



GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2024/0373

To Pegasus Planning Group Ltd
Pavilion Court
Green Lane
Garforth
Leeds
LS25 2AF

DESCRIPTION Erection of building for glass recycling; storage bays; office building, canteen and mess, alterations to existing vehicular access and new gatehouse; creation of new pedestrian/cycle access; weighbridges and associated works including landscaping.

LOCATION Stairfoot Brickworks, Wombwell Lane, Stairfoot, Barnsley, S70 3NS

Permission is **granted** for the proposals which were the subject of the Application and Plans registered by the Council on 28/05/2024 and described above.

The approval is subject on compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos) and specifications as approved unless required by any other conditions in this permission.
965-D5A-XX-XX-DR-A-0001- Site Location Plan
965-D5A-XX-XX-DR-A-0002-Amended Existing Site Plan Rev.C02
965-D5A-XX-XX-DR-A-0003- Amended Proposed Site Plan Rev.C02
965-D5A-XX-XX-DR-A-0004-Processing Building Proposed GA Plan
965-D5A-XX-XX-DR-A-0005- Processing Building_ Amended Proposed Roof Plan Rev.C02
965-D5A-XX-XX-DR-A-0006- Processing Building_ Amended Proposed Elevations Rev.C02
965-D5A-XX-XX-DR-A-0007-Processing_Building_ Amended Proposed Sections Rev.C03
965-D5A-XX-XX-DR-A-0008-Admin Building Proposed Plans
965-D5A-XX-XX-DR-A-0009-Admin Building Proposed Elevations and Sections
965-D5A-XX-XX-DR-A-0010-Gatehouse Proposed Plan and Elevations
965-D5A-XX-XX-DR-A-0011-Existing Site Section A
965-D5A-XX-XX-DR-A-0012- Amended Proposed Site Section A
965-D5A-XX-XX-DR-A-0013-Site Section B

965-D5A-XX-XX-DR-A-0014- Amended Site Section C
965-D5A-XX-XX-DR-A-0016-Portacabin Proposed Elevations
965-D5A-XX-XX-DR-A-0017- Supplementary Proposed Site Plan
REH2023N00909-RAM- DR-LX-00027- _Illustrative Landscape Mitigation Plan
Rev.P01

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 3 No development (including construction, land raising and demolition) shall be carried out other than in accordance with a Construction Environmental Management Plan (CEMP) that is first submitted to, and approved by, the Local Planning Authority. The CEMP shall include measures to control noise and dust during construction.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

- 4 Notwithstanding the submitted details, no development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include the following:
- a. Risk assessment of potentially damaging construction activities;
 - b. Identification of 'biodiversity protection zones';
 - c. An invasive non-native species protocol, if necessary;
 - d. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - e. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - f. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - g. The times during construction when specialist ecologists need to be present on site to oversee works;
 - h. Responsible persons and lines of communication;
 - i. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s).

Reason: To protect the environment and biodiversity during construction and in accordance with Local Plan Policy BIO1.

- 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 be adhered to throughout the construction period. The statement shall provide for:
The parking of vehicles of site operatives and visitors
- i. Means of access for construction traffic
 - ii. Loading and unloading of plant and materials
 - iii. Storage of plant and materials used in constructing the development
 - iv. Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interests of highway safety.

- 6 No development shall take place until a survey of the condition of the adopted highway to be used by construction traffic has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:
- I. A plan to a scale of 1:1250 showing the location of all defects identified
 - II. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a

- record of the date, time and weather conditions at the time of survey.
- III. On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety.

- 7 Prior to commencement of development a Remediation Scheme to address any contamination risks for the intended use, shall be submitted to and approved in writing by 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 development shall thereafter be undertaken in accordance with the agreed timetable of works. 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 Local Plan Policy CL1 Contaminated and Unstable Land.

- 8 The development granted by this notice must not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan, or
 - (c) the development is exempt from the biodiversity gain condition
- This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

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.

- 9 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) prepared in accordance with the approved Biodiversity Gain Plan has been submitted to an approved by the Local Planning Authority.

The HMMP shall include:

- 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, and approved in writing by, the local planning authority.
- f) A timetable for implementation and completion of creation and enhancement works.
- g) Notice in writing shall be given to the Council within 10 working days of the

implementation of the HMMP

- h) Notice in writing shall be given within 10 working days of the completion of the habitat creation and enhancement works as set out in the HMMP and a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Thereafter the created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP] for a period of 30 years following the completion of the development.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Local Plan Policy BIO1 and Schedule 7A of the Town and Country Planning Act 1990.

- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; and details of the materials into which the landscaping will be planted, together with details of the position and condition of any existing trees and hedgerows to be retained. The approved landscaping details shall be implemented prior to the site becoming operational.

Reason: In the interests of the visual amenities of the locality.

