

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	25/01915/FULMAJ Aldermaston	18 <sup>th</sup> December 2025 <sup>1</sup>	Part retrospective: Retention of storage shed, entrance gates, hard surfacing and boundary treatments (including gabion walls, security railings, and mesh fencing), as well as the marginal extension of boundary treatments and additional hard surfacing.  Padworth Saw Mills  Rag Hill  Aldermaston  Reading  RG7 4NU  Mr P Harrington,

<sup>1</sup> Extension of time agreed with applicant until 6<sup>th</sup> March 2026

The application can be viewed on the Council's website at the following link: [25/01915/FULMAJ | Part retrospective: Retention of storage shed, entrance gates, hard surfacing and boundary treatments \(including gabion walls, security railings, and mesh fencing\), as well as the marginal extension of boundary treatments and additional hard surfacing. | Padworth Saw Mills Rag Hill Aldermaston Reading RG7 4NU](#)

**Recommendation Summary:** To delegate to the Development Manager to GRANT PLANNING PERMISSION

**Ward Member(s):** Councillor Dominic Boeck

**Reason for Committee Determination:** More than 10 objections

**Committee Site Visit:** 25<sup>th</sup> February 2026

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## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks part retrospective planning permission for the retention of a storage shed, entrance gates, hard surfacing and boundary treatments (including gabion walls, security railings, and mesh fencing), as well as the marginal extension of boundary treatments and additional hard surfacing, at Padworth Saw Mills, Rag Hill, Aldermaston.
- 1.3 The application site covers 4.35 hectares, and utilises the site of the Padworth Saw Mills. The site is accessed from Rag Hill, Aldermaston. The site has been in a B8 use for a number of years, for uses associated with the sawmill business that took place on the site.
- 1.4 The application is seeking the retention of the gabion walls and fencing which have been erected along the site boundary, the retention of an area of hard surfacing, and additional hard surfacing across a larger part of the site, and the retention of a storage shed. The application also identifies areas of the site that will be allocated as open air storage. The application also includes an area of proposed soft landscaping along a section of the northern boundary of the site along Rag Hill. New gates and fencing and alterations to the entrance are also included within the application.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
78/08840/ADD	Erection of building to store fencing stakes	Refused 26/07/1978
78/09580/CERTE	Established use of land for buying of timber for debarking machining treating and selling as fencing stakes	Approved 06/04/1979
79/10565/ADD	Erection of building for debarking treating & storage of fencing stakes	Approved 30/05/1979
80/12315/ADD	New building for messroom/kitchen/toilets for workers	Approved 03/04/1980
82/18298/ADD	New building for storage of timber for fencing stakes/post & rails	Approved 05/01/1983
85/24661/ADD	Extension to existing use	Refused 09/10/1985

		Appeal Allowed 11/09/1986
85/25290/ADD	Extension to existing use	Refused 02/01/1986
86/25673/ADD	Tipping of Soil	Approved 28/08/1986
93/43963/ADD	Industrial building for manufacture of fence posts	Approved 15/02/1994
01/01432/CERT	Workshop and garage commercial use	Approved 08/07/2002
10/02834/CERTE	B8 Storage and distribution business from area and buildings.	Approved 24/01/2012

### 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on 26<sup>th</sup> September at the site entrance, with a deadline for representations of 17<sup>th</sup> October 2025. A public notice was displayed in the Newbury Weekly News on 25<sup>th</sup> September 2025; with a deadline for representations of 9<sup>th</sup> October 2025. Notification letters were sent to 4 neighbouring properties.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No		
New Homes Bonus	No		

Affordable Housing	No		
Public Open Space or Play Areas	No		
Developer Contributions (S106)	No		
Job Creation	Yes	6.14	

- 3.4 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy>
- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.

- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions – if relevant) However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of employment land.
- 3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.12 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. Upper Church Farm Aldermaston, is a grade II listed building situated 120 metres to the south-west of the site. Due to the intervening buildings the proposal does not affect the setting of this listed building.
- 3.13 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. There are no Conservation Areas in close proximity to the site

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Aldermaston Parish Council:</b>	Welcome the application to regularise the development that has taken place, but raise concerns that there are other additional works that need to be addressed, and object to the application
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	<ul style="list-style-type: none"> <li>• Importation of material and engineering works to raise ground levels, and the LPA should consider whether these are lawful and how to mitigate damage</li> <li>• Buildings of varying nature on the plans, some are new and may need consent along with the storage shed</li> <li>• Impact of run-off from area so asphalt and concrete</li> <li>• The application assumes the whole site has B8 use, there is a history of planning application of the parts of the site near the entrance, there are sporadic unauthorised uses since 2014 that do not benefit from planning permission, and aerial photos show parts of the site being used to dump waste, the site requires site restoration, remediation, and a planning application for a material change of use</li> <li>• Intensification of the use of the site has not been addressed, increased productivity will lead to material change of use and exacerbate problems with poor access, and may have safety implications associated with AWE Aldermaston.</li> <li>• Access to the site via Rag Hill is unsuitable for HGV traffic, there are limited passing places and HGVs and other commercial vehicles frequently need to reverse over ¼ of a mile before a passing place is found.</li> <li>• Exacerbate a dangerous situation for residents and cyclists using Rag Hill, as it is part of a WBC designated cycle route, and connects tow footpaths, and a Bridleway</li> <li>• Photographs of the site at different times have also been included with the representation</li> <li>• Detrimental impact on visual amenity of the security fencing and gabion walls, erection a fence inside the landscaping would have been more appropriate, and replacement landscaping is required.</li> <li>• Requests conditions to control hours of operations; a lighting plans; restrictions on the access route, a screening plan should be agreed to reduce visual intrusion and limit noise disturbance; the applicant should be responsible for monitoring and managing water drainage to third party land; an engineer should assess the robustness if the construction of the land levels; measures to ensure vulnerable users of the highway are not affected or put at risk when HGVs reverse</li> </ul>
<b>Highways:</b>	No highway objections
<b>Environmental Health:</b>	No objections

<b>LLFA:</b>	No objection subject to conditions
<b>Trees:</b>	Object: The removal of 100-120 m of boundary trees along Rag Hill has taken place and replaced in part by gabion crates and metal fencing, previously it was tree lines. There has been a loss of a significant number of trees to the detriment of the character of the area, the mitigation proposed will be set back from the public realm and not soften the visual impact from the road or public footpath.
<b>Active Travel England:</b>	No comment
<b>Waste Management:</b>	No comment
<b>Royal Berkshire Fire &amp; Rescue Service</b>	No duty on the Fire Service to comment on the application and highlight requirements of S32 of the Berkshire Act 1986.
<b>Nature Space:</b>	No objection, and provide informatives about the reducing the potential impact on Greater Crested Newts
<b>Archaeologist:</b>	There are no archaeological implications to this proposal, but most if the boundaries could be of later 19 <sup>th</sup> century date or older and might have ecological as well as historic interest.
<b>Ecology:</b>	1 <sup>st</sup> Response: Need to review the BNG Calculator which was not submitted with the application  2 <sup>nd</sup> Response: Sufficient information provided and recommend conditions
<b>Thames Water:</b>	No response received
<b>Access Officer:</b>	No response received
<b>Thames Valley Police:</b>	No response received
<b>SPOKES:</b>	No response received
<b>Economic Development:</b>	No response received
<b>Transport Policy:</b>	No response received
<b>Environment Delivery Team:</b>	No response received
<b>Integrated Care Board:</b>	No response received

