



**NEW FOREST DISTRICT COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**Town and Country Planning (Development Management Procedure) (England) Order 2015**

Mr Miell MRTPI

Application Number: 25/10398



Applicant: Harnden Homes Ltd

Date of Application: 16 April 2025

**THE NEW FOREST DISTRICT COUNCIL** as the Local Planning Authority **GRANTS PLANNING PERMISSION** for the following development:

Development: **Alterations to existing garage to facilitate a change of use to form a convenience store. Retain first floor C3 use**

Site Address: **20 Keyhaven Road, Milford-On-Sea SO41 0QY**

**Subject to the following Conditions:**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

23-121-100 - location plan  
23-121-101D - existing plans  
23-121-102G - proposed site plan  
23-121-103A - proposed first floor plan  
23-121-104B - proposed elevations

ADL\_6436-19A - vehicle tracking for 8.4m rigid vehicle  
ADL\_6436-20A - visibility splays site access & Laundry Lane  
ADL\_6436-21A - highway extents and area to be stopped up  
ADL\_6436-23\_1 - vehicle tracking for standard design vehicle (1 of 2)

ADL\_6436-23\_2 - vehicle tracking for standard design vehicle (2 of 2)

Design, Access, Planning & Heritage Statement dated March 2025  
 Retail, Sequential and Impact Assessment ref.R01129 dated 6 March 2025  
 Delivery Noise Assessment ref.93002 dated 24 March 2025  
 Plant Noise Guidance Report ref.93002 dated 24 March 2025  
 Plant and Car Park Noise Impact Assessment ref.93002 dated 22 August 2025  
 Sound Insulation Report ref.93002 dated 20 August 2025  
 Transport Statement ref.ADL/AM/6436/20A dated March 2025  
 Delivery Management Plan ref.ADL/AM/6436/13A dated January 2026  
 Groundworks Statement  
 Contaminated Land Desk Study Report ref.25-51582 dated April 2025

Reason: To ensure satisfactory provision of the development.

3. Prior to the application of the render, exact details of the proposed render colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. Prior to the commencement of the development hereby permitted, full details of the proposed materials to be used in the surfacing of the site, front boundary wall and residential bin store enclosure shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the commencement of the ground floor use.

Reason: In the interests of the character and appearance of the area and in accordance with policy ENV3 of the Local Plan Part 1 and policy DM1 of the Local Plan Part 2.

5. No development shall take place, (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall include scaled drawings illustrating the provision for:

- 1) the parking of site operatives and visitors' vehicles;
- 2) loading and unloading of plant and materials;
- 3) management of construction traffic and access routes;
- 4) storage of plant and materials used in constructing the development;
- 5) vehicle tracking demonstrating that the largest vehicles associated with the construction process can access, egress and turn within the confines of the site; and
- 6) wheel washing, preventing mud on the highway.

Reason: In the interests of highway safety and in accordance with policies ENV3 and CCC2 of the Local Plan Part 1 for the New Forest outside of the National Park.

6. Prior to the commencement of any development (including site clearance,

demolition, or preparatory works), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, the following details:

- Site Management
- Contact details of the site manager and emergency contact information.
- Hours of operation
- Environmental Controls
- Measures to control noise, dust, vibration, and odour.
- Pollution prevention measures including spill response and containment.
- Protection of watercourses and drainage systems.
- Waste and Materials Management
- Use of sustainable materials and minimisation of waste.
- Monitoring and Compliance
- Procedures for monitoring environmental impacts and compliance.
- Mechanisms for reporting and addressing complaints.

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

Reason: In the interests of the residential amenities of the area and in accordance with policies ENV3 and CCC1 of the Local Plan Part 1 for the New Forest outside of the National Park.

7. Prior to the first use or occupation of the retail use hereby permitted, the noise mitigation measures set out in the "Sound Insulation Assessment Report" prepared by Noise Solutions Ltd (Ref: 93002, dated 20 August 2025) shall be fully implemented in accordance with the recommendations contained therein. The approved measures shall thereafter be retained and maintained in accordance with the approved details for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with policies ENV3 and CCC1 of the Local Plan Part 1 for the New Forest outside of the National Park.

8. The development hereby permitted shall not be occupied until the spaces shown on plan 23/121/102 rev.G for the parking of motor vehicles and cycles have been provided. The spaces shown on plan 23-121-102 rev.G for the parking of motor vehicles and cycles shall be retained and kept available for the parking of motor vehicles and cycles for the store hereby approved and existing dwellings at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

9. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination nos.10-13 have been complied with.

