



**WOKINGHAM
BOROUGH COUNCIL**

TOWN AND COUNTRY PLANNING ACTS

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

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Stroudley Road
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RG24 8UG

NOTIFICATION OF APPROVAL OF PLANNING PERMISSION

Application Number: 260387
Applicant Name: Mr Kingsley Davis
Site Address: 58 Finchampstead Road, Wokingham, RG40 2NS
Proposal: Application to vary condition 2 of planning consent 241828 for the proposed erection of 4no detached dwelling houses following demolition of the existing dwelling and associated outbuildings. Condition 2 refers to the approved details and the variation is to allow for alterations to fenestration, garage roof form and first floor dormers, plus replacement of a brick plinth feature.
Date of Decision: 16 September 2026

Wokingham Borough Council in pursuance of its powers under the above Acts and Regulations hereby **grants permission** for the above development to be carried out as stated in the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

Conditions and Reasons

Amended condition 2:

This permission is in respect of the submitted application plans and drawings numbered:

- L.101 – Location Plan
- P.101 A – Proposed Site Plan
- P.110 A – Proposed Street Scene
- P.103 – Plot 1 Elevations
- P.102 – Plot 1 Plans
- P.105 A – Plot 2 Elevations
- P.104 A – Plot 2 Plans
- P.107 A – Plot 3 Elevations
- P.106 – Plot 3 Plans

P.109 A – Plot 4 Elevations

P.108 – Plot 4 Plans

Received 13th and 17th February 2026

Report ref. AS13511.240419.NVIA prepared by Clarke Saunders Acoustics prepared 30th April 2024

Arboricultural Impact Assessment by Merk Welby and dated 19th March 2024 which includes an Arboricultural Method Statement and Tree Protection Plan (MW.20.0919.TPP)

Received 17th July 2024

241778/FRA_DS/OR/RS/01 Rev A - Flood Risk Assessment & Drainage Strategy produced by Lanmor Consulting

Received 28th October 2024

Preliminary Ecological Appraisal and Roost Assessment prepared by arbtech Issue 3 dated 03/07/2025

Received 16th July 2025

All other conditions of planning permission 241828 apply to this planning permission, viz:

1. Timescale

The development hereby permitted shall be begun before 24th October 2028.

Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

2. Approved Plans

See above.

Reason: See above.

3. Materials

The development shall be carried out in accordance with the following materials:

- Plain clay tiles with bonnet hip tiles
- Red multi-stock face brickwork with contrasting face brick plinth string courses and flat lintols with stone keystones
- White UPVC Edwardian style casement windows
- White UPVC fascias, soffits, bargeboards, gutters and downpipes

Reason: In the interests of visual amenity in accordance with Policy CP3 of the Core Strategy.

4. Ground and building levels (details approved under discharge of condition application 260662)

The ground and building levels scheme shall be provided in accordance with the Existing and Proposed Levels C.02 dated 16/03/2026. The approved scheme shall be fully implemented prior to the occupation of the building(s).

Reason: In order to ensure a satisfactory form of development relative to surrounding buildings and landscape. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy TB21.

5. Details of boundary walls and fences (details approved under discharge of condition application 260662)

The boundary treatment for the development shall be carried out in accordance with 'Boundary Treatments Plan' dated March 2026. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The scheme shall be maintained in the approved form for so long as the development remains on the site.

Reason: In the interests of amenity and highway safety. Relevant policy: Core Strategy policies CP1, CP3 and CP6.

6. Landscaping (details approved under discharge of condition application 260662)
Landscaping shall be carried out in accordance with Planting Plan L3 -900 Rev C dated January 2026. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s). Any trees or plants which, within a period of 30 years from the date of the planting (or within a period of 30 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

Reason: 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).

7. Retention of trees and shrubs

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

8. Protection of trees (details approved under discharge of condition application 260662)

a) The development hereby permitted shall be carried out in accordance with Landscape and Ecological Management Plan Rev A 20/7/2026 dated March 2026. No development or other operations shall take place except in complete accordance with the details as so- approved (hereinafter referred to as the Approved Scheme).

b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence
Relevant policy: Core Strategy policy CP3 and [Managing Development Delivery Local Plan policies CC03 and TB21.

9. Noise Mitigation

The glazing, insulation and any other mitigation specified shall be installed in accordance with the specifications recommended within the Noise Assessment submitted with the application (Report ref.AS13511.240419.NVIA prepared by Clarke Saunders Acoustics on 30th April 2024).

Reason: In order to protect the amenity of future occupants of the proposed development in accordance with policy CP3 of the Core Strategy and the Borough Design Guide SPD.

10. Construction Method Statement (details approved under discharge of condition application 260662)

The development hereby permitted shall be carried out in accordance with the following at all times for the entirety of the construction phase:

Construction Method Statement

Construction Management Plan C.O1 A dated 07/08/2026

Swept Path Analysis Drawing C03

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

11. Hours of work

No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

12. Remediation (details approved under discharge of condition application 260662)

Condition removed as the site does not require remediation.

Reason: Removed.

13. Parking and turning space to be provided

No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall

remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.

Reason: To provide adequate off-street vehicle parking and turning space and to allow vehicles to enter and leave the site in a forward gear in the interests of road safety and convenience and providing a functional, accessible and safe development and in the interests of amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

14. Access surfacing

No building shall be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 metres measured from the carriageway edge.

Reason: To avoid spillage of loose material onto the highway, in the interests of road safety. Relevant policy: Core Strategy policy CP6.

