

From: Connie Davis <Connie.Davis@wokingham.gov.uk>
Sent: 22 May 2026 17:08
To: Stuart Garnett
Cc: Andrew Chugg; Brian Conlon; Chris Zeal; Richard Wickins
Subject: RE: 260353/PIP - Land North of Broadwater Lane/ West of Hogmoor Lane
Attachments: APPEAL DECISION NOTICE - 6002585 - Land at Lands End House.pdf

Hi Stuart,

Thanks for your email.

I have been in touch with the Council's Ecologist and they confirmed that upon reading of the PPG, BNG is not a matter of consideration at this PiP stage (see highlight in yellow):

Which planning permissions are in scope and which are exempt from biodiversity net gain?

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

Biodiversity net gain has only been commenced for planning permissions granted in respect to an application made on or after 12 February 2024. Permissions granted for applications made before this date are not subject to biodiversity net gain.

Biodiversity net gain does not apply to:

- retrospective planning permissions made under section 73A; and
- section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024

Biodiversity net gain has not been commenced yet for planning permissions which have been granted through other routes to permissions. These include:

- Local development orders;
- Simplified Planning Zones;
- Neighbourhood development orders;
- Successful enforcement appeals; and
- Deemed planning permission.

The grant of permission in principle is not within the scope of biodiversity net gain (as it is not a grant of planning permission), but the subsequent technical details consent (as a grant of planning permission) would be subject to the biodiversity gain condition.

The approval of reserved matters for outline planning permissions is not subject to the biodiversity gain condition (as it is not a grant of planning permission).

There are specific exemptions from biodiversity net gain for certain types of development. The exemptions are set out in [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#) and the [Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#).

The biodiversity gain condition does not apply to the following types of development:

- **Temporary exemption for non-major development (until April 2024).** Development which is not defined as major development under [Article 2 Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) is exempt until 2 April 2024. The exemption will continue to apply to section

73 permissions where the original permission which the section 73 relates to was subject to this temporary exemption.

- **Householder development.** Development which is subject of a householder application as defined within [Article 2\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).
- **Development granted planning permission by a development order under section 59.** This includes permitted development rights.
- **Development subject to the de minimis exemption.** Development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, and 5 metres of linear habitats such as hedgerows.
- **Self-build and custom build development.** Development which:
 - consists of no more than 9 dwellings, and
 - is carried out on a site which has an area no larger than 0.5 hectares, and
 - consists exclusively of dwellings which are self-build or custom housebuilding as defined in [section 1\(A1\) of the Self-build and Custom Housebuilding Act 2015](#).
- **Urgent Crown development granted permission under section 293A of the Town and Country Planning Act 1990.**
- **Development of a biodiversity gain site.** Development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain condition which applies in relation to another development.
- **Development related to the high speed railway transport network.** Development forming part of, or ancillary to, the high speed railway transport network comprising connections between all or any of the places or parts of the transport network specified in [section 1\(2\) of the High Speed Rail \(Preparation\) Act 2013](#)

Paragraph: 003 Reference ID: 74-003-20240214

Therefore, the Council can't see how an Inspector can say that they want the detail on this aspect as part of the appeal.

Furthermore, planning obligations cannot be secured to permission in principle decisions, as outlined in the PPG:

Can local authorities agree planning obligations at the permission in principle and technical details consent stages?

Local planning authorities may agree [planning obligations](#) at the technical details consent stage where the statutory tests have been met. Planning obligations cannot be secured at the permission in principle stage. Local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.

Paragraph: 022 Reference ID: 58-022-20180615

Revision date: 15 06 2018 See [previous version](#)

Wokingham Borough also received an appeal decision on a PiP proposal last month where BNG was not considered or discussed - attached for reference.

Accordingly as part of any appeal, the Council would not seek to discuss BNG and so do not consider this a matter that needs further review or action, although please let us know if there is something that has been misunderstood or if you have evidence to the contrary from your experiences (specifically in relation to PiP proposals)?

Have a nice weekend.

Many thanks,
Connie

Private: Information that contains a small amount of sensitive data which is essential to communicate with an individual but doesn't require to be sent via secure methods.

From: Stuart Garnett <stuart@shorewoodhomes.co.uk>

Sent: 22 May 2026 09:40

To: Connie Davis <Connie.Davis@wokingham.gov.uk>

Cc: Andrew Chugg <Andrew.Chugg@wokingham.gov.uk>; Brian Conlon <Brian.Conlon@wokingham.gov.uk>; Chris Zeal <chris@haineshill.com>; Richard Wickins <richard@shorewoodhomes.co.uk>

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Some people who received this message don't often get email from stuart@shorewoodhomes.co.uk. [Learn why this is important](#)

Hi Connie

We are finalising the planning appeal for the recent PIP refusal.

Our experience with PINS is they require certainty on BNG to consider that aspect positively. Accordingly, we need to enter into a s106 agreement with you – the BNG solution is the same as previous, with off-site land from Haines Hill. Therefore WBC needs to be a party to the agreement.

Could you please advise of contact name and details in your legal team so we can put Paris Smith in touch with them and get this completed.

Regards
Stuart

STUART GARNETT

Head of Planning

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From: Connie Davis <Connie.Davis@wokingham.gov.uk>

Sent: 30 March 2026 17:32

To: Stuart Garnett <stuart@shorewoodhomes.co.uk>

Cc: Andrew Chugg <Andrew.Chugg@wokingham.gov.uk>; Brian Conlon <Brian.Conlon@wokingham.gov.uk>; Chris Zeal <chris@haineshill.com>; Richard Wickins <richard@shorewoodhomes.co.uk>

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