## ***Public representations***

4.2 Representations have been received from 14 contributors, 0 of which support, and 14 of which object to the proposal.

4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Insufficient passing places on the single track road for lorries and trucks which is dangerous
- Road has a 7.5 tonne limit apart from access, and access direction has a width restriction
- Traffic calming or reduction in the speed limit should be considered
- The lane is frequently used by local residents, walkers, horse riders, fitness groups,
- Problems experienced with lorry driver behaviours, and damage to verges
- Impact on the rural character of the area, removal of the trees, and replacement with the gabions and fencing, this should be behind the screening
- Increase in noise, traffic and potential pollution will disturb habitats and threaten species that rely on hedgerows, fields and woodland
- The site has grown from a small shed building company 8 years ago to a heavy goods logistics hub down a residential country road which is unsuitable
- Many close miss incidents
- Noise pollution for residents
- Flood risk from the site as there is an ongoing problem with water running down Rag Hill
- Rag Hill not designed for the size and volume of traffic
- Insufficient access for expansion of the site
- Accept that there has been some commercial use established historically. The majority of the site does not have planning permission and no continuous use has existed, which has allowed the change of use through the passage of time, the area of Harris' Copse should be returned to agricultural land, not incorporating it into the site and doubling it.
- Land levels have been increased and some of this has been by the previous owner who was prosecuted, and waste should have been removed but this did not occur, and more has been added, and inert material continues to be delivered to site
- Due to changes in land level the remaining screening does not adequately screen the site
- Light pollution from lights left on overnight
- Reliant on adjoining landowners to provide screening
- Noise impact for neighbours
- Negative impact on adjacent land due to groundwater leaching out of the banks the soakaways are not deep enough
- The Technical Note identifies that lorries will use the north exit from the site, but this has a width restriction in place, and the southern route has been identified as unsuitable
- Incorrect site boundary
- The mature tree and hedges historically provided natural protection which significantly lessened the impact of frost and ice
- Inadequate site screening
- There are other buildings on the site which should be considered as part of the application
- No more HGVs should be allowed to go through Aldermaston village
- Incursion to adjoining land, metal fencing has replaced wood fencing

- Potential leaching from the site.
- Para 116 of the NPPF refers to the cumulative impacts on the highway, and the size of the lorries is an unacceptable impact

## 5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

Development Plan Document	Relevant Policies
<u>West Berkshire Local Plan Review 2023-2041</u>	<p><b>Strategic Policies</b></p> <ul style="list-style-type: none"> <li>• Policy SP1 The Spatial Strategy</li> <li>• Policy SP3 Settlement Hierarchy</li> <li>• Policy SP4 AWE Aldermaston and Burghfield</li> <li>• Policy SP5 Responding to Climate Change</li> <li>• Policy SP6 Flood Risk</li> <li>• Policy SP7 Design Quality</li> <li>• Policy SP8 Landscape Character</li> <li>• Policy SP9 Historic Environment</li> <li>• Policy SP10 Green Infrastructure</li> <li>• Policy SP11 Biodiversity &amp; Geodiversity</li> <li>• Policy SP17 Strategic Approach to Employment Land</li> <li>• Policy SP19 Transport</li> <li>• Policy SP20 Infrastructure Requirements &amp; Delivery</li> </ul> <p><b>Development Management Policies</b></p> <ul style="list-style-type: none"> <li>• Policy DM3 Health &amp; Wellbeing</li> <li>• Policy DM4 Building Sustainable Homes &amp; Businesses</li> <li>• Policy DM5 Environmental Nuisance &amp; Pollution Control</li> <li>• Policy DM6 Water Quality</li> <li>• Policy DM7 Water Resources &amp; Waste Water</li> <li>• Policy DM8 Air Quality</li> <li>• Policy DM15 Trees, Woodland &amp; Hedgerows</li> <li>• Policy DM30 Residential Amenity</li> <li>• Policy DM35 Sustaining a Prosperous Rural Economy</li> <li>• Policy DM41 Digital Infrastructure</li> <li>• Policy DM42 Transport Infrastructure</li> <li>• Policy DM44 Parking</li> <li>• Policy DM45 Travel Planning</li> </ul>

5.2 The following material considerations are relevant to the consideration of this application:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- National Design Guide
- Quality Design SPD (2006)
- Planning Obligations SPD (2014)
- Sustainable Drainage Systems SPD (2018)