- 11 No development shall take place until fencing has been erected in accordance with a scheme, which shall first be submitted to and approved in writing by the Local Planning Authority. Such details shall specify the design, location, and height of the fence and measures for its maintenance. Thereafter the fencing shall be maintained for the duration of the development

Reason: In the interests of the residential amenity of the neighbour immediately adjoining the application site and in accordance with Local Plan Policies GD1 and POLL1.

- 12 Prior to the commencement of development, full details of any proposed works to increase the height or size of the existing bunds shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include

- a. details about the suitability of the re-use of any site won material,
- b. amount of material to be used,
- c. a plan detailing where material will be deposited,
- d. existing and proposed height and extent of the areas of bund to be added to.
- e. Details of proposed landscaping to heightened/extended bunds
- f. Timescale for bund operations

The approved scheme shall thereafter be implemented.

Reason: In the interests of the satisfactory visual appearance of the completed development and to ensure that the finished height of the bunds is acceptable and that any landscaping approved on the bunds has appropriate planting medium in accordance with Local Plan Policies GD1 and BIO1.

- 13 Prior to the commencement of development, an odour management scheme shall be submitted to the Local Planning Authority for approval in writing. The odour management scheme shall include measures to ensure that any odour associated with the development does not cause adverse impacts on health or the quality of life, especially to those living and working in the vicinity. The approved scheme shall thereafter be maintained for the lifetime of the development.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

- 14 Before use of the development commences, a pest control scheme shall be submitted to the Local Planning Authority for approval in writing. The pest control scheme shall detail measures to ensure that any pests associated with the development do not cause adverse impacts on health or the quality of life, especially to those living and working in the vicinity. The approved scheme shall thereafter be maintained for the duration of the development.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.
- 15 Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway works as indicated on drawing number 300306-001 has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the highway works are designed to an appropriate standard in the interest of highway safety.
- 16 Upon commencement of development, details of measures to facilitate the provision of gigabit-capable full-fibre broadband for the development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details
Reason: In the interests of sustainable development, in accordance with Local Plan policy I1 Infrastructure and Planning Obligations.
- 17 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
Reason: In the interests of satisfactory and sustainable drainage.
- 18 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works details of which shall have been submitted to and approved by the Local Planning Authority in consultation with Yorkshire Water. If discharge to the public sewer is proposed, the information shall include:
- a) Evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) Evidence of existing positive drainage to public sewer and current points of connection; and
 - c) The means of restricting the discharge to the public sewer to the existing rate less a minimum 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
- Reason: To ensure that no surface water discharge takes place until proper provision has been made for its disposal and in the interests of sustainable drainage.**
- 19 Before use of the development commences, the noise mitigation measures described in report 'Noise Impact Assessment' produced by Ramboll dated March 2024, project number: 1620015371-001, shall be fully implemented. Thereafter the scheme shall be maintained for the duration of the development.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

- 20 During construction or demolition works, activity shall only take place onsite between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.
- 21 Prior to commencement of use hereby permitted the vehicular access shall be upgraded / widened in accordance with drawing no 300306-001 and constructed in accordance with the BMBC commercial access construction specification. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
Reason: In the interest of highway safety and traffic movement.
- 22 Prior to the commencement of the use hereby permitted, a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05m above the level of the adjacent highway carriageway.
Reason: In interests of highway safety.
- 23 Prior to the commencement of the use hereby permitted, the proposed access, on-site car/cycle/HGV parking and turning shall be laid out in accordance with the approved plan and shall thereafter be retained.
Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard.
- 24 The Travel Plan hereby approved shall be implemented in accordance with the measures set out therein. Within three months of occupation, evidence of the implementation of the measures set out in the Travel Plan shall be prepared, submitted to and agreed in writing with the Local Planning Authority.
Reason: To support sustainable transport objectives.
- 25 The Arboricultural Method Statement hereby approved shall be implemented in accordance with the measures set out therein.
Reason: To ensure that the development takes the form envisaged by the Local Planning Authority in relation to works to and protection of the trees on site in accordance with Local Plan policy BIO1.
- 26 Notwithstanding the planning permission hereby granted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer on or near to the site.
Reason: To prevent damage to the existing sewer.
- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected, nor shall any works which are not development be placed on the revised safeguarded railway line as shown on the Supplementary Proposed Site Plan drawing number 965-D5A-XX-XX-DR-A-0017 - Rev CO1.
Reason: To ensure that an alternative safeguarded railway line is secured in the interests of ensuring the potential reinstatement of this former strategic railway line in accordance with Local Plan policy T2.

- 28 The use hereby permitted shall be carried on only between the hours of 7am to 7pm Mondays to Fridays, and at no time on Saturdays, Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.
- 29 Deliveries and any other vehicle movements shall only take place between the hours of 0100 & 1900 Monday to Friday and at no time on Saturdays, Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.
- 30 The development shall be undertaken in accordance with lighting mitigation measure set out in the approved Exterior Lighting Design and Lighting Impact Assessment and the approved lighting mitigation measures shall be maintained and not altered without the prior written approval of the Local Planning Authority.
Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when granted permission, in the interests of residential amenity and the protection of potential bat habitats; in accordance with Local Plan policies GD1, Poll1 and BIO1.