15. Access to be widened

The development hereby permitted shall not be occupied until the access has been widened in accordance with the approved drawings.

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

16. Garage to be retained as such

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 bicycles 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 (vehicle and bicycle) 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.

17. Drainage

Prior to first occupation of the development hereby permitted, the sustainable drainage scheme for the site has been completed in accordance with the submitted and approved Flood Risk Assessment & Drainage Strategy report ref.

241778/FRA_DS/OR/RS/01 Rev A dated 28/10/24. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance.

Reason: To reduce the risk of flooding onsite or elsewhere in accordance with Policy CC10 of the Core Strategy.

18. Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment (Flood Risk Assessment & Drainage Strategy, 241778/FRA_DS/OR/RS/01, Rev A, 28/10/24) and the following mitigation measures it details: - Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water, in accordance with paragraphs 2.3 of the FRA and Appendix A 2560-09 Proposed Site Layout. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with

the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent an increase in flood risk elsewhere by ensuring that the flow of flood water is not impeded, and the proposed development does not cause a loss of floodplain storage in accordance with policy CC09 of the MDD.

19. Ecology

The development hereby permitted shall be carried out in accordance with the recommendations outlined in the Preliminary Ecological Appraisal and Roost Assessment prepared by arbtech Issue 3 dated 03/07/2025.

Reason: In order to protect biodiversity in accordance with policies CP7 of the Core Strategy and TB23 of the MDD.

20. Future Homes Standards

The dwelling(s) shall meet the interim Future Homes Standard in accordance with the requirements of the Building Regulations. No dwelling shall be occupied until compliance has been confirmed by an accredited assessor certifying that a 31% reduction in carbon dioxide emissions has been achieved per the Standard.

Reason: To ensure developments contribute to sustainable development in accordance with the requirements of Part L of the Building Regulations. Relevant policy: NPPF, Core Strategy policy

CP1 and Managing Development Delivery Local Plan policy CC04.

21. Water Standards

Prior to the commencement of development, details of how the dwelling shall meet internal potable water consumption targets of 110 litres or less per person per day. Thereafter, all dwellings shall be built in accordance with the measures to achieve this water consumption target and the measures maintained for the lifetime of the development.

Reason: To ensure developments contribute to sustainable development. Relevant policy: NPPF, WBC Climate Emergency Action

Plan, Core Strategy policy CP1, Managing Development Delivery Local Plan policy CC05 & the Sustainable Design and Construction Supplementary Planning Document.

22. CEMP (details approved under discharge of condition application 260662)

The development shall be carried out in accordance with Construction Method Statement and Construction Management Plan C.O1 A dated 07/08/2026. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: To ensure that protected and priority species are maintained and features for wildlife are enhanced. Relevant policy: The NPPF, Local Plan Core Strategy policies CP3 and CP7 and Managing Development Delivery policy TB23.

23. External Lighting (details approved under discharge of condition application 260662)

The proposed external lighting shall be carried out in accordance with 'Construction Method Statement'. All external lighting shall be installed and maintained in

accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of biodiversity and neighbouring amenity, in accordance with policies CP3 and CP7 of the Core Strategy and TB23 of the MDD.

24. LEMP (details approved under discharge of condition application 260662)

The development shall be carried out in accordance with Landscape and Ecological Management Plan Rev A 20/7/2026 dated March 2026. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that there is no net loss of biodiversity habitat and protected and priority species are not adversely affected by the proposals. Relevant policy: NPPF, Core Strategy policies CP3 and CP7 and Managing Development Delivery Local Plan policy TB23.

25. Biodiversity Enhancements (details approved under discharge of condition application 260662)

The development shall be carried out in accordance with Biodiversity Enhancements, Bat Lighting Plan and Reptile Method Statement dated July 2026. The biodiversity enhancements shall be completed and maintained according to the detail and the timetable as approved.

Reason: To ensure that protected and priority species are maintained and features for wildlife are enhanced. Relevant policy: The NPPF, Local Plan Core Strategy policies CP3 and CP7 and Managing Development Delivery policy TB23.

26. Reptile Mitigation Method Statement (details approved under discharge of condition application 260662)

The development shall be carried out and maintained thereafter in accordance with Biodiversity Enhancements, Bat Lighting Plan and Reptile Method Statement dated July 2026.

Reason: To ensure that protected and priority species are maintained and features for wildlife are enhanced. Relevant policy: The NPPF, Local Plan Core Strategy policies CP3 and CP7 and Managing Development Delivery policy TB23.

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 development accords with the policies contained within the adopted / development plan and there are no material considerations that warrant a different decision being taken.
3. 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.
4. This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act dated 24 October 2025 the obligations in which relate to this development.
5. The applicant is reminded that a Demolition Notice may be required to be served on the Council in accordance with current Building Regulations and it is recommended that the Building Control Section be contacted for further advice.
6. The applicant is reminded that should there be any change from the approved drawings during the build of the development this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.
7. Bats are a protected species under the Conservation of Habitats and Species Regulations 2017 (as amended). Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.
8. This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981 for protected species. The applicant is advised to contact Natural England with regard to any protected species that may be found on the site.
9. This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981 for protected species. The applicant is advised to contact Natural England with regard to any protected species that may be found on the site.
10. 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.

11. 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 and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

Signed

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

Justin Turvey

Head of Development Management - Place & Growth

Date: 16 September 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. 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. If necessary, contact National Gas Transmission for high pressure gas pipelines on 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).