursday, 24 July 2025

Dear Planning Department

H02-0696-25 – FULL PLANNING APPLICATION ON CHANGE OF USE OF LAND TO USE CLASS B2 AND B8 ALONGSIDE MIXED-USE CAR SALES (SUI GENERIS) PURPOSES AT WYEVALE GARDEN CENTRES LTD, POSTLAND ROAD, CROWLAND, PE6 0JB – BIODIVERSITY NET GAIN EXEMPTION STATEMENT

Please find enclosed a Biodiversity Net Gain Exemption Statement for the above application. This Statement is to provide the justification of the exemption from biodiversity net gain requirements for this application in accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The Biodiversity Gain Requirements (Exemptions) Regulations 2024 requires an exemption statement to be submitted:

Site details:

- Proposed development: Change of use of land to Use Class B2 and B8 alongside mixed-use car sales (Sui Generis) purposes
- Planning Reference: H02-0696-25
- Location: Wyevale Garden Centres Ltd, Postland Road, Crowland, PE6 0JB
- Completed By: Raymond Chan, Carter Jonas LLP
- Date of Exemption Statement Completion: 24th July 2025

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

Article 7 ('General requirements: applications for planning permission including outline planning permission') of Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended by Regulation 5 of Part 4 of The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 has introduced national validation prerequisites for planning applications relating to Biodiversity Net Gain (BNG).

Schedule 14 of the Environment Act 2021 introduced the concept of BNG into planning legislation, stating that "the biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least 10%".

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Schedule 14 of the Environment Act 2021 additionally mandates that biodiversity gain objectives will be achieved through the imposition of planning conditions, thus constituting a post permission process.

However, certain types of development for which planning permission is required are exempt from biodiversity net gain requirements and planning conditions. These are outlined in The Biodiversity Gain Requirements (Exemptions) Regulations 2024

The development proposals for this application meets the following exemption criterion from the Regulations:

De minimis exemption

The biodiversity gain planning condition does not apply in relation to planning permission for this development because the proposal does not impact an onsite priority habitat and the proposal impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat.

The proposed development is a change of use of land to Use Class B2, B8 and sui generis. The majority of the site are buildings and hardstanding which are considered as previously developed land. There is no building work proposed, nor any material changes to the internal and external appearance of the buildings within the site. Onsite habitat will not be impacted and therefore the proposed development fulfils the De minimis exemption criteria.

Aerial images and photographs and captions to evidence this statement are provided in the Appendix 1.

Conclusion

The proposed development involves purely a change of use and does not impact any onsite habitat; therefore, the proposed development fulfils the De minimis exemption criteria from The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and exempt from the mandatory biodiversity net gain requirements.

Yours sincerely

Raymond Chan
Planner

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Appendix 1: Supporting aerial images and photographs



Figure 1 – Aerial image of the site from Google Maps satellite view. This shows the majority of the site are buildings and hardstanding.



Figure 2 – Photograph of the road exit from the site leading to Postland Road at the south west of the site, retrieved from Google Maps street View



Figure 3 – Photograph of the former Garden Centre building and the customer car park retrieved from Google Maps Street View