## 6. Appraisal

### *Principle of development*

- 6.1 The most important policies for assessing the principle of development are Policies SP1, SP3, SP17, and DM35 of the Local Plan Review. These are assessed below.
- 6.2 **Policy SP1** sets the overarching spatial strategy for West Berkshire, which directs development to areas of lower environmental value, optimises use of previously developed land, and optimises the density of development to make the best use of land whilst conserving and enhancing the distinctive character and identity of the built, historic and natural environment.
- 6.3 The application site is located with the spatial area known as the Eastern Area. The policy states that the area will continue to be important for business development with the retention of designated employment areas. Outside of settlement boundaries, land will be treated as open countryside where development will be more restricted, as set out in policy DM35 for economic development.
- 6.4 **Policy SP3** provides a settlement hierarchy to focus development based on the function and sustainability of settlement across the District and promote sustainable communities. Development outside of these settlements, in other rural hamlets and in isolated groups of development will be restricted to that which is appropriate in a rural area.
- 6.5 The application site is located outside of any settlement boundary, and is therefore treated as open countryside where development is more restricted, and policy DM35 applies. A detailed assessment against Policy DM35 follows, but it is considered that the proposed development complies with Policy DM35 and therefore is also in accordance with Policies SP1 and SP3.
- 6.6 **Policy SP17** sets the strategic approach to employment land. It states that through the LPR the Council will seek to facilitate the growth and forecasted change of business development over the plan period through site allocations and by promoting the supply of B8 storage space in the District.
- 6.7 According to Policy SP17, appropriate proposals for business development (offices, industrial, and storage and distribution) will be supported where they are located:
- a) On sites allocated for business development in accordance with the individual site specific policy (ESA1 -ESA6) in this Plan of any subsequent neighbourhood plans; or
  - b) On a suitable site within a settlement boundary; or
  - c) Within a Designated Employment Area (DEA) in accordance with policy DM31, and as listed in Appendix 4 and as defined on the Policies Map; or
  - d) On previously developed land within existing suitably located employment sites; or

- e) Within the countryside provided the proposal is in accordance with other relevant policies within the Plan, in particular policy DM35.
- 6.8 The policy goes on to say that the redevelopment and regeneration of existing employment sites for business use will be supported.
- 6.9 The application site is land which has a long established history of employment use, and an examination of the planning history indicates that through the granting of lawfulness certificates and the implementation of planning permissions that there is a B8 use across the whole of the planning application site. The application is seeking permission for the retention of a building on the site, works to the boundaries and retention of hard surfacing, and extension of this surfacing within the site. Given that the site is previously developed land and is proposed to support an existing use, the principle of the development is considered to be acceptable.
- 6.10 Policy SP17 further states that the redevelopment and regeneration of existing employment sites for business uses will be supported. A range of types and sizes of employment sites and premises will be encouraged throughout the District to meet the needs of the local economy. Proposals for business development should be of a high quality design and in keeping with the surrounding environment.
- 6.11 Overall, the proposal is considered to comply with Policy SP17.
- 6.12 **Policy DM35** (sustaining a prosperous rural economy) states that development proposals that contribute to sustaining a prosperous rural economy will be encouraged. To support the rural economy, proposals for economic development in the countryside will only be permitted where they satisfy the given criteria.
- 6.13 It should be noted that Policy DM35 applies to all forms of economic development in the countryside. This is consistent with paragraph 88 of the NPPF which states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings.
- 6.14 The criteria of policy DM35 are set out below, with an appraisal of the proposed development.
- a) The proposals demonstrate that the business can make a positive contribution to the rural economy.

The Planning Inspector's Paragraph 24 of the Hoad Way Theale appeal decision (APP/W0340/W/25/3360702) reinforces that "the [current Local Plan Review] policies are not worded to specify or limit the particular nature of the proposed development to rural enterprises, rather look to a generalised benefit of the rural economy." The proposed uses do not have an intrinsic connection to a rural area. However, given their location in the countryside of the Eastern Area, it is reasonable to conclude that a number of future employees may live in the local area which is predominantly rural, and to this extent will contribute positively to the generalised benefit of the rural economy.

- b) The use/development is suitable for a rural location.

