

Biodiversity Nett Gain Statement of Exemption

Change of Use (but only applied to part of the building only), Elevation Changes and the Installation of New Air Conditioning Units

39 Albert Street, Spalding, Lincolnshire, PE11 2LD

Exemption Statement

The Planning Application for states that the application is not applying to the BNG requirements due to the scale of the development, and the De-minimis requirements.

There is '*no development*' as part of this application, as all buildings are existing, and therefore BNG does not apply.

BNG Statutory Framework

The statutory framework for biodiversity net gain has been designed and introduced as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met *for development* that is granted planning permission. However, it cannot apply where there is *no development*, and where buildings are existing.

The Biodiversity Gain Requirements (Exemptions) Regulations 2024

Regarding the de-minimis requirements, these are clarified in '*The Biodiversity Gain Requirements (Exemptions) Regulations 2024*', where the de-minimis statement exemption is clarified in Section 4, as follows:

De minimis exemption

4.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.

(2) The first condition is that the development does not impact an onsite priority habitat.

(3) The second condition is that the development impacts—

(a) less than 25 square metres of onsite habitat that has biodiversity value(1) greater than zero; and

(b) less than 5 metres in length of onsite linear habitat.

The building to which the application relates is surrounded by tarmac and therefore complies with section 4(2) by having no onsite priority habitat (priority habitat means a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006).

Regarding 4(3), as there is no development, there is no impact on any of the stipulated requirement and therefore the de-minimis requirements are met and a BNG calculation is not applicable.

Conclusion

Due to the above reasons, a Biodiversity Nett Gain calculation is not applicable.