



**WOKINGHAM  
BOROUGH COUNCIL**

**TOWN AND COUNTRY PLANNING ACTS**

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

Countryside Properties (UK) Ltd  
c/o Grace Edwards  
Boyer  
Crowthorne House  
Nine Mile Ride  
RG40 3GZ

**NOTIFICATION OF APPROVAL OF RESERVED MATTERS**

**Application Number:** 250819  
**Applicant Name:** Countryside Properties (UK) Ltd  
**Site Address:** Finchwood Park, Sheerlands Road, Finchampstead,  
Wokingham, RG40 4QY  
**Proposal:** Application for approval of Reserved Matters pursuant  
to Outline Planning Consent O/2014/2179 (as varied by  
181194, dated 14/11/2018). The Reserved Matters  
comprise details of 56 dwellings within parcels P13a  
and P13b with access via the Nine Mile Ride Extension  
spur road (primary) and Park Lane (secondary),  
associated internal roads, parking, landscaping,  
footpaths and sustainable urban drainage systems  
(SuDS). Details of access, appearance, landscaping,  
layout and scale to be considered.  
**Date of Decision:** 26<sup>th</sup> September 2025

Wokingham Borough Council in pursuance of its powers under the above Acts and Regulations hereby **grants reserved matters approval** 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**

Outline Application Compliance

1. Nothing herein contained shall be deemed to affect or vary the conditions imposed by planning permission O/2014/2179 (dated 9 January 2017), as varied by application 181194 (dated 14 November 2018); 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.*

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:

Proposed Site Layout – Ref. 7527 PL1004 Rev O  
Presentation Site Layout – Ref. 7527 PL1005 Rev G  
Detailed Site Layout – Sheet 1 of 2 – Ref. 7527 PL1006 Rev D  
Detailed Site Layout – Sheet 2 of 2 – Ref. 7527 PL1007 Rev D  
Proposed Parking Plan – Ref. 7527 PL1009 Rev B  
Proposed Building Heights – Ref. 7527 PL1010 Rev B  
Proposed Density – Ref. 7527 PL1011 Rev B  
Proposed Dwelling Sizes – Ref. 7527 PL1013 Rev B  
Accessibility Plan – Ref. 7527 PL1014 Rev C  
Proposed Materials Plan – Ref. 7527 PL1008 Rev B  
External Materials Examples 11.08.2025  
External Materials Schedule – Ref. HFN13

Dahlia Housetype Proposed Plans & Elevations – Ref. 7527 PL-1032 Rev C  
H464 Housetype Proposed Plans and Elevations – Ref. 7525 PL-1035 Rev C  
Dunnock Housetype – Proposed Plans and Elevations – Ref. 7527 PL-1033 Rev C  
Dunnock Housetype – Proposed Plans and Elevations – Sheet 2 – Ref. 7527 PL-1037 Rev A  
Eagle Housetype – Proposed Plans and Elevations – Ref. 7527 PL-1034 Rev C  
B4 Housetype – Proposed Plans and Elevations – Ref. 7527 PL-1030 Rev B  
B9 Housetype – Proposed Plans and Elevations – Ref. 7527 PL-1031 Rev B

CIL House-type Floor Plans (sheet 1 of 2) – Ref. 7527 PL-1100  
CIL House-type Floor Plans (sheet 2 of 2) – Ref. 7527 PL-1101

Ancillary – Proposed Plans and Elevations – Ref. 7527 PL-1035 Rev B  
Apartment Building – Plots 17-27 Proposed Floor Plans – Ref. 7527 PL-1080 Rev B  
Apartment Building – Plots 17-27 Proposed Elevations – Ref. 7527 PL-1081 Rev B  
Block Plan – Ref. 7527 PL1002 Rev A

Parcel 13 Proposed Drainage – Ref. 7292.026 Rev P05  
Arboricultural Impact Assessment – Ref. P02 dated August 2025

Energy Strategy Statement – Finchwood Parcel 13  
Part G Water Efficiency Calculation – Finchwood 13 Violet – September 2025  
Part G Water Efficiency Calculation – Finchwood 13 1B2P – September 2025  
Part G Water Efficiency Calculation – Finchwood 13 2B4P – September 2025  
Part G Water Efficiency Calculation – Finchwood 13 B4 – September 2025  
Part G Water Efficiency Calculation – Finchwood 13 B9 – September 2025  
Part G Water Efficiency Calculation – Finchwood 13 Dahlia – September 2025  
Part G Water Efficiency Calculation – Finchwood 13 Dunnock – September 2025  
Part G Water Efficiency Calculation – Finchwood 13 Eagle – September 2025

*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.*

### Materials

3. The materials to be used in the construction of the external surfaces of the approved buildings shall be as specified in the following plans and documents:

Proposed Materials Plan – Ref. 7527 PL1008 Rev B  
External Materials Examples – July 2025  
External Materials Schedule – Ref. HFN13

Development shall be carried out only in accordance with the so-approved details, unless variations to the external surface materials are agreed in writing by the Local Planning Authority.

