

## PLANNING COMMITTEE – 7 November 2024

**24/0813/FUL – Construction of single storey side extension; internal alterations; alterations to fenestration; replacement windows; and alterations to external materials to existing sports pavilion, installation of air source heat pump, alterations to hardstanding and associated landscaping at CHORLEYWOOD YOUTH FOOTBALL CLUB, CHORLEYWOOD HOUSE ESTATE, RICKMANSWORTH ROAD, CHORLEYWOOD, HERTFORDSHIRE**

Parish: Chorleywood Parish Council

Ward: Chorleywood North & Sarratt

Expiry of Statutory Period: 16.08.2024  
(Extension agreed to 14.11.2024)

Case Officer: Tom Norris

Recommendation: That the decision be delegated to the Head of Regulatory Services to consider any representations received and grant Planning Permission subject to conditions.

Reason for consideration by the Committee: TRDC are landowners of the application site

To view all documents forming part of this application please go to the following website: <a href="https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=SDTM0RQFJWM00">https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=SDTM0RQFJWM00</a>
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### 1 Relevant Planning History

- 1.1 97/0631 - Extension to clubhouse to provide additional changing facilities - 20.11.1997 – Permitted

### 2 Description of Application Site

- 2.1 The application site is located within the Chorleywood House Estate, approximately 200m north of the Rickmansworth Road. The land edged in red on the Location Plan includes the Chorleywood Youth FC clubhouse building and land immediately around it. The land edged in blue on the Location Plan includes the pitches to the north and east. The surrounding area is predominantly open fields in sport and recreation use.

### 3 Description of Proposed Development

- 3.1 Planning permission is sought for the construction of a single-storey side extension; internal alterations; alterations to fenestration; replacement windows; and alterations to external materials to existing sports pavilion, external air source heat pump, alterations to hardstanding and associated landscaping.
- 3.2 It is proposed that a side extension is built to the northern side of the existing building. The extension would have a width of 2.8m, a depth of 7.0m, and a height of 5.2m.
- 3.3 It is proposed that external material alterations are made including the use of larch cladding, natural slate roof, and metal framed doors and windows. It is proposed that fenestration amendments are made including the insertion of new entrances and new windows across the building. The roof to the building would be subject to a minor modification, bringing the ridge forward approximately 0.2m, while otherwise retaining its existing pitched form.
- 3.4 It is proposed that hardstanding is laid around the perimeter of the building to a maximum depth of 1.5m, from the principal walls.
- 3.5 Internally, the building would be rearranged however would contain the same facilities as it currently provides, including upgraded changing rooms, new accessible changing room, meeting hall, storage, kitchen and WCs.

3.6 It is proposed that five trees are planted adjacent to the existing building.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Chorleywood Parish Council:**

*The Committee had Concerns with this application on the following grounds: -*

*Due to the extent of the hard standing proposed it is considered that this element of application could amount to inappropriate development in the Green Belt.*

*With regards to the building itself, the Committee commends the design aspiration to improve a community asset.*

*Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended*

#### **4.1.2 National Grid: [No response received]**

### **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 1

4.2.2 Responses received: 27 (All support)

4.2.3 Summary of responses

- General support for the proposal
- Upgraded facilities are needed
- Current building is in disrepair

4.2.4 Site notice posted 26.06.2024, expired 17.07.2024.

4.2.5 Press notice not required.

## **5 Reason for Delay**

5.1 Committee cycle and receipt of further information for Biodiversity Net Gain.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 Legislation**

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

6.1.3 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

6.1.4 The Environment Act 2021.

### **6.2 Policy & Guidance**

## *National Planning Policy Framework and National Planning Practice Guidance*

- 6.2.1 In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

### *The Three Rivers Local Development Plan*

- 6.2.3 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.
- 6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM6, DM7, DM8, DM9, DM11, DM13 and Appendix 5.
- 6.2.6 Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021).

## 6.3 Other

- 6.3.1 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

## **7 Planning Analysis**

### 7.1 Impact on the Metropolitan Green Belt

- 7.1.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.
- 7.1.2 The NPPF identifies the five purposes of including land in Green Belts as:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns from merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 7.1.3 Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 7.1.4 Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.1.5 Paragraph 154 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages;
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development; or
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.1.6 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. This policy accords with the thrust of Green Belt guidance found within the NPPF and thus can
- 7.1.7 The existing clubhouse building was previously extended in 1997 under 97/0631, which doubled its original size to provide changing facilities. Any further extension to the building therefore is not considered to be justifiable based on NPPF Paragraph 154 (c) as a proportionate addition to the building, given that it would cumulatively more than double its original scale.
- 7.1.8 It is considered that the proposed development would however meet exception criteria (b) of NPPF Paragraph 154, as being an appropriate facility (in connection with the existing use of land or a change of use) for outdoor sport and recreation. The existing football club is an established use, and the proposed development seeks to upgrade the existing clubhouse building, which principally involves an interior and exterior refurbishment and a small single-storey side extension. The existing building is in a relative state of disrepair, externally and internally. The reason behind the proposed refurbishments is to upgrade the existing facilities, which are currently in a poor condition, having not been updated for over 25 years. The proposed development therefore aims to secure and support the well established use of the site for future generations.
- 7.1.9 A consideration of the overall impact to the openness of the Metropolitan Green Belt and actual harm to openness is a stipulation of NPPF Paragraph 154 (b). The proposed extension would have a relatively small plan area in the context of the existing building. The proposed extension would not cause the building to become significantly or harmfully more

prominent than the existing building. The extension would also match the proportions of the existing building, including height and depth.