This is assessed on an individual basis within the context of each application site. In this instance the application site is an existing business which has been used for storage and distribution purposes as a sawmill and with storage businesses within the buildings within the south and southeast section of the site. The application is proposing the retention of development including the siting of a storage building, within the existing site, as well as hard surfacing and the alterations to the boundaries. In

principle, given the employment use of the site, they are a suitable location, subject to the consideration of the other criteria within Policy DM35

c) The proposals are compatible with uses in the surrounding area.

The application is proposing additional works and building within the existing site. As this is an existing use the proposal is considered to be compatible with the uses in the surrounding area. There will be an assessment of how the development as proposed will impact the residential amenity of the nearby residential dwellings under a separate heading.

d) Where new buildings are proposed the landowner has not disposed of, or converted, any buildings to a residential use in the previous 3 years which could have met the needs of the development proposed.

No buildings on the site have been disposed of or converted which could have been used.

6.15 Criteria e, f, and g will be considered in more detail, as these relate to the design and siting of development and the highway impacts, and so as they do not relate to the principle of the development are also considered under the individual headings. Albeit that the Highways Officer has not raised any objections to the proposals.

h) It would not have a detrimental effect on the fabric, character and setting of historic buildings or other heritage assets. Upper Church Farm Aldermaston, is a grade II listed building situated 120 metres to the south-west of the site. Due to the intervening buildings the proposal does not affect the setting of this listed building.

i) Appropriate proposals which make more efficient use of previously developed land will be encouraged. The site constitutes previously developed land.

The development proposed, and the works which have been carried out are intended to support the business development on the site, and so is considered to make efficient use of this previously developed site.

6.16 Overall, the proposed development is taken to retain B8 storage and distribution use within the District. The application site is not allocated for development, within a settlement boundary, or within a DEA. However, it is on previously developed land, and the planning history of the site indicates the uses of the site for storage uses in excess of 10 years.

6.17 Taking the above policies together, it is accordingly considered that the principle of development is in accordance with the current Local Plan policies SP17 and DM35.

### ***Character and appearance***

6.18 Policy SP7 requires that new development will strengthen a sense of place through high quality locally distinctive design and place shaping, and that development should take opportunities for conserving and enhancing the character, appearance and quality of an area and the way it functions. The policy goes on to say that development proposals will be expected to show how they have responded positively to national and local design guidance.

6.19 Policy DM35 criterion e requires:

Any proposals are of a high quality design, are appropriate in terms of siting, scale, form, massing, character and appearance having regard to the surrounding rural area and its setting in the wider rural landscape.

6.20 Criterion g of Policy DM35 requires:

New or replacement buildings are located within or adjoining an existing group of buildings and further expansion into the open countryside is avoided;

6.21 The proposal includes the retention of a building to the south of the site. The building is constructed of metal sheeting coloured blue, which is 7.8 metres to ridge height, and 5.8 metres to eaves height. The design and appearance of the building is industrial and utilitarian, and appropriate. It is of a size and scale which relates to the rest of the built form within the site and to the overall appearance of the site, with a commercial use. It is sited adjacent to existing buildings, and does not extend the development into the open countryside.

6.22 The application is also proposing the retention of gabion walls and fencing, as well the widening of the entrance to the site from Rag Hill. The creation of the new fencing and gabion walls has resulted in the loss of trees along the boundary with the highway. This has opened up the site to more views from the public highway, and has also eroded the rural appearance of the lane, and making the commercial appearance of the site more evident within the rural environment. The Tree Officer has raised an objection due to the loss of trees, and impact on the landscape setting, and this is discussed in more detail below. The loss of trees and hedge is regrettable as a screen to the site, as the public views of the site have been opened up, and there is harm to the rural character of this part of Rag Hill. However, the mix of fencing and gabion walls along the boundary which have been erected is not as stark as some industrial fencing can be. The mixture of materials which have been used, particularly the use of the stone gabion baskets assists in the boundary relating appropriately to the rural setting of the site. In addition, an area of additional landscaping is proposed in the north-east corner of the site, which will assist in providing additional screening to that corner of the site and this can be secured through conditions. The site is proposed to be continued to be used for B8 storage purposes. The application proposes the retention of hard surfacing which has been laid on the site, and the laying of further hardstanding across the site. Whilst this will have some visual impact, overall, this will be within the context of the wider storage use within the site. The site history and aerial photography indicate that the areas where it is proposed to extend the hardstanding have been used as areas of storage, and so the extension of the hardstanding will not increase the storage area within the site, but will contribute towards it functioning better, with an improved surface for the storage areas. There have been concerns raised about light pollution, and whilst the existing hardstanding areas of the site are not included within the application, it is possible to impose a condition to restrict lighting within the areas proposed to be hard surfaced, to minimise light pollution within the rural environment.

