



**WOKINGHAM
BOROUGH COUNCIL**

TOWN AND COUNTRY PLANNING ACTS

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

Boyer
Building 1
Meadows Business Park
Blackwater, Camberley
GU17 9AB

NOTIFICATION OF APPROVAL OF RESERVED MATTERS

Application Number: 253071
Applicant Name: The Owner and/or Occupier
Site Address: Land To West Of Park Lane, Charvil, RG10 9TS
Proposal: Application for approval of Reserved Matters pursuant to Outline Planning Consent 232704 comprising details of 75 homes, together with associated internal access roads, parking, public open space, landscaping and sustainable drainage systems (SuDS). Details of appearance, landscaping, layout and scale to be considered.
Date of Decision: 3 September 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 232704 (dated 12 May 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. Approved details

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

- 25.2208.1000 – Location Plan (received 16/12/2025)
- 24.1911.4120 - Garage Floor Plans and Elevations (received 16/12/2025)
- 24.1911.4130 - Substation and Bike Sheds Floor Plans and Elevations (received 16/12/2025)
- 25.2208.4000.C - Floor Plans - Baker Life (received 11/05/2026)
- 25.2208.4001.C - Elevations - Baker Life (received 11/05/2026)
- 25.2208.4010.C - Floor Plans - Tillman Life (received 11/05/2026)
- 25.2208.4011.C - Elevations - Tillman Life (received 11/05/2026)
- 25.2208.4012.A - Floor Plans - Tillman Life V2 (received 11/05/2026)
- 25.2208.4013.A - Elevations - Tillman Life V2 (received 11/05/2026)
- 25.2208.4020.C - Floor Plans - Ploughwright Life (received 11/05/2026)
- 25.2208.4021.C - Elevations - Ploughwright Life (received 11/05/2026)
- 25.2208.4032.C - Floor Plans - Cartographer Life V2 (received 11/05/2026)
- 25.2208.4033.C - Elevations - Cartographer Life V2 (received 11/05/2026)
- 25.2208.4040.D - Floor Plans – Walker (received 11/05/2026)
- 25.2208.4041.C - Elevations – Walker (received 11/05/2026)
- 25.2208.4050.D - Floor Plans – Potter (received 11/05/2026)
- 25.2208.4051.D - Elevations – Potter (received 11/05/2026)
- 25.2208.4100.C - Floor Plans – Watchmaker (received 11/05/2026)
- 25.2208.4101.C - Elevations – Watchmaker (received 11/05/2026)
- 25.2208.2000.Q - Proposed Site Layout (received 30/06/2026)
- 25.2208.3000.E - Parking Layout Plan (received 30/06/2026)
- 25.2208.3010.D - Storey Heights Plan (received 30/06/2026)
- 25.2208.3020.E - Boundary Treatments Plan (received 30/06/2026)
- 25.2208.3030.D - Materials Plan (received 30/06/2026)
- 25.2208.3040.D - Garden Depths & Areas (received 30/06/2026)
- 25.2208.3060.E - Housing Tenure Plan (received 30/06/2026)
- 25.2208.3070.D - Housetype Distribution Plan (received 30/06/2026)
- 25.2208.4031.D - Elevations - Cartographer Life (received 30/06/2026)
- 25.2208.4030.D - Floor Plans - Cartographer Life (received 30/06/2026)
- 25.2208.4060.D - Floor Plans – Scrivener (received 30/06/2026)
- 25.2208.4061.D - Elevations – Scrivener (received 30/06/2026)
- 25.2208.4080.D - Floor Plans – Philosopher (received 30/06/2026)
- 25.2208.4081.D - Elevations – Philosopher (received 30/06/2026)
- 25.2208.4090.E - Floor Plans – Weaver (received 30/06/2026)
- 25.2208.4091.E - Elevations – Weaver (received 30/06/2026)
- 25.2208.4110.E - Floor Plans – Draper (received 30/06/2026)
- 25.2208.4111.E - Elevations – Draper (received 30/06/2026)
- 25.2208.6000.D - Proposed Street Scenes (received 30/06/2026)
- 25.2208.3050.D - Refuse Strategy Plan (received 30/06/2026)
- 25.2208.3100.D - Road Hierarchy Plan (received 30/06/2026)
- 2299.1002.E Open Space Provision Plan (received 30/06/2026)
- Noise Assessment – Park Lane, Charvil [Cass Allen, June 2026, ref: RP01-25453-R4] (received 30/06/2026)
- 12671_AMS.001 Rev E - Arboricultural Method Statement [Aspect Arboriculture, June 2026] (received 30/06/2026)
- 12671_AIA.001 Rev E - Arboricultural Impact Assessment [Aspect Arboriculture, June 2026] (received 30/06/2026)
- Energy and Sustainability Statement Rev.4 [AES Sustainability Consultants Ltd, 26/06/2026] (received 30/06/2026)