*Reason: To ensure that the external appearance of the buildings is satisfactory.  
Relevant policy: Core Strategy Policies CP1 and CP3.*

### Levels

4. Prior to commencement of development hereby approved, a plan prepared to a scale of not less than 1:500 showing details of existing and proposed finish ground levels (in relation to a fixed datum point), including highways, finished floor levels, finished roof levels and areas of public open space, shall be submitted to and approved in writing by

the Local Planning Authority. The approved scheme shall be implemented in accordance with the details so approved, unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To enable the LPA to ensure a high quality of development that relates well to surrounding buildings and the landscape in accordance with NPPF, Wokingham Borough Core Strategy Policies CP1, CP3 and CP18 and Managing Development Delivery Local Plan Policies CC03 and the Arborfield Strategic Development Location Supplementary Planning Document (2011).*

### Landscaping

5.

- i) No development above slab level shall take place until full details of both hard and soft landscape works for that phase have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include, as appropriate:
  - a) scheme drawings;
  - b) soft landscaping details including planting plans, schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
  - c) a Landscape Specification document covering soft landscaping (including site preparation, cultivation, plant handling and other operations associated with plant and grass establishment) and hard landscaping including all construction works such as paths, bridges and retaining walls;
  - d) hard landscaping materials including samples;
  - e) minor artefacts and structures (e.g. street furniture, refuse or other storage units, signs, external services) including specifications for the product and its installation;
  - f) specification for tree rooting systems and use of structural soils under paving or where rooting volumes are limited;
  - g) all boundary treatments, and other means of enclosure or controlling access such as gates, bollards and vehicle restraint systems;
  - h) measures required for ecological mitigation and biodiversity net gain;
- ii) Details of quality control measures, including supervision of landscape contract(s) by a suitably qualified landscape specialist and annual landscape audits for the five-year period from completion of the landscaping for the Landscape Phase or until adoption (whichever is longer). The annual Landscape Audit shall be submitted to the Local Planning Authority for information prior to the next planting season and replacement planting undertaken in accordance with the landscape audit and iii) below.
- iii) 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: In the interests of visual amenity and to ensure the delivery of appropriate green infrastructure, including play facilities. Relevant policy: Core Strategy Policies CP1, CP3 and CP7; and Managing Development Delivery Local Plan Policies CC03, CC10, TB08, TB21 and TB23; and Wokingham SuDS Strategy (January 2017).*

### Landscape management

- 6. No development above slab level shall take place until a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

*Reason: In order to ensure that provision is made to allow satisfactory maintenance of the landscaping hereby approved. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21*

#### Highway Surfacing

7. The roads and footways serving each of the dwellings hereby approved shall be constructed to road base level before the dwelling they are serving is occupied and the final wearing course shall be provided within three months of the occupation of that dwelling, unless otherwise agreed in writing by the Local Planning Authority.

*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.*

#### Car Parking

8. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space serving that building 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 spaces 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 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.*

#### Visibility Splays

9. Prior to the occupation of the development the proposed vehicular access and vehicle access road shall have been formed and provided with visibility splays shown on the approved drawing number (Stuart Michael Drawing Number: 7292.021-Rev-P05 dated 18.07.25 titled 'Parcel 13 – General Arrangement'). The land within the visibility splays and forward visibility on the site access road 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.

Visibility splays to private driveways and courtyards shall be kept free of all obstructions to visibility above a height of 0.6 metres.

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

#### Electric Vehicle Charging

10. Prior to commencement of development, 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 details included should provide 1 active EV Charger per dwelling and 2 active EV Chargers within visitor spaces. 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*

Air Source Heat Pumps

11. Prior to above-ground construction of development hereby approved, details for the specification of air source heat pumps and the proposed location of the pumps shall be first submitted to and approved in writing by the Local Planning Authority. The submitted details shall include output yields. Air source heat pumps shall be installed in accordance with the approved details prior to first occupation of a dwelling which they are intended to serve.

