



**WOKINGHAM  
BOROUGH COUNCIL**

## **TOWN AND COUNTRY PLANNING ACTS**

**TOWN AND COUNTRY  
PLANNING (ENGLAND) 1990**

Ilaria Sutton  
Stantec  
The Blade  
Abbey Square  
Reading  
RG13BE

### **NOTIFICATION OF APPROVAL OF RESERVED MATTERS**

**Application Number:** 260225

**Applicant Name:** Taylor Wimpey West London

**Site Address:** Land located to the east of Watmore Lane/Maidensfield, Winnersh, RG41

**Proposal:** Application for the approval of reserved matters relating to scale, layout, appearance, landscaping and secondary access in respect of 118 dwellings pursuant to outline planning permission 230208 (as amended by 250640), including submission of details pursuant to conditions 10 (Arboriculture), 13 (BNG), and 14 (noise).

**Date of Decision:** 22 May 2026

Wokingham Borough Council in pursuance of its powers under the above Acts and Regulations hereby approves the reserved matters as stated in the application and the accompanying plans submitted to the Council subject to the compliance with the following conditions, the reasons for which are specified hereunder

#### **Conditions and Reasons**

1. Outline Application Compliance - Nothing herein contained shall be deemed to affect or vary the conditions imposed by planning permission 230208 (dated 6 March 2024) and the non-material amendment 250640 (dated 07 April 2025) which conditions shall remain in full force and effect save in so far as they are expressly affected or varied by this permission.

*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 7135A-PL-201-B  
Block Plan 7135A-PL-202-E

Proposed Site Plan 7135A-PL-203-F  
 Presentation Layout 7135A-PL-204-J  
 Affordable Housing Plan 7135A-PL-205-F  
 Dwelling Size Layout 7135A-PL-206-F  
 Parking Plan 7135A-PL-208-G  
 Accessibility Plan 7135A-PL-209-F  
 Materials and Character Area Plan 7135A-PL-210-F  
 Open Space Plan 7135A-SK-301 A  
 Detailed Site Plan – Sheet 1 7135A-PL-213-G  
 Detailed Site Plan – Sheet 2 7135A-PL-214-F  
 Detailed Site Plan – Sheet 3 7135A-PL-215-F  
 Phase 2 Plans and Elevations AF1C/AF1D Detached and Semi  
 7135A-PL-230  
 Phase 2 Plans and Elevations AF2A-AF1C/AF1D 7135A-PL-231  
 Phase 2 Plans and Elevations AH2A Semi and Terrace 7135A-PL-232 Phase 2  
 Plans and Elevations AH2A-AH3A 7135A-PL-233  
 Phase 2 Plans and Elevations AH3A Semi 7135A-PL-234  
 Phase 2 Plans and Elevations PH3B Semi and PH3C-PH3B 7135A-PL-237-A Phase  
 2 Plans and Elevations PH3A Detached and Semi 7135A-PL-238 Phase 2 Plans and  
 Elevations PH3C 7135A-PL-240  
 Phase 2 Plans and Elevations PH3C Semi 7135A-PL-241  
 Phase 2 Plans and Elevations PH3D Terrace 7135A- PL-242  
 Phase 2 Plans and Elevations PH3D-PH3E 7135A-PL-243-A  
 Phase 2 Plans and Elevations PH3E-PH3D-PH3D 7135A-PL-244-A  
 -Phase 2 Plans and Elevations PH4A 7135-PL-246  
 Phase 2 Plans and Elevations PH4C 7135-PL-247  
 Phase 2 Plans and Elevations PH4D 7135A-PL-248  
 Phase 2 Plans and Elevations PH4B 7135A-PL-249  
 Phase 2 Plans and Elevations Garages, Sub Station, Cycle Stores 7135A-PL-250  
 Phase 2 Plans and Elevations PH3F 7135A-PL-251  
 Phase 2 Street Scenes – Sheet 1 7135-PL-260-C  
 Phase 2 Street Scenes – Sheet 2 7135A-PL-261-C  
 Phase 2 Street Scenes – Sheet 3 7135-PL-262-B  
 Phase 2 Plans and Elevations Apartments AF1A-AF1B 7135A-PL-270-G Phase 2  
 Plans and Elevations Apartments AF2A-AF2B-AF2C 7135A-PL-271-G Landscape  
 Masterplan CSA/7168/126 D  
 Soft Landscape Proposals Phase 2 Sheet 1 of 3 CSA/7168/217 B  
 Soft Landscape Proposals Phase 2 Sheet 2 of 3 CSA/7168/218 B  
 Soft Landscape Proposals Phase 2 Sheet 3 of 3 CSA/7168/219 B  
 Hard Landscape Proposals Phase 2 Sheet 1 of 3 CSA/7168/220 A  
 Hard Landscape Proposals Phase 2 Sheet 2 of 3 CSA/7168/221 A  
 Hard Landscape Proposals Phase 2 Sheet 3 of 3 CSA/7168/222 A Arboricultural  
 Method Statement Phase 2 1894-KC-PH2-YTREE- MethodStatement-RevB  
 Tree Protection Plan Phase 2 1894-KC-PH2-YTREE-TPP02RevA  
 Veteran Tree Management Plan 1894-KC-PH2-YTREE-  
 VeteranTreeManagementPlan-RevA  
 Phase 2 Visibility Splays IESIS-DR-C-6850 S3 P2  
 Phase 2 Fire Appliance Tracking IESIS-DR-C-6800 S3 P2  
 Phase 2 Large Refuse Tracking IESIS-DR-C-6801 S3 P2  
 Phase 2 Large Refuse Tracking and Large Car Passing IESIS-DR-C-6802 S3 P2