- SJ/PL/ITS210467-005 - Land at Park Lane, Charvil: Supplementary Transport Note 2 – iTransport – 25th June 2026 (received 30/06/2026)
- ITS210467-GA-010B - SITE LAYOUT REVIEW - SWEPT PATH ANALYSIS (SPRINTER VAN/CAR) (received 01/07/2026)
- ITS210467-GA-009B - SITE LAYOUT REVIEW - SWEPT PATH ANALYSIS (REFUSE VEHICLE/CAR) (received 01/07/2026)
- ITS210467-GA-007C - SITE LAYOUT REVIEW - PARKING BAY DIMENSIONS (received 01/07/2026)
- ITS210467-GA-006G - SITE LAYOUT REVIEW - PEDESTRIAN CROSSINGS AND PEDESTRIAN VISIBILITY (received 01/07/2026)
- ITS210467-GA-005G - SITE LAYOUT REVIEW - SWEPT PATH ANALYSIS (CAR) (received 01/07/2026)
- ITS210467-GA-004G - SITE LAYOUT REVIEW - SWEPT PATH ANALYSIS (FIRE TENDER, WATERT TANKER AND CAR) (received 01/07/2026)
- ITS210467-GA-003H - SITE LAYOUT REVIEW - SWEPT PATH ANALYSIS (REFUSE VEHICLE) (received 01/07/2026)
- ITS210467-GA-002G - SITE LAYOUT REVIEW – VISIBILITY (received 01/07/2026)
- ITS210467-GA-001G - SITE LAYOUT REVIEW - GEOMETRY PLAN (received 01/07/2026)
- Statutory Biodiversity Metric v.3 – 2nd July 2026 (received 02/07/2026)
- Biodiversity Net Gain Assessment [Pro Vision, July 2026, Version 05] (received 02/07/2026)
- Preliminary Ecological Appraisal [Pro Vision, June 2026, Version 03] (received 03/07/2026)

The development shall be carried out in accordance with the approved details.

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. External Materials

Notwithstanding the details submitted, development above slab level shall not commence until samples and details of the materials and windows be used in the construction of the external surfaces of the dwellinghouses 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. Obscure glazing

The following windows hereby permitted shall be fitted with obscured glass and shall be permanently so-retained. The windows shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently so-retained:

- Plot 1 north-western first floor bathroom, ensuite and bedroom 4
- Plot 3 north-eastern first floor ensuite

- Plot 5 north-eastern first floor ensuite
- Plot 9 western first floor ensuite and eastern first floor bathroom
- Plot 16 south-eastern first floor bathroom
- Plot 17 north-western first floor bathroom
- Plot 20 south-eastern first floor bathroom and north-western first floor ensuite
- Plot 21 south-eastern first floor ensuite and north-western first floor bathroom
- Plot 22 south-eastern first floor ensuite and north-western first floor ensuite
- Plot 24 south-eastern first floor bathroom and north-western first floor ensuite
- Plot 25 south-eastern first floor ensuite and north-western bathroom
- Plot 26 south-eastern first floor ensuite
- Plot 29 southern first floor bathroom
- Plot 30 northern first floor bathroom
- Plot 35 eastern first floor bathroom
- Plot 36 western first floor bathroom
- Plot 38 western first floor ensuite
- Plot 39 western first floor ensuite
- Plot 40 western first floor ensuite
- Plot 41 southern first floor ensuite
- Plot 42 southern first floor ensuite
- Plot 43 southern first floor ensuite
- Plot 45 western first floor ensuite and eastern first floor ensuite
- Plot 46 western first floor ensuite
- Plot 47 eastern first floor ensuite
- Plot 48 eastern first floor ensuite
- Plot 61 eastern first floor ensuite
- Plot 62 eastern first floor ensuite
- Plot 68 eastern first floor ensuite
- Plot 69 eastern first floor ensuite and western first floor ensuite
- Plot 70 eastern first floor ensuite
- Plot 71 eastern first floor ensuite and western first floor ensuite
- Plot 72 eastern first floor ensuite

Reason: To safeguard the residential amenities of neighbouring properties. Relevant policy: Core Strategy policy CP3.

5. Parking to be provided

The development shall not be occupied or used until the vehicle parking spaces have been provided in accordance with the approved plans. The vehicle parking spaces 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.

