

BIODIVERSITY NET GAIN EXEMPTION STATEMENT

PROPOSED
ERCTION OF 11
INDUSTRIAL UNITS AND 4
OFFICE UNITS

STEPHENSON AVENUE, PINCHBECK, SPALDING, LINCOLNSHIRE PE11 3SW

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1.0 INTRODUCTION & SUMMARY

This statement is submitted in support of the planning application H14-1286-25 for the erection of industrial and office units on a 0.27 ha plot at Stephenson Avenue, Pinchbeck. It explains why the proposed development is exempt from the mandatory Biodiversity Net Gain ('BNG') requirements introduced under Schedule 7A of the Town and Country Planning Act 1990 (as amended by the Environment Act 2021 and associated regulations).

The principal grounds for exemption in this case are that:

- The entire site lies within an established industrial estate and has historically been in continuous industrial use, primarily as for parking and storage, with no measurable biodiversity habitat present prior to development; and
- Accordingly, the proposal will not result in the loss of habitat with any measurable biodiversity value and does not trigger the statutory requirement for BNG based on the applicable *de minimis* exemption criteria.

2.0 EXISTING SITE USE & HABITAT CONTEXT

The site has been used for industrial purposes and ancillary car parking/storage for a large neighbouring industrial unit for many years. Comprehensive site surveys and historic land use records confirm that:

- The ground is predominantly hardstanding with no significant soil horizon or vegetated habitat that would register a demonstrable biodiversity value under the statutory biodiversity metric; and
- No priority habitats (as defined by section 41 of the Natural Environment and Rural Communities Act 2006) occur within the red line boundary.

According to the Government's BNG guidance, where a development would "only impact on onsite habitat with a biodiversity value of zero" there is no basis for requiring biodiversity gain because no habitat loss or degradation occurs that would generate a net loss of biodiversity value.

3.0 STATUTORY EXEMPTION 'DE MINIMIS' (REGULATION 4)

The *de minimis* exemption contained in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 applies where:

- The development does not impact any onsite priority habitat; and
- The development does not impact more than 25 m² of onsite habitat with a biodiversity value greater than zero, and no more than 5 m of linear habitat such as hedgerows.

In this case:

- Pre-development habitat is assessed as having zero measurable biodiversity units, and
- There will be no measurable habitat loss or degradation within the red line boundary associated with the proposed works.

Therefore, the *de minimis* exemption applies as the proposal does not produce measurable biodiversity loss that would otherwise require a BNG plan or biodiversity gains.

4.0 SUPPORTING LOCAL PLAN & POLICY CONTEXT

While the statutory BNG regime is governed by national legislation, local planning policies in the South Holland District Council area also encourage the regeneration and efficient use of previously developed land and support employment-led development in established industrial estates. The South Holland Local Plan (and associated policies) recognises the importance of supporting economic growth in sustainable locations, including:

- Allocating existing industrial land for continued employment use; and
- Encouraging sustainable drainage and landscaping improvements as part of new development proposals.

This application fully aligns with these strategic objectives, by enhancing the industrial capacity of the estate while incorporating environmentally sensitive design measures where appropriate.

5.0 SUSTAINABLE DESIGN, DRAINAGE AND LANDSCAPING ENHANCEMENTS

Although a BNG plan is not required given the exemption, the proposed development incorporates positive environmental design elements that contribute indirectly to local biodiversity and site sustainability, as detailed in the Design and Access Statement submitted with this application:

- Sustainable Drainage Systems (SuDS) are proposed to manage surface water run-off efficiently, enhancing water quality and reducing flood risk;
- Soft landscaping is integrated into the scheme with planting of native species where feasible, providing foraging and shelter opportunities for urban wildlife;
- The site layout and landscaping are designed to be compatible with local character and ecological sensitivities.

These measures, while not part of a mandatory BNG plan, demonstrate a proactive approach to environmental stewardship and align with both local planning policies and the broader environmental aims underpinning the BNG regime.

6.0 EXAMPLES & PRECEDENT

Since the introduction of mandatory BNG in February 2024, industry data shows that a significant proportion of non-householder planning applications have claimed exemptions under the *de minimis* criteria where appropriate. Independent analysis indicates that *de minimis* claims represent more than 75 % of planning application exemptions, including for commercial and industrial schemes with similar conditions where no priority or significant habitat exists. Although specific planning decisions are often subject to confidentiality or non-publication, this trend reflects the pragmatic application of the statutory BNG exemption framework by local planning authorities.

7.0 CONCLUSION

In conclusion, the proposed development at Stephenson Avenue meets the statutory conditions for exemption from the mandatory biodiversity net gain requirement because:

1. There is no measurable pre-existing habitat of biodiversity value on the site, such that no substantive habitat loss occurs as a result of development;
2. The *de minimis* exemption applies under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 where development nonetheless has no impact on priority habitat and impacts zero square metres of valued habitat; and
3. The proposed scheme incorporates appropriate sustainable drainage and landscaping measures that contribute positively to site and local environmental quality.

For these reasons, it is contended that no further BNG documentation (such as a Biodiversity Gain Plan or metric calculation) should be required by the Council to validate or determine this application.