

# APPLICATION FOR THE DISCHARGE OF A PLANNING CONDITION CASE OFFICER REPORT

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|------------------------|------------------------------------------------------------------|
| APPLICATION REFERENCE: | PL/2026/01883                                                    |
| APPLICATION TYPE:      | DISCHARGE OF CONDITION                                           |
| SITE ADDRESS:          | Manor Farm, Bath Road, Froxfield                                 |
| PROPOSAL:              | Discharge of Biodiversity Net Gain associated with PL/2025/03149 |

## PROPOSAL

This report has been prepared to support the application for the discharge of statutory biodiversity gain plan condition attached to the planning permission under the provisions of Section 7A of the Town and Country Planning Act 1990 (as amended). The planning permission was granted for the development of the land at Manor Farm, Bath Road, Froxfield on 9<sup>th</sup> October 2025 under reference number PL/2025/03149.

## Biodiversity Gain Plan (BGP)

This report outlines how the BGP condition has been satisfied and includes the necessary documentation to evidence compliance.

## CONSULTATION

### WC Ecology – No response

## ASSESSMENT

### Biodiversity Gain Plan (BGP) Condition:

The BGP condition, imposed by Section 90A and Schedule 7A of the TCPA. Schedule 7A Paras.1, 2 and 13 state that:

*1(1) This Schedule makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met.*

*2(1) The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.*

*(2) The biodiversity value attributable to the development is the total of—*

*(a) the post-development biodiversity value of the onsite habitat,*

*(b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and*

*(c) the biodiversity value of any biodiversity credits purchased for the development.*

*(3) The relevant percentage is 10%...*

*13(1) Every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition in sub-paragraph (2).*

*(2) The condition is that the development may not be begun unless—*

*(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*

*(b) the planning authority has approved the plan (see paragraph 15).*

Para. 9 is engaged where an LPA considers that the BNG increase is significant in relation to the pre-development biodiversity value. In this case, the LPA is satisfied the increase is not significant.

Para. 14 sets out the matters to be included within a BGP and the form of the BGP. Para. 15 sets out the terms under which an LPA can approve a BGP. These include:

*(a) that the pre-development biodiversity value of the onsite habitat is as specified in the plan,*

*(b) that the post-development biodiversity value of the onsite habitat is at least the value specified in the plan,*

*(c) that, in a case where any registered offsite biodiversity gain is specified in the plan as allocated to the development—*

*(i) the registered offsite biodiversity gain is so allocated (and, if the allocation is conditional, that any conditions attaching to the allocation have been met or will be met by the time the development begins), and*

*(ii) the registered offsite biodiversity gain has the biodiversity value specified in the plan in relation to the development,*

*(d) that any biodiversity credits specified in the plan as purchased for the development have been so purchased,*

*(e) that the biodiversity gain objective is met...*

#### **Case Officer Response:**

The BGP is considered to have been submitted in the format as required by the legislation. It also covers the main matters. It confirms that an increase of approximately 16% would be achieved through on-site enhancements achieved by enhancing the grassland strip in the south of the site, 0.014 hectares of modified grassland will be enhanced from moderate to good condition with additional native tree planting. This approach has been carried through from the original application.

The LPA is satisfied that the BGP can achieve the 10% biodiversity gain objective of Schedule 7A of the TCPA and the details can be approved.

**RECOMMENDATION:**

To APPROVE the Biodiversity Gain Plan.