Phase 2 Delivery Vehicle Tracking and Large Car Passing IESIS-DR-C- 6803 S3 P2

Phase 2 Access Restriction GA IESIS-DR-C-6900 S3 P1

Proposed Drainage Layout Sheet 1 IESIS-DR-C-PH2-6001 S3 P2

Proposed Drainage Layout Sheet 2 IESIS-DR-C-PH2-6002 S3 P2

Proposed Drainage Layout Sheet 3 IESIS-DR-C-PH2-6001 S3 P3

Proposed Drainage Layout Sheet 4 IESIS-DR-C-PH2-6001 S3 P3

*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.*

3. Prior to above slab level of the development hereby approved, samples and details of the materials to be used in the construction of the external surfaces of the approved buildings, including garage doors, balconies, meter boxes and rainwater goods, shall have first been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the so-approved details.

*Reason: To ensure that the external appearance of the building is satisfactory.*

*Relevant policy: Core Strategy policies CP1 and CP3.*

4. Prior to the above slab of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

*Reason: To ensure adequate planting in the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development)*

5. Notwithstanding the provisions of Classes B and C of Part 1 of the Second Schedule the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, enlargement or alterations permitted shall be carried out without the express permission in writing of the local planning authority.

*Reason: To safeguard the amenity of neighbouring dwellings.*

6. Notwithstanding the provisions of Class A of Part 2 of the Second Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no walls, fences gates or other means of enclosure shall be erected within the curtilage

of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

*Reason: In the interests of visual amenity, sense of place, to protect the open plan character of the area and to maintain highways and pedestrian and vehicle visibility.*

*Relevant policy: Core Strategy policies CP1 & CP3.*

7. Prior to the occupation of the development the proposed vehicular access shall have been formed and provided with visibility splays shown on the approved drawings. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height and maintained clear of any obstruction exceeding 0.6 metres in height at all times.

*Reason: In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.*

8. No dwelling shall be occupied until secure and covered parking for cycles has been provided for that dwelling in accordance with the approved drawing(s)/details. The cycle parking/ storage shall be permanently so retained for the parking of bicycles and used for no other purpose.

*Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 4 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.*

9. The dwellings shall not be occupied until the turning spaces for refuse vehicles to serve that property has been provided in full accordance with the approved plans. The turning space shall thereafter be retained in accordance with the approved details and shall be used for no other purpose.

*Reason: To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety. Relevant policy: Core Strategy policies CP3 & CP6.*

10. No part of any dwelling hereby permitted shall be occupied or used until the vehicle parking space for that dwelling has been provided in accordance with the approved plans. The vehicle parking space shall be permanently maintained and remain available for the parking of vehicles at all times.

*Reason: To ensure adequate on-site parking provision in the interests of highway safety, convenience and amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.*

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the garage accommodation on the site identified on the approved plans shall be kept available for the parking of vehicles and cycles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space.

*Reason: To ensure that adequate parking space is available on the site, so as to reduce the likelihood of roadside parking, in the interests of highway safety and convenience. Relevant policy: Core Strategy policy CP6 and Managing Development Delivery Local Plan policy CC07.*

12. Prior to above slab level of the development hereby approved, details of on-site infrastructure and specification for the active Electric Vehicle Charging point(s) indicated on the approved drawing shall be submitted and approved in writing by the LPA. The EVC point(s) shall be installed in accordance with the approved drawing and shall be permanently retained and made available for the purpose of charging a vehicle, unless agreed otherwise, in writing, by the LPA.

