BNG Exemption Statement

Erection of 1no Detached Garage

Land Off Thary Lane, Surfleet

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DOCUMENT HISTORY

ISSUE NO	COMMENTS	DATE

1.0 Introduction

1.1 This Statement has been prepared to accompany a planning application for the erection of 1no detached garage on land off Thary Lane, Surfleet, Spalding, Lincolnshire.

1.2 The proposals involve the erection of a detached garage to serve Plot 3 of the residential development, providing ancillary parking and storage accommodation.

1.3 Biodiversity Net Gain (BNG) is an approach to development which seeks to ensure that habitats for wildlife are left in a measurably better state than they were prior to development. Mandatory BNG was introduced through Schedule 7A of the Town and Country Planning Act 1990, as inserted by Schedule 14 of the Environment Act 2021, requiring qualifying developments to deliver a minimum 10% biodiversity net gain.

1.4 However, the statutory BNG requirements are subject to a number of exemptions, including provisions for smaller developments. This Statement considers the proposed development against the relevant exemption criteria to establish whether mandatory BNG applies.

2.0 Legislation

2.1 The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines Small Sites as NOT Major Development, as such this means:

- Residential development where the number of dwellings is between 1 and 9 on a site of an area 1 hectare or less, or if the number of dwellings is unknow, the site area is less than 0.5 hectares, or;
- Commercial development where the floor space created is less than 1,000 square metres or total site area is less than 1 hectare, or;
- Development that is not the winning and working of minerals or the use of land for mineral-working deposits, or;
- Development that is not waste development

2.2 In some instances, the Small Sites Metric cannot be applied to all sites defined as a 'small site', the following criteria also needs to be met to use the Small Sites Metric:

- Where only the habitats available in the SSM are present on-site
    - Any site containing any additional habitats (including riparian zones) not included in the SSM must use the Statutory Biodiversity Metric;
- Where no priority habitats are present on-site
    - Some hedgerows and arable field margins are excluded from the above as these are medium distinctiveness habitats and are included within the SSM;
- Where no statutory protected sites or habitats are present;
- Where no European protected species are present

2.3 The mandatory Biodiversity Net Gain (BNG) requirements are subject to a number of statutory exemptions and transitional provisions. Current Government guidance, updated 6th August 2026, identifies the following developments as exempt:

- Planning applications for development made before 12th February 2024;
- Planning applications for small (minor) development made before 2nd April 2024;
- Variations of existing planning permissions where the original planning permission was not within the scope of mandatory BNG, subject to the applicable transitional provisions;

- Householder applications within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;
- Developments where the site area within the red line boundary is 0.2 hectares or below, for planning applications made on or after 6th August 2026, provided the development does not impact an onsite priority habitat;
- Developments subject to the de minimis exemption, where the development impacts less than 25 square metres of onsite habitat and less than 5 metres of onsite linear habitat, provided the development does not impact an onsite priority habitat;
- Temporary developments where the whole development is temporary and planning permission is granted for 5 years or less, for planning applications made on or after 6th August 2026, provided the development does not impact an onsite priority habitat;
- Self-build and custom build development only where the planning application was made before 6th August 2026, or where a variation is made on or after 6th August 2026 to an original planning permission which was exempt. The self-build and custom build exemption does not apply to new planning applications made on or after 6th August 2026;
- Development undertaken solely or mainly for the purpose of creating or enhancing habitat to fulfil the Biodiversity Gain Condition applying to another development;
- Development forming part of, or ancillary to, the high-speed railway transport network;
- Urgent Crown development; and
- Development granted planning permission by a development order, including permitted development rights.

2.4 Where these criteria are satisfied, the development is exempt from the statutory requirement to deliver a minimum 10% biodiversity net gain, and the biodiversity gain condition under Schedule 7A of the Town and Country Planning Act 1990 does not apply.

2.5 Notwithstanding the statutory exemption, the development remains subject to relevant national and local planning policies concerning biodiversity conservation, ecological protection and opportunities for biodiversity enhancement. The exemption removes the mandatory 10% net gain

requirement but does not remove the need to consider biodiversity impacts as part of the planning application.

3.0 Results / Findings

3.1 The proposed development comprises the erection of 1no detached garage to serve Plot 3 of the residential development at Land off Thary Lane, Surfleet, Spalding. The total application site area, as defined by the red-line boundary, is approximately 0.0481 hectares (481m²).

3.2 The application is being made after 6th August 2026 and therefore falls within the period to which the revised statutory Biodiversity Net Gain (BNG) exemption applies.

3.3 The application site measures substantially less than the 0.2-hectare (2,000m²) threshold established under the amended Biodiversity Gain Requirements (Exemptions) Regulations. The proposed development therefore satisfies the relevant site area criterion for exemption from mandatory BNG.

3.4 The exemption is subject to the development not impacting an onsite priority habitat. On the basis that no onsite priority habitat would be affected by the proposals, the development satisfies the relevant exemption criteria.

3.5 Accordingly, the proposed development qualifies for the statutory BNG exemption applicable to sites of 0.2 hectares or less, as established through the amended Biodiversity Gain Requirements (Exemptions) Regulations.

3.6 As the development is exempt from mandatory BNG, there is no statutory requirement to demonstrate a minimum 10% biodiversity net gain through the statutory biodiversity metric or to submit a Biodiversity Gain Plan pursuant to the deemed biodiversity gain condition.

3.7 Notwithstanding the exemption, the proposals will continue to have regard to relevant national and local planning policies concerning biodiversity conservation and ecological protection. The statutory exemption does not remove any separate requirements relating to protected species, priority habitats or other ecological considerations that may arise during the planning process.

4.0 Conclusion

4.1 This Statement has assessed the proposed development against the relevant statutory Biodiversity Net Gain requirements and exemptions established under Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024, as amended.

4.2 The proposed development comprises the erection of 1no detached garage on an application site measuring approximately 0.0481 hectares (481m²). As the application is being submitted after 6th August 2026 and the proposals are not expected to impact any onsite priority habitat, the development qualifies for the statutory exemption applicable to sites of 0.2 hectares or less, subject to confirmation of the habitat position.

4.3 Accordingly, the proposed development is exempt from the statutory requirement to deliver a minimum 10% Biodiversity Net Gain, and the biodiversity gain condition under Schedule 7A of the Town and Country Planning Act 1990 would not apply should planning permission be granted.

4.4 Notwithstanding the statutory exemption, the proposals will continue to have regard to relevant national and local biodiversity policies, with opportunities for proportionate ecological enhancement considered as part of the detailed design.

4.5 It is therefore considered that the proposed development satisfies the relevant statutory BNG exemption criteria and that the absence of a statutory Biodiversity Net Gain assessment should not represent an impediment to the determination of the planning application.