If unexpected contamination is found after development has begun, development

must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 13 relating to the reporting of unexpected contamination has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan For the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's technical guidance, Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. Where contamination has been identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

12. Where a remediation scheme has been approved in accordance with condition 11, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM5 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

14. Where a remediation scheme has been approved in accordance with condition 11, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the period stated in the remediation scheme, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with the Environment Agency's technical guidance, Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policy DM4 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

15. No activity shall take place on the site in connection with the approved ground floor use other than between the hours of 0600 and 2300.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy ENV3 of the Local Plan Part 1 for the New Forest outside of the National Park.

16. All deliveries to the site should be in line with the details provided within the approved Delivery Management Plan (ref. ADL/AM/6436/13A dated January 2026), noting the size of the maximum vehicle size.

Deliveries to the site shall only be undertaken in accordance with the following provisions:

- All deliveries shall be carried out in accordance with the Delivery Management Plan set out in Section 7.9 of the Delivery Noise Assessment prepared by Noise Solutions Ltd (Ref: 93002, dated 24 March 2025), or any subsequent plan approved in writing by the Local Planning Authority,
- No more than two Heavy Goods Vehicle (HGV) deliveries shall be made to the site per calendar day. All deliveries shall be received at the designated

service yard as identified in the approved site layout plan,

- Deliveries shall only take place during the following hours:
  - Monday to Saturday: 07:00 to 22:00
  - Sundays and Bank Holidays: 09:00 to 17:00

No deliveries shall take place outside these hours unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity and in accordance with policy ENV3 of the Local Plan Part 1 for the New Forest outside of the National Park.

17. The noise mitigation measures outlined in the submitted Plant and Car Park Noise Impact Assessment undertaken by Noise Solutions Ltd (Project Reference: 93002 | Revision: 00 | Date: 22nd August 2025) shall be implemented prior to first use and thereafter adhered to at all times. These details shall include:

- the combined rating level from all plant and equipment as calculated in accordance with BS4142:2014 shall not exceed a rating level of 38dB LAr,Tr between the hours of 07:00hrs and 23:00hrs and 30dB LAr,Tr between the hours of 23:00hrs and 07:00hrs either measured or calculated at a distance of 1m from the facade of the nearest noise sensitive properties; and
- all plant, connecting ducts and pipes entering the building structure, shall be fitted with isolation mounts.

Reason: In the interests of the residential amenities of the area and in accordance with policy ENV3 of the Local Plan Part 1 for the New Forest outside of the National Park.

18. During any excavation works at the site, any trenches shall be covered over at night or fitted with a ramp.

Reason: In the interests of ecology and in accordance with Policy DM2 of the Local Plan Part 2 for the New Forest outside of the National Park.

19. The development shall be implemented in accordance with the approved highway improvement works, including the stopping up works, as shown on approved drawing ADL\_6436-21A, prior to the occupation of the ground floor use. The applicant shall provide a copy of the S.247 license to the Local Planning Authority within 20 working days of receipt of the license from the Local Highway Authority.

Reason: In the interests of highway safety and in accordance with Policy CCC2 of the Local Plan Part 1 for the New Forest outside of the National Park.

20. Prior to the commencement of development, a site-specific Dust Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be produced in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of dust from demolition

and construction' 2014 (as amended) and be implemented, maintained and retained for the duration of the development.

Reason: In the interest of the residential amenities of the area and in accordance with policy ENV3 of the Local Plan Part 1.

### Notes to applicant

1. Important notes, including the rights of appeal, are set out on a sheet attached to this notice and you are advised to read these carefully.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, Orders or Regulations made under such Acts.
3. If this permission leads to the creation of any new properties or a change to your property's access onto a different street, you should contact the Council's Address Management Section by e-mailing [address.management@nfdc.gov.uk](mailto:address.management@nfdc.gov.uk) regarding the addressing of the property/development.
4. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.
5. Public Sector Equalities Duty - In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to:  
eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;  
advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;  
foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
6. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

The applicant/agent/developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice. Address is:

Southern Gas Networks Plc  
SGN Plant Location Team  
Archibald Suite  
Baird Avenue  
Dryburgh Industrial Estate  
Dundee  
DD2 3TN

Tel: 0141 184093 OR 0845 0703497

Search online at: <https://lsbud.co.uk/>

SGN personnel will contact you accordingly.

7. 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 in writing.

**Based on the information available this permission is considered to be one which will not require the approval of a Biodiversity Gain Plan before development commences because one or more of the Statutory exemptions or transitional arrangements are considered to apply namely:**

- The development is below the de-minimis threshold

8. The applicant should be aware that as the proposals include
1. the formation of a new or altered access onto the highway, which will include works within the highway, and
  2. the stopping up of the highway as shown on drawing ADL\_6436\_21 rev A

the works will be required to be undertaken in accordance with standards laid down by, and for 1. under a Section 278 license agreement and 2. under a S.247 agreement with the Highway Authority. Full details of how to apply and the required documents to be submitted can be found via the following link:

<https://www.hants.gov.uk/transport/developers>.