6. Cycle Parking

The development shall not be occupied until secure and covered parking for cycles has been provided 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 9 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

7. Bin Storage

The bin storage and recycling facilities hereby approved shall be permanently so-retained and used for no purpose other than the temporary storage of refuse and recyclable materials.

Reason: In the interests of visual and neighbouring amenities and functional development. Relevant policy: Core Strategy CP3 and Managing Development Delivery Local Plan policy CC04.

8. No Permitted Development (Class F)

Notwithstanding the provisions of Class F 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 hard surfaces incidental to the enjoyment of a dwellinghouse shall be constructed forward of dwellinghouse front or side elevations that front the access roads/highway without the express permission in writing of the local planning authority.

Reason: To safeguard the character of the area. Core Strategy policies CP1 and CP3 & CP11 and Managing Development Delivery Local Plan policy TB21.

9. Finished Floor Levels

Finished floor levels shall be set no lower than 40.45 metres above Ordnance Datum (AOD), in accordance with drawing ref P25-0896-SK106, dated January 2026 (Flood Risk Assessment Appendix C).

Reason: In accordance with policy CP1 in the Wokingham Borough Core Strategy Development Plan:

- *To reduce the risk of flooding to the proposed development and future occupants:*
- *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*

10. Built Development in Flood Zones

There shall be no built development within Flood Zones 2 or 3, in accordance with Figure 6.1 of the submitted FRA and drawing ref P25- 0896-SK106.

Reason: In accordance with policy CP1 in the Wokingham Borough Core Strategy Development Plan:

- *To reduce the risk of flooding to the proposed development and future occupants:*

- 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

11. Biodiversity Net Gain Compliance

The development hereby permitted shall be carried out in complete accordance with the Biodiversity Net Gain measures outlined in the Biodiversity Net Gain Assessment [Pro Vision, July 2026, Version 05] and the associated Statutory Biodiversity Metric v.3 unless otherwise agreed to in writing by the Local Planning Authority. The measures shall be fully implemented, maintained and reviewed as so-approved.

Reason: In the interests of biodiversity net gain. Relevant policies: Core Strategy policies CP1, CP3 & CP7, Managing Development Delivery Local Plan policies CC03 & TL23 and the National Planning Policy Framework.

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. This permission should be read in conjunction with the 232704 Outline Permission legal agreement under section 106 of the Town and Country Planning Act dated 9th May 2025, the obligations in which relate to this development.

3. As detailed within the Officer Report, the applicant submitted details as part of this Reserved Matters submission to satisfy several conditions attached to Outline Permission 232704. Upon assessment, the Local Planning Authority are content that sufficient details have been submitted to satisfy the requirements of conditions 6, 8, 10, 11, 14, 20, 21, 31, 32, 36 & 37 of Outline Permission 232704.

4. The applicant is advised to, when applying to discharge condition 18 of Outline Consent 232704, make efforts to include improvements to the footpath provision along Park Lane which connects to the application site, as well as improvements to the cycle lane infrastructure in the locale. Consideration should be given to the council's published Local Cycling and Walking Infrastructure Plan (LCWIP) and the Charvil Neighbourhood Plan. In addition, Wokingham Borough Council and Charvil Parish are also encouraged to explore whether Community Infrastructure Levy (CIL) receipts or other funding sources may be available to support wider walking and cycling improvements within the parish.

5. 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.

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. 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 - Community Infrastructure Levy advice - Wokingham Borough Council. Please submit all CIL forms and enquiries to developer.contributions@wokingham.gov.uk.

8. Fire service access should comply with B5 of ADB Volume 2 2019 with additional local requirements below under the Berkshire Act 1986: Fire service vehicles currently operated by Royal Berkshire Fire & Rescue Service exceed the requirements stated in the current edition of Approved Document B. The applicant should be made aware of the following amendments:- The minimum carrying capacity for a pumping appliance is 16 tonnes. The minimum carrying capacity for a high reach appliance is 26 tonnes. Structures such as bridges should have the full vehicle carrying capacity. Any structural fire precautions and all means of escape provision will have to satisfy Building Regulation requirement. These matters are administered by the local authority Building Control or approved inspectors, who you are advised to contact in this regard.

9. Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. For further information contact the Highway Authority on tel.: 0118 9746000.

10. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably

qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

11. There are water mains crossing or close to your development. Thames Water do not permit the building over or construction within 3m of water mains. If you're planning significant works near Thames Water mains (within 3m) they will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

12. 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 in terms of:

- amended plans being submitted by the applicant to overcome concerns relating to highway safety/parking provision, biodiversity net gain, site layout, landscaping and public safety.

The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.

Signed



Justin Turvey
Head of Development Management - Place & Growth
Date: 3 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).