*Reason: In order to ensure that secure electric vehicle charging facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 9 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07 and Appendix 2 and the Council's Parking Standards Study Report (2011).*

13. Prior to commencement of the development hereby approved, full details of the construction of roads and footways, including levels, widths, construction materials, depths of construction, surface water drainage and lighting shall be submitted to and approved in writing by the local planning authority.

The roads and footways shall be constructed to base course in accordance with the approved details prior to the occupation of the final dwelling and final wearing course within 12 months of final occupation, unless otherwise agreed in writing by the local planning authority.

*Reason: Reason: To ensure that roads and footpaths are constructed to a standard that would be suitable for adoption as publicly maintainable highway, in the interests of providing a functional, accessible and safe development. Relevant policy: Core Strategy policies CP3 & CP6.*

14. Prior to the commencement of development, details of how the development will restrict through route vehicle movements westward along the southern access road in accordance with plan IESIS-DR-C- 6900 S3 P1 shall be submitted to and approved in writing by the local planning authority. The details thereby agreed shall be implemented prior to the first of occupation of phase 2 of the development and maintained throughout the lifetime of the development.

*Reason: To limit vehicle through movements in the interest of highway safety and the amenity of existing and future residents.*

15. Notwithstanding the approved plans, details of the equipment proposed for the Neighbourhood Equipped Area for Play (NEAP) shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be installed, maintained and managed in accordance with the Section 106 obligation for outline permission 230208 dated 27.02.2026.

*Reason: To ensure the development is served by appropriate play area and equipment.*

## **Informatives**

1. Please note that if the works carried out depart from the scope of this planning permission and a retrospective application under Section 73A is subsequently required, there may be CIL liability implications. The scope of any retrospective planning application will cover the chargeable development for the purposes of CIL, this will include past works that are unauthorised and any additional future works

included within the planning permission. If the total floorspace of these works is over 100sqm, they will be liable to pay CIL. In such cases, no CIL exemption can be claimed, and payment will become due immediately as development for which planning permission is granted under a subsequent Section 73A or Section 177(1) application must be treated as commencing on the day any such planning permission is granted. Any demolished floorspace will not be able to be considered for offsetting if the relevant building is not on the land on the day that the permission is granted.

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the Applicant.

3. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Wokingham Borough Council prior to commencement of development, failure to do this will result in penalty surcharges being added. For more information see the Council's website - Community Infrastructure Levy advice page. Please submit all CIL forms and enquiries to [developer.contributions@wokingham.gov.uk](mailto:developer.contributions@wokingham.gov.uk).

4. Please note that if the works carried out depart from the scope of this planning permission and a retrospective application under Section 73A is subsequently required, there may be CIL liability implications. The scope of any retrospective planning application will cover the chargeable development for the purposes of CIL, this will include past works that are unauthorised and any additional future works included within the planning permission. If the total floorspace of these works is over 100sqm, they will be liable to pay CIL. In such cases, no CIL exemption can be claimed, and payment will become due immediately as development for which planning permission is granted under a subsequent Section 73A or Section 177(1) application must be treated as commencing on the day any such planning permission is granted. Any demolished floorspace will not be able to be considered for offsetting if the relevant building is not on the land on the day that the permission is granted.

5. This permission should be read in conjunction with the legal agreements for the outline planning permission ref 230208 under Section 106 of the Town and Country Planning Act that relate to the site, the contents of which relate to this development.

6. Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and

licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Wokingham.

7. The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application, under Section 61 of the Act, for prior consent to the works, can be made to the Environmental Health and Licensing Manager

8. Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Highways Inspector, Highway Assets, Wokingham Borough Council, Shute End, Wokingham, RG40 1WL, telephone number 0118 9746000, before any development is commenced.

9. The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

10. All parties, including the applicant and the Council, are advised to have regard to the potential for the proposed southern access to create a vehicular through-route, and the implications this may have for the amenity of existing residents and the surrounding highway network, including Maidensfield. In the event that access arrangements or detailed design are considered further at a later stage, careful consideration should be given to ensuring that vehicle movements are appropriately managed. This may include consideration of proportionate traffic calming or management measures to limit the volume and speed of through traffic.

Signed

A handwritten signature in black ink, appearing to be 'JT', is written over a light green rectangular background.

Justin Turvey

Head of Development Management - Place & Growth

Date: 22 May 2026

**PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE BELOW**



## **WOKINGHAM BOROUGH COUNCIL**

### **TOWN AND COUNTRY PLANNING ACTS TOWN AND COUNTRY PLANNING (ENGLAND) 1990**

**Other statutory legislation:** This decision notice relates to the above stated acts and regulations only and does not constitute approval under any other legislation.