*Reason: To ensure development contributes to sustainable development and in the interest of visual amenity. Relevant policy: NPPF Sections 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) and 15 (Conserving and Enhancing the Natural Environment), WBC Climate Emergency Action Plan, Core Strategy Policies CP1 and CP3; and Managing Development Delivery Local Plan Policy CC05, Sustainable Design and Construction Supplementary Planning Document, WBC Climate Change Interim Policy Position Statement.*

Noise Impact Assessment and Mitigation

12. Prior to above-ground construction of the development hereby approved, a Noise Assessment in accordance with BS4142 shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:
  - (i) be carried out by a suitably qualified acoustic consultant/engineer and shall identify all noise sources (including air source heat pumps) affecting both internal and external areas of the development hereby approved;
  - (ii) ensure that all noise implications are mitigated so that internal ambient noise levels for dwellings shall not exceed 35 dB LAeq (16 hour) 07:00-23:00 during the daytime and 30 dB LAeq (8 hour) 23:00-07:00 during the night assuming full road traffic flows at the outset;
  - (iii) identify design and/or insulation measures required to ensure that ambient internal noise levels and the noise levels within usable external spaces for the dwellings meet the BS8233 sound insulation and noise reduction for buildings design range 'good' for living accommodation.

The approved mitigation measures shall be implemented prior to first occupation of the dwelling to which they relate and be permanently retained and maintained thereafter.

*Reason: To safeguard amenity and living conditions of future occupiers. Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment), Core Strategy Policies CP1 and CP3; and Managing Development Delivery Local Plan Policy CC06.*

WW2 Pill Box

13. Notwithstanding the details submitted, prior to first occupation of the residential dwellings, details are to be submitted to and approved in writing by the local planning authority the following details:
  - a) Measures to ensure members of the public cannot gain access into the 'pill box,' whilst remaining accessible for ecology.
  - b) Details for the interpretation panel for the 'pill box' that is to include:
    - i) Details on the size, form and finish of the interpretation panel;

- ii) Details to be shown on the interpretation panel (i.e. text and/or pictures);
- iii) Position for the 'pill box' interpretation panel.

Measures to secure the 'pill box' from public access shall then take place in accordance with the details as approved and prior to the occupation of the housing on the site.

*Reason: In order to safeguard the special architectural or historic interest of the building.  
Relevant policy: National Planning Policy Framework (Conserving and Enhancing the Historic Environment) and Managing Development Delivery Local Plan policy TB24*

## INFORMATIVES

- 1) The development hereby permitted is liable to pay the Community Infrastructure Levy. As an affordable housing development a claim for relief can be made. This is a matter for the developer. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. 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. For more information see - <http://www.wokingham.gov.uk/planning/developers/cil/cil-processes/>
- 2) The development accords with the policies contained within the adopted development plan and there are no material considerations which warrant a different decision being taken.
- 3) This permission should be read in conjunction with the legal agreements under Section 106 of the Town and Country Planning Act that relate to the site, the contents of which relate to this development.
- 4) 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:
  - a full pre-application process was undertaken by the applicant;
  - addressing concerns relating to the development layout;
  - amended plans being submitted by the applicant to overcome concerns.

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.

- 5) The Corporate Head of Environment at the Council Offices, Shute End, Wokingham should be contacted for the approval of the access construction details before any work is carried out within the highway. This planning permission does NOT authorise the construction of such an access.
- 6) 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 Corporate Head of Environment on tel: 0118 974 6302.
- 7) If it is the developer's intention to request the Council, as local highway authority, to adopt the proposed access roads etc. as highway maintainable at public expense, then full engineering details must be agreed with the Corporate Head of Environment at the Council Offices, Shute End, Wokingham. The developer is strongly advised not to

commence development until such details have been approved in writing and a legal agreement is made with the Council under S38 of the Highways Act 1980.

- 8) 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.
- 9) Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with Wokingham Borough Council's Street Works Team, (telephone 01189 746302). This must take place at least three month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.
- 10) 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.
- 11) Licences, consents or permits may be required for work on this site. For further information on environmental permits and other licences please visit [http://www.businesslink.gov.uk/bdotg/action/layer?r.s=tl&r.lc=en&topicId=107\\_9068363](http://www.businesslink.gov.uk/bdotg/action/layer?r.s=tl&r.lc=en&topicId=107_9068363)
- 12) The applicant is advised that the Council seeks that employers or developers within the borough commit to using local labour / contractors where possible. This should include:
  - Advertisement of jobs within local recruitment agencies / job centres;
  - Recruitment and training of residents from the local area;
  - Seek tender of local suppliers or contractors for work.
- 13) Construction Noise. The applicant or the operator is advised to submit to the Council's Environmental Health Team a 'prior consent' application under s.60 of the Control of Pollution Act 1974.
- 14) The applicant is encouraged to provide gates with a key-operated lock, operable from both sides, where rear garden access footpaths are shared between two or more properties

Signed



Justin Turvey  
Head of Development Management - Place & Growth  
Date: 26th September 2025

**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 \(lsbud.co.uk\)](https://www.isbud.co.uk) and contact the Plant Protection Team at SGN on 0800 912 1722 or [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk).

**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.

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.

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**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).

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