Biodiversity Net Gain Exemption Statement

39-41 Albert Street, Spalding - four dwellings

Applicant	Tulip-Fields Homes Ltd
Site	39-41 Albert Street, Spalding, PE11 2LD
Date	22 September 2026
Status	Planning submission

Application type	Fresh full planning application
Proposal	Demolition of existing commercial buildings and erection of four dwellings arranged as two pairs of semi-detached houses
Red-line site area	Approximately 612m² (0.0612ha)
BNG position	Exempt - development on a site no larger than 0.2 hectares
Ecology evidence	HS Ecology Biodiversity Assessment, November 2025

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1. Purpose of statement

This statement explains why the statutory biodiversity gain planning condition in Schedule 7A to the Town and Country Planning Act 1990 does not apply to the fresh planning application at 39-41 Albert Street, Spalding.

2. Statutory exemption

The Biodiversity Gain Requirements (Exemptions) Regulations 2024 are amended by the Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 (S.I. 2026/790). Regulation 7A provides an exemption where:

- the development does not impact an onsite priority habitat; and
- the development is carried out on a site with an area no larger than 0.2 hectares.

The exemption applies to planning applications made on or after 6 August 2026. This application is a fresh application submitted after that date.

3. Site-area test

The application red-line boundary measures approximately 612m², equivalent to 0.0612 hectares. This is substantially below the 0.2 hectare maximum for the exemption.

The November 2025 ecological survey measured approximately 610.3m² within its survey boundary. The small difference between the ecology measurement and the current application red-line measurement is immaterial to the statutory threshold: both are well below 0.2 hectares. For the planning application, the red-line area of approximately 612m² is the relevant site-area figure.

4. Priority habitat test

HS Ecology surveyed the site on 3 November 2025 using UK Habitat Classification methodology. The baseline comprised:

- 254.04m² developed land / sealed hardstanding;
- 264.41m² buildings;
- 42.06m² artificially unvegetated, unsealed ground; and
- 49.79m² introduced shrub.

The survey described the shrub as butterfly bush and bramble and recorded only common ruderal species elsewhere. It found no notable or rare plant species, no Schedule 9 invasive plant species and no habitat meeting Local Wildlife Site criteria. The buildings were inspected for bat use and assessed as having negligible potential

for bat roosting. On the evidence of the survey and the recorded UKHab types, no onsite priority habitat is present that would be impacted by the proposed development.

5. Effect on the November 2025 biodiversity metric

The November 2025 ecology document included a Small Sites Metric and a post-development habitat layout prepared for an earlier design. That metric and post-development plan are not relied upon for the present application. The statutory 10% biodiversity gain condition is not triggered because the current application benefits from the 0.2 hectare exemption. This statement therefore supersedes the earlier metric position for the purpose of determining whether mandatory BNG applies.

The baseline ecological survey itself remains relevant evidence, particularly for the habitat classification and the absence of priority habitat. The development will also continue to provide soft landscaping and private gardens, but those measures are proposed as normal design/ecological enhancement rather than as delivery of a statutory Biodiversity Gain Plan.

6. Planning application statement

> **Suggested application-form wording:** The applicant considers that the biodiversity gain condition does not apply. The development is carried out on a site of approximately 0.0612ha, which is no larger than 0.2ha, and it does not impact an onsite priority habitat. The application is therefore exempt under regulation 7A of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 (as amended by S.I. 2026/790), applicable to fresh applications made on or after 6 August 2026.

7. Conclusion

Both statutory conditions for the 0.2 hectare exemption are satisfied. The red-line site area is approximately 0.0612ha and the November 2025 ecological evidence does not identify onsite priority habitat. Accordingly, the biodiversity gain planning condition in Schedule 7A to the Town and Country Planning Act 1990 should not apply to the permission, if granted. A statutory Biodiversity Gain Plan and 10% BNG metric are therefore not required for this application.

This exemption relates only to the statutory BNG condition. It does not remove the normal planning and legal duties relating to protected species, designated sites, trees, habitats or the consideration of biodiversity within the planning balance.

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References

Town and Country Planning Act 1990, Schedule 7A (as inserted by the Environment Act 2021).
The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (S.I. 2024/47), as amended.
The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 (S.I. 2026/790), including regulation 7A.
DEFRA / GOV.UK, Biodiversity net gain: exempt developments, updated 6 August 2026.
HS Ecology, Biodiversity Assessment: Land and Building on Albert Street, Spalding, November 2025.

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