Biodiversity Net Gain Exemption Statement

Adjacent to Primrose Cottage, Church Gate, Whaplode - one dwelling

Applicant	Tulip Fields Homes Ltd
Site	Adjacent to Primrose Cottage, Church Gate, Whaplode, Spalding, PE12 6TA
Date	28 September 2026
Status	Planning submission

Application type	Fresh full planning application
Proposal	Demolition of existing former shop and erection of one three-bedroom bungalow with attached garage
Red-line site area	Approximately 365m² (0.0365ha)
BNG position	Exempt - development on a site no larger than 0.2 hectares, with no onsite priority habitat impacted
Ecology evidence	Current site/planning information and recent planning history H23-0022-25

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 full planning application for the demolition of the existing former shop and erection of one bungalow on land adjacent to Primrose Cottage, Church Gate, Whaplode.

The application is not advanced as self-build or custom-build. The exemption relied upon is the area-based exemption for development carried out on a site no larger than 0.2 hectares, which applies to fresh planning applications made on or after 6 August 2026.

2. Statutory exemption

The Biodiversity Gain Requirements (Exemptions) Regulations 2024 were amended by the Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 (S.I. 2026/790). Regulation 7A provides that the biodiversity gain planning condition does not apply where both of the following conditions are met:

- 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 amendment applies to planning applications made on or after 6 August 2026. Government guidance updated on that date confirms that the former self-build and custom-build exemption no longer applies to new applications from 6 August 2026. No reliance is therefore placed on the self-build exemption that applied to the earlier H23-0022-25 permission.

3. Site-area test

The red-line application site measures approximately 365m². This is equivalent to 0.0365 hectares.

The statutory maximum for the Regulation 7A exemption is 0.2 hectares, equivalent to 2,000m². The application site is therefore only approximately 18.25% of the maximum threshold and comfortably satisfies the site-area condition.

The site-area figure relates to the planning application red-line boundary, which is the relevant basis identified in Government guidance for assessing this exemption.

4. Priority habitat test

Regulation 7A does not apply if the development impacts onsite priority habitat. For this purpose, a priority habitat is a habitat included on the list published under section 41 of the Natural Environment and Rural Communities Act 2006, and habitat is impacted where it is lost or degraded so that its biodiversity value decreases.

The application site is a small previously developed plot containing the former shop and associated developed land within the Whaplode settlement. The Council's 2025 officer report described the existing building as a small practical commercial structure and treated the plot as previously developed land. The submitted plans and recent planning assessment identify no onsite priority habitat within the red-line site that would be lost or degraded by the proposed development.

The H23-0022-25 decision notice also recorded that the Local Planning Authority did not consider irreplaceable habitat to be present. Irreplaceable habitat and priority habitat are separate statutory concepts, so that earlier conclusion is not relied upon as proof of the Regulation 7A test; it is simply consistent with the developed character of the site. On the available site evidence, no onsite priority habitat would be impacted by the proposal.

5. Consequence of the exemption

Because both Regulation 7A conditions are met, the statutory 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 a 10% BNG metric calculation are therefore not required for this application.

This exemption is limited to the statutory BNG condition. It does not remove the normal legal and planning requirements relating to protected species, designated sites, trees, habitats or biodiversity more generally. The proposal should continue to be considered against relevant development-plan policy and NPPF Policy N2.

NPPF Policy N2 also expects development to minimise adverse biodiversity impacts and to incorporate features that support priority or threatened species. The proposed dwelling will therefore incorporate an integrated swift brick in a suitable elevation unless a compelling technical reason is identified that would prevent effective use.

6. Conclusion

The proposed development satisfies both statutory conditions for the 0.2 hectare exemption. The red-line site area is approximately 0.0365ha, substantially below the 0.2ha threshold, and no onsite priority habitat has been identified within the site that would be impacted by the development.

Accordingly, the biodiversity gain planning condition in Schedule 7A to the Town and Country Planning Act 1990 should not apply. The application should be treated as exempt from mandatory 10% Biodiversity Net Gain and should not require submission of a statutory Biodiversity Gain Plan or biodiversity metric solely for the purposes of the mandatory BNG regime.