7.1.10 The proposed development involves alterations to the external materials of the building. While the building would adopt a more modern appearance, it would still retain the look of a clubhouse building expected for the use and rural setting. The development also proposes relatively shallow perimeter paving to the building to a maximum depth of 1.5m from the principal walls. It is considered that the proposed paving is a functional amount and would not result in a harmful or urbanising impact.

7.1.11 In summary, it is considered that the proposed development is acceptable in accordance with Policy CP11 of the Core Strategy, Policy DM2 of the Development Management Policies DPD and the NPPF (2023).

## 7.2 Impact on Character and Appearance

7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

7.2.2 Policy CP1 of the Core Strategy also sets out that the Council will take into account the need to protect and enhance existing community, leisure and cultural facilities and provide new facilities while Policy CP12 of the Core Strategy states that the Council will expect development proposals to provide convenient, safe and visually attractive areas for the parking of vehicles and cycles without dominating the development or its surroundings.

7.2.3 Policy 2 of the Chorleywood Neighbourhood Development Plan states that all developments must demonstrate how they are in keeping with, and where possible enhance, the Special Characteristics of Chorleywood and that all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale, and design.

7.2.4 The proposed development is not considered to amount to harm to the character and appearance to the wider area. The building would remain clearly ancillary to the use as a football club, by virtue of its scale and siting, and would not appear out of character or harmful to the area in this regard. It is noted that the resultant building would have a more contemporary appearance however it is not considered that this would result in demonstrable harm.

7.2.5 The proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

## 7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.

7.3.2 Given the relatively isolated location of the site, there would be no impact upon any neighbour over and above the existing situation. The development proposes a small extension however this would not result in any impact and would not materially change how the building or site is used.

7.3.3 The proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

## 7.4 Highways & Parking

- 7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.4.2 While there would be a small extension, the proposed development would retain the current use of the building and therefore would not give rise to an increased demand for parking. The proposed development is therefore acceptable in this regard.
- 7.4.3 The proposed development is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).
- 7.5 Trees & Landscape
- 7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows, and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 7.5.2 The proposed development would not directly impact any trees. It is noted that the application site is located close to the boundary with an adjoining woodland. It is considered appropriate for tree protection fencing (BS 5837 2012) to be erected to the rear of the building during the development to prevent any indirect impact to the woods. This has been shown on the proposed block plan.
- 7.6 Biodiversity
- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected because of the application.
- 7.7 Mandatory Biodiversity Net Gain
- 7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).
- 7.7.2 The applicant has confirmed that if planning permission is granted for the development which this application relates, the biodiversity net gain condition would apply.

- 7.7.3 A biodiversity metric and report were submitted during the application. The metric confirmed that the proposed development would result in a biodiversity net gain of 28.52%, which would meet the 10% requirement. The report states that the net gain would be delivered on site, including the planting of five trees within the site. An amended Block Plan was submitted which showed the location of the proposed trees.

## **8 Recommendation**

- 8.1 That the decision be delegated to the Head of Regulatory Services to consider any representations received and grant Planning Permission subject to conditions.

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC-01 (Location Plan), 003 (Existing Site Plan), 002 01 (Existing Block Plan), 002 02 (Amended Block Plan - 18.10.2024), 200 (Proposed Sections), 100 (Existing Elevations), 100 (Proposed Elevations), 101 (Existing Elevations), 101 (Proposed Elevations), 004 (Existing Plan), 004 (Amended Proposed Plan -17.10.2024).

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers and the openness of the Green Belt, in accordance with Policies CP1, CP9, CP10, CP11, and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM6, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Neighbourhood Plan (2020).

- C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the approved plans and application forms, and no external materials shall be used other than those approved.

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

- C4 The tree protection measures, including fencing, as shown on drawing number 002 02 (Amended Block Plan - 18.10.2024) shall be installed in full accordance with the approved drawing before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is required to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Assessment dated September 2024 prepared by Matthew Game Consultancy.

Reason: To ensure the development delivers a Biodiversity Net Gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the Environment Act 2021.

- C6 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
- (a) a non-technical summary;
  - (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
  - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
  - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
  - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the development delivers a Biodiversity Net Gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the Environment Act 2021.

- C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to be considered at the time of the mandatory Biodiversity Net Gain condition, to ensure the measures are agreed and implemented within a satisfactory timescale in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

### **Informatives**

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.



There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary).

In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the district.
- 14 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 Three Rivers District Council.

Based on the information available, this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, 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.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. 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.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.