**The Town & Country Planning (Development Management Procedure) Order:** This decision has been made in accordance with the requirements of the National Planning Policy Framework (NPPF) and in the requirement to work with the applicant in a positive and proactive manner.

**Officer Report:** An officer report explaining the decision will be available to view online.

**Purchase notices:** If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council which will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

**Appeals to the Secretary of State:** If your application has been **refused** by the Borough Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990). This must be within the timeframes set out below. Please note an extension of time for lodging an appeal is unlikely to be granted except in special circumstances.

**12 weeks from the decision date above** in the case of a refusal of a 'householder' application:  
Being the refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house; or,  
Being the refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.

**12 weeks from the decision date above** in the case of a refusal of a 'minor commercial' application:  
Being the refusal of an application for development of an existing building or part of a building currently in use for purposes in Use Classes A1, A2, A3, A4 and A5

where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.

**6 months from the decision date above** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building/conservation area consent application.

**6 months from the decision date above** in the case of any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government. The Inspectorate has an online appeals service with information and guidance about the process. You can submit [full application appeals](#) and [householder application appeals](#) with the new appeals service. [Other application types](#) should be submitted on the current appeal service. Alternatively, you can obtain a form from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, 0303 444 5000 or through the [Inspectorate's website](#). Please note all documents will be published online by the Planning Inspectorate and therefore you should not include personal information you do not wish to be displayed in this way. This includes personal information of third parties.

**In the event of a grant of planning permission, please note the following:**

**Community Infrastructure Levy (CIL):** When planning permission is granted for a development that is CIL the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing 'Form 2', the assumption of liability notice, is a statutory requirement for the liable party(ies) to be completed for all CIL liable applications. Advice on how the Regulations may impact you and how you can properly discharge the relevant legal requirements including paying any relevant CIL charge that may be due is available on our [Community Infrastructure Levy advice \(wokingham.gov.uk\)](http://wokingham.gov.uk) website pages.

**Discharge of Conditions:** This consent may contain conditions that require further approval by submission of an application for approval of details reserved by condition and the appropriate fee. Application forms can be obtained for this purpose by visiting the [Planning Portal](#).

**Street Naming and Numbering for new dwellings:** If this notice relates to approval of new dwellings, please ensure that you contact the Council at least 16 weeks before the commencement on site to arrange for an address and post code to be allocated. Details can be obtained from [streetnamingandnumbering@wokingham.gov.uk](mailto:streetnamingandnumbering@wokingham.gov.uk). Failure to contact the street naming and numbering department at least 16 weeks before commencement on site will result in the addressing and post code for the development being delayed.

**Access to privately owned land:** The applicant is reminded that this permission does not give right of entry to land not in the ownership of the applicant. Permission must be sought from any other landowner(s) if access is required.

**Gas Mains and Services:** Building over a gas main or service that is located within your site could cause damage to pipework or potential gas leaks within buildings. You should check for information relating to services within your site at [Home - LinesearchbeforeUdig \(lsbud.co.uk\)](http://lsbud.co.uk) and contact the Plant Protection Team at SGN on 0800 912 1722 or [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk). If necessary, contact National Gas Transmission for high pressure gas pipelines on [box.assetprotection@nationalgas.com](mailto:box.assetprotection@nationalgas.com) or 0800 970 7000.

**Building Regulations:** The development subject to this permission may also require Building Regulation approval to ensure it is built to national safety, design, and environmental standards. The Council's Local Authority Building Control (LABC) service offers a full range of plan approval, inspection, and associated services through an ISO9001 nationally accredited team of qualified building surveyors. These surveyors work closely with the Council's planning department to ensure the appropriate construction of your build. To find out more visit the Council's [Building Control website](#) or call 0300 790 0580 to speak to a member of the team.

**Fire Regulations:** In accordance with the Berkshire Act 1986, when Building Regulation applications are submitted for building(s) or extensions, the Local Authority will reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show the following:

- i) That there will be adequate means of access for the fire brigade to the building(s) or the extended building(s); and,
- ii) That the building(s) or extension(s) will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

**Biodiversity Net Gain:** The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wokingham Borough Council.

**Biodiversity Net Gain Exemptions and Transitional Arrangements:** There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) the [Biodiversity](#)

[Gain Requirements \(Exemptions\) Regulations 2024](#), and [The Environment Act 2021 \(Commencement No. 8 and Transitional Provisions\) Regulations 2024](#).

**Biodiversity Net Gain Irreplaceable Habitat:** If the onsite habitat includes irreplaceable habitat (within the meaning of [The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) there are additional requirements. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

**Biodiversity Net Gain Section 73(2D):** If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted. Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

**Biodiversity Net Gain Phase Development:** If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#) apply. In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).