Informative(s)

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

- 1 The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email HighwaysDC@barnsley.gov.uk or call to 01226 773555.
- 2 Fees associated with the required condition survey together with any necessary remedial works and any relevant s278 agreement are to be borne by the developer. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. HighwaysDC@barnsley.gov.uk for further information prior to commencement. No hoarding shall be erected on or within the extent of the public highway without the prior approval of the Local Highway Authority and the necessary licencing being obtained. Applications for licences can be made via: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/licences-for-scaffolding-and-hoardings/>
- 3 You are advised that the development hereby permitted requires you to dig up a road, pavement, or grass verge to install or replace service apparatus (gas pipes, electricity cables, sewers), or to place any equipment, materials in, on, above or abutting a highway requires you to have a licence. Further details are available on the BMBC website at: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/> or my contacting Streetworks@barnsley.gov.uk
- 4 If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
- 5 Public rights of way run alongside the proposed development site. Safe public access on the rights of way should remain available whenever possible, with no obstruction of or encroachment onto the width of the paths, including from any on site planting and no building debris, storage of materials or parked vehicles limiting access at any time. Appropriate measures should be taken to protect the public, including fencing if necessary. If safe public access is not possible at any time then a temporary closure should be arranged, providing at least 4 weeks' notice and details of how public access will be managed. For further information contact publicrightsofway@barnsley.gov.uk.
- 6 The developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451 242424) on any proposal to discharge trade effluent to the public sewer network.
- 7 The General Biodiversity Gain Condition
The Town and Country Planning Act has been amended to make every grant of planning permission deemed to have been granted subject to the following General Biodiversity Gain Condition:
The development may not be begun unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority; and
(b) the planning authority has approved the plan.

The purpose of the General Biodiversity Gain Condition is to secure the 'Biodiversity Objective', which requires the post-development biodiversity value to exceed the pre-development biodiversity value of the on-site habitat by at least 10%.

Biodiversity net gain can be achieved through habitat creation or enhancement on-site or off-site; the purchase of biodiversity units from a habitat bank; or as a last resort through the purchase of statutory credits; or a mixture of these.

- 8 When calculating the post-development biodiversity value of a habitat, the Local Planning Authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This will be must be secured either by a planning condition, planning obligation, or conservation covenant.
- 9 The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately. The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.
- 10 HMMP template and other information can be found at this link
<https://publications.naturalengland.org.uk/publication/5813530037846016>

A Biodiversity Net Gain Template can be found here

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 27 November 2024



Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

The grant of this consent does not constitute or imply permission, approval or consent by the Local Authority for any other purpose.

NOTES:

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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 it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions 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 can he 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 in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

STATUTORY BIODIVERSITY NET GAIN CONDITION

DEEMED CONDITION

(As required Schedule 7a of the Town and Country Planning Act 1990 (as amended) and inserted by the Environment Act 2021)

Development may not be begun unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority; and
2. The Local Planning Authority has approved the plan.

The Biodiversity Gain Plan must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) the pre-development biodiversity value of the onsite habitat;
- c) the post-development biodiversity value of the onsite habitat;
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) any biodiversity credits purchased for the development; and
- f) any such other matters as the Secretary of State may by regulations specify.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- g) name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- h) a description of the development and planning permission reference number (to which the plan relates);
- i) the [relevant date](#), for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- j) [the completed biodiversity metric calculation tool\(s\)](#), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the [relevant date](#), and post-development biodiversity value;
- k) a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- l) (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- m) pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the [relevant date](#), and drawn to an identified scale and showing the direction of North;
- n) a description of any [irreplaceable habitat](#) on the land to which the plan relates which exist on the [relevant date](#), and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
- o) if [habitat degradation](#) has taken place:
 - i. a statement to this effect,
 - ii. the date immediately before the degradation activity,
 - iii. the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
 - iv. any available supporting evidence for the value.

INFORMATIVE 1

When calculating the post-development biodiversity value of a habitat, the Local Planning Authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant

INFORMATIVE 2

The General Biodiversity Gain Condition has a separate legal basis in contrast to other planning conditions and will apply to all planning permissions, unless exempt. The General Biodiversity Gain Condition will therefore not appear on the decision notice along with the list of planning conditions imposed on the application, rather it will be referenced separately.

The General Biodiversity Gain Condition cannot be varied or removed by an application under section 73 of the Town and Country Planning Act. It also cannot be discharged as part of the grant of planning permission.

INFORMATIVE 3

A Biodiversity Net Gain Template can be found here

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

INFORMATIVE 4

The statutory deemed condition above is relevant to all major applications submitted since 12th February 2024 and to all non-major applications submitted after 2nd April 2024, unless exempt. Exemptions can be found at this link <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>