

Biodiversity Net Gain (BNG) Exemption Statement

Application: Change of Use from Commercial Bar (Sui Generis) to Ground Floor Flat (Use Class C3)

Site Address: 28 Westlode Street, Spalding, Lincolnshire

1. Introduction

This statement has been prepared to demonstrate that the proposed development is exempt from the mandatory Biodiversity Net Gain (BNG) requirement under the provisions of the Environment Act 2021 and associated secondary legislation.

2. Description of the Proposal

The application seeks consent for the **change of use of an existing building** from a commercial bar (Sui Generis) to a single residential unit (Use Class C3).

The proposal:

- Involves **no extension to the building footprint**
- Does **not include external alterations impacting land or habitat**
- Is limited to **internal reconfiguration works**

3. Existing Site Conditions

The site:

- Comprises an **existing building within a built-up urban area**
- Contains **no vegetated land, priority habitat, or ecological features**
- Is entirely **covered by hardstanding and built form**

As such, the site holds **negligible ecological value**.

4. Legislative Context

Under the Environment Act 2021, development is subject to a mandatory requirement to deliver a minimum of 10% Biodiversity Net Gain unless it meets one of the defined exemptions set out in the **Biodiversity Gain Requirements (Exemptions) Regulations 2024**.

5. Grounds for Exemption

The proposed development qualifies for exemption on the following basis:

5.1 Development Below the De Minimis Threshold

The proposal:

- Does **not impact any on-site habitat area**
- Does not involve land with measurable biodiversity value

Therefore, it falls under the **de minimis exemption**, which applies where:

- There is **no loss of habitat**, or
- The habitat affected is below the statutory threshold (e.g., less than 25 square metres of habitat or 5 metres of linear features such as hedgerows)

5.2 Change of Use Only

The development is a **change of use without operational development**, meaning:

- No ground disturbance
- No impact on biodiversity units
- No requirement for biodiversity metric calculation

6. Conclusion

The proposed development at 28 Westlode Street:

- Does not result in any habitat loss or degradation
- Is confined to an existing building
- Meets the criteria for exemption under the **de minimis provisions**

Accordingly, the development is **exempt from the mandatory Biodiversity Net Gain requirement**, and no further BNG assessment or metric calculation is required.