BIODIVERSITY NET GAIN EXEMPTION STATEMENT

Applicant: Mr Jack Depear
Site: Land adjacent to The Poplars, 164 North Road, Gedney Hill, Spalding, Lincolnshire, PE12 0NS

Proposal: Retrospective siting and residential occupation of a mobile home to provide accommodation for the applicant's father, together with the formation of a vehicular access, enabling care and support to be provided by family members residing at the adjoining dwelling.

1. Introduction

This statement accompanies an application for retrospective planning permission under section 73A of the Town and Country Planning Act 1990.

The mobile home, associated residential use and vehicular access have already been implemented. The application therefore seeks permission to retain development that has already taken place.

2. Biodiversity Net Gain status

The applicant considers that the statutory biodiversity gain condition does not apply to this application.

National Planning Practice Guidance expressly confirms that mandatory Biodiversity Net Gain does not apply to retrospective planning permissions made under section 73A of the Town and Country Planning Act 1990.

As this application is wholly retrospective, it is outside the scope of the statutory mandatory Biodiversity Net Gain regime.

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Accordingly, the following are not required:

- a statutory biodiversity metric;
- calculation of a 10% biodiversity net gain;
- a Biodiversity Gain Plan; or
- the statutory biodiversity gain condition.

3. Separate ecological considerations

This exemption relates specifically to statutory Biodiversity Net Gain.

It does not prevent South Holland District Council from considering ordinary ecological matters, including protected species, retained vegetation, trees and general biodiversity considerations, as part of the determination of the planning application.

A separate Biodiversity and Ecology Screening Statement is submitted to address those matters proportionately.

4. Conclusion

The application seeks retrospective permission under section 73A for development and a use that have already taken place.

The statutory biodiversity gain condition does not apply and the application should therefore be validated without a statutory biodiversity metric or Biodiversity Gain Plan.