The granting of planning permission is independent of the license applications, and it is strongly recommended the applicant understands the criteria to be met in order for a license to be granted.

## Mark Wyatt

Date: 11 February 2026

Mark Wyatt  
Service Manager Development Management  
Planning  
New Forest District Council  
Appletree Court  
Beaulieu Road  
Lyndhurst  
Hampshire  
SO43 7PA





## PLANNING CONDITIONS - How to seek approval:

From **1st April 2009** New Forest District Council will charge a fee for any submissions seeking the discharge of conditions on a planning permission.

**PLEASE NOTE Listed Building Consents and Conservation Area Consents do not form part of this process.**

This procedure is in accordance with The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 introduced in April 2008.

- All such requests must be **made in writing**.
- Any request regarding the initial discharge of a planning condition should be made on the **National 1 APP form**.
- There is a specific form for this type of application that can be obtained electronically via the Planning Portal by downloading the appropriate 1APP form from our website [www.newforest.gov.uk/planning](http://www.newforest.gov.uk/planning) or by collecting from our Main Receptions at Appletree Court, Lyndhurst or Lymington Town Hall.
- An **application by letter** for the initial discharge may be acceptable as long as this letter contains all details requested on the 1APP form identifies the site, the permission reference and the condition(s) concerned.
- **A fee is required** for initial discharge of a planning condition. Without a fee, the request cannot be determined. [Planning application fees](#)
- Each application **may relate to any number of conditions**. For example, if you wish to submit details of materials required for one condition and the landscaping scheme required for a second at the same time, you can make one application and pay one fee.
- Negotiation on minor changes to the submitted details can, if considered appropriate by the case officer, be undertaken. Where the exchange of information is ongoing it is not necessary for a new request (and fee) to be submitted.
- If an application is refused or confirmation is not given, a re-submitted request will be required with the payment of a further fee.
- The Council will **aim to respond within 10 working days** and whenever possible the 21 day period suggested as best practice will be met.
- If further evidence or consultations are required a longer period for determination will be appropriate. In such cases, the Council will aim to respond as soon as possible but this period would rarely exceed 8 weeks.

## Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals should be made online via [Appeal a planning decision](#). If someone does not have access to the internet and needs help completing the appeal digitally, they should contact the Planning Inspectorate customer service team on 0303 444 5000 who will provide details of support options available.
- Before making an appeal, you may find it helpful to review guidance and watch a video explaining the appeals process at [Make an appeal to the Planning Inspectorate and associated guidance](#).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

## (2) 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 he 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. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part 6 of the Town and Country Planning Act 1990.



### **Non Material Amendments to extant planning permissions**

From 1st October 2009 a new procedure will be in place to make 'non-material' amendments to an approved planning application. The procedure applies to planning applications only (and not listed building or conservation area consents).

Anything but the most insignificant change would need to be dealt with by the submission of a new planning application.

For example we could **not** accept amendments if:

- The application site area differs from the original application
- The application description differs from the original application
- There were any relevant objections to the original proposal which would be compromised by the proposed minor amendment
- If an amendment increases the size of any part of the development
- If the amendment locates any part of the development closer to a neighbour
- If the amendment changes windows or doors in any elevation facing a neighbour which increases overlooking in any way
- The development moves more than 1 metre in any direction
- Would result in a greater visual intrusion, loss of light or feeling of enclosure to neighbours
- The proposal would result in changes to the external details that would materially alter the appearance of the building

A submission to seek a minor amendment must be made using the correct form (available via the Planning Portal from the 1 October 2009 ) along with relevant plans and particulars to explain the proposed development, and fee [Planning Application fees](#). Only one copy of the form and information is required and you will be notified as to the decision within 28 days.

**If there is any doubt as to the nature or extent of the amendment the Council will ask for a new planning application to be submitted.** The issue is that the amendment proposed is so minor in its nature that there is no material change which has no adverse affect on adjoining properties, visual quality or the character of the area. No informal opinions can now be given and any such requests will be returned.

Post decision amendments will not be the subject of publicity, including notification to neighbours. Relevant drawings and the decision will be displayed on the website.



### BIO-DIVERSITY NET GAIN:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition:

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - a. the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - b. the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - a. Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - b. Development below the de-minimis threshold, meaning development which:
    - i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
  - c. Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
  - d. Development of a biodiversity gain site, meaning development which is undertaken solely

or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

- e. Self and Custom Build Development, meaning development which:
  - i) consists of no more than 9 dwellings;
  - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
  - iii) 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).
- f. Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) 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.

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

#### 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 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.

#### Variation of or removal of condition applications made under section 73 of the Town and Country Planning Act

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:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

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.

### Phased Developments

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).