

APPLICATION FOR DISCHARGE OF PLANNING CONDITION CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/05756 and PL/2026/05242
APPLICATION TYPE:	Approval of details reserved by condition
SITE ADDRESS:	Lacock Abbey, High Street, Lacock, Chippenham, SN15 2LG
DEVELOPMENT DESCRIPTION:	Discharge of informative condition 3 (Biodiversity Gain Condition) relating to application PL/2025/05070 Discharge of Condition 5 (Biodiversity Enhancement) relating to application PL/2025/05070
RECOMMENDATION:	Detail submitted in compliance with Condition 5 of PL/2025/05070 be APPROVED and deemed BNG condition be DISCHARGED

REASON FOR APPLICATION

Application PL/2025/05070 *Temporary planning permission to use the area as a summer of play hub during July and August each year for the next 3 years (up to September 2028). To include the siting of a marquee, tipi, 2 bell tents, stage and festival flags* was approved on 30.09.2025 subject to 8 conditions.

Condition 5 requires details of biodiversity enhancement to be approved prior to commencement of development or removal of vegetation.

Condition 8 requires details of external lighting to be approved prior to installation.

An informative notifying the applicant of statutory biodiversity net gain (BNG) requirements was included as part of the decision associate with PL/2025/05070.

RELEVANT CONDITIONS OF PL/2025/05070 REQUESTING DISCHARGE

Condition 5 states:

No development or removal of vegetation will take place until details of biodiversity enhancement including a plan showing the location(s) and type(s) of feature(s) to enhance the site have been submitted and approved in writing by the local planning authority.

REASON: To avoid adverse impacts on biodiversity. Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 193d).

Informative RE deemed BNG condition:

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 Wiltshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. For further information on exempt developments please refer to:

<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

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.

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.

RELEVANT LEGISLATION, POLICY AND GUIDANCE

[Planning Policy Guidance \(PPG\)](#)

[Town and Country Planning Act 1990 \(TCPA\)](#)

- [Schedule 7A](#)

REPRESENTATIONS

Councils Ecology Team: No objection

The parent application (PL/2025/05070) was supported by a Preliminary Ecological Appraisal and a Biodiversity Net Gain (BNG) Technical Note. Following an initial objection from the Ecology Officer, the applicant submitted further details regarding the mandatory BNG requirement.

This included a letter from Johns Associates justifying a de-minimis BNG exemption.

Consequently, the Ecology Officer removed their objection, requesting a condition to ensure development follows the submitted biodiversity enhancement details. This aligns with Core Policy 50 (WCS) and Section 15 of the NPPF.

The decision notice for PL/2025/05070 included a Biodiversity Gain Plan (BGP) informative. This informative notes that statutory exemptions and transitional arrangements mean the biodiversity gain condition does not always apply. In line with this guidance, we believe this development qualifies for an exemption, fulfilling the statutory BNG requirements.

However, we welcome the applicant's submitted BNG metric and Biodiversity Enhancement Plan. These documents should be sufficient to fully discharge Condition 5 of parent permission PL/2025/05070 under Core Policy 50 (WCS) or Section 15 of the NPPF.

INFORMATION PROVIDED WITH THE APPLICATION

The following summarised information has been provided to/assessed by the Local Planning Authority (LPA):

Application form	Indicating that the requested conditions of PL/2025/05070 requesting discharge are condition 5 and the deemed BNG condition.	Signed and dated on 11.08.2026	Sufficient to clarify the reason for application.
Copy of Decision Notice	Confirming condition wording associated with PL/2025/05070	Dated 30.09.2025	
Location Plan	‘summer of play’ Showing the extent of the site associated with PL/2025/05070	Undated	
Biodiversity Enhancement Plan	Prepared by Johns Associates Ltd Providing detail including: - Methodology - Retention measures - Enhancement measures - Monitoring	Dated 21.07.2026	Sufficient to allow for assessment of condition 5 and the deemed BNG condition.
Biodiversity Gain Plan	Department for Environment Food & Rural Affairs form	Dated 11.08.2026	
BNG Metric	V2.0	Dated 15.07.2026	

ASSESSMENT AND CONCLUSION

The detail provided under applications PL/2026/05242 and PL/2026/05756 is sufficient to allow for the LPA to determine the applications.

Consultation with the Councils ecology team resulted in no objections being raised and the observation that the development approved is likely exempt from statutory BNG.

Detail submitted in compliance with the aims of Condition 5 of PL/2025/05070 should be approved and the deemed BNG condition should be discharged.

RECOMMENDATION: Detail submitted in compliance with Condition 5 of PL/2025/05070 be APPROVED and deemed BNG condition be DISCHARGED

INFORMATIVES TO APPLICANT:

- This Local Planning Authority is satisfied that the following detail submitted under application PL/2026/05756 meets the pre-commencement aims of Condition 5 of PL/2025/05070 to such a degree that the detail is approved:

Biodiversity Enhancement Plan, Prepared by Johns Associates Ltd, Dated 21.07.2026

- The development or removal of vegetation associated with PL/2025/05070 can take place in accordance with the details hereby approved.
- This Local Planning Authority is satisfied that the detail submitted under application PL/2026/05242 indicates that the development approved under PL/2025/05070 is exempt from deemed biodiversity net gain condition. Consequently, for the purposes of 'informative 3' attached to PL/2025/05070 the BNG condition is considered discharged.
- This decision should be read in conjunction with PL/2025/05070