6.23 Whilst the site has been opened up in views from the public domain, overall the new boundary treatments are considered to be appropriate to a commercial site within the rural setting, and with the addition of landscaping, there will be some mitigation. The building which has been constructed is appropriate within the overall setting of the site, and the hard surfacing will enable a more appropriate surfacing of the site do areas which have been established as being in B8 use.

***Residential Amenity***

6.24 Policy DM35 as previously discussed required the proposed use to be compatible with surrounding land uses. Policy DM5 says development proposal will be supported where amongst other criteria there would be harm to the amenity of occupants of neighbouring land and buildings though an unacceptable increase in pollution, including from light, noise, vibration and/or odour. Policy DM30 also sets out criteria

for assessing the harm on living conditions of existing residential dwellings, which includes no harm due to noise, dust, fumes and odours

- 6.25 The application site is to the north of a group of dwellings on Rag Hill. The areas of development proposed within this application are situated to the northern and eastern end of the site. The storage building is approximately 120m away from the boundary with the nearest dwelling, and there is an intervening building between the boundary and the building. The area proposed for additional hard surfacing is further to the north and east of the site. The new boundary treatments are along the boundary with Rag Hill, rather than any adjoining residential properties. The physical developments on the site will not result in additional harm to the residential amenities of the neighbouring properties. The site already has an existing B8 use, and so the proposal is not considered to result in additional harm from an increase in pollution for light, noise, vibration and/or odour. Furthermore, the Environmental Health Officers have considered proposals, and do not raise any objections to the application, which are not considered to result in significant harm to the residential amenity of nearby residential dwellings, given the existing use of the site.

### ***Highways***

- 6.26 Policy SP19 sets out the policies which relate to development that generates a transport impact, and seeks to minimise all forms of travel on the environment, to mitigate any adverse impacts on local transport networks and the strategic road network. Policy DM44 sets out the parking requirements for new development. Policy DM35 requires that development does not generate traffic of a type or amount inappropriate for the rural roads, byways or restricted byways affected by the proposal or require improvements to these roads, byways, or restricted byways which could be detrimental to their character and use by motorised and non-motorised traffic;
- 6.27 There have been a number of objections raised from members of the public and the Parish Council about the use of the road leading to the site, and the type of vehicles using it, and their potential impact on highway safety. The proposal is for an alteration to the existing access to the site, and for additional hard surfacing within the site. The proposal does not alter the number of vehicles which may be able to use the site. The Highways Officer has not raised any objections to the proposal, and given that the use on the site already established, the proposal is considered to accord with Policies SP17 and DM35.

### ***Drainage***

- 6.28 Policy SP6 requires that on all development sites surface water will be managed in a sustainable manner through the use of Sustainable Drainage Methods (SuDS). It also requires that a Flood Risk Assessment (FRA) is submitted where a development is in an area of flood risk from any source of flooding, or on a site of more than 1 hectare. The policy says that development will only be supported if it is demonstrated that it is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms, and there are no suitable and available sites at a lower flood risk. The policy sets out the criteria for development within areas at risk of flooding to meet, and requires that on all development sites surface water will be managed in a sustainable manner through the implantation of SuDS, and setting out run-off rates for development to meet.
- 6.29 The application has been submitted with a Sustainable Drainage Assessment, and a Flood Risk Assessment. This sets out how the drainage will be managed in a sustainable manner to soakaways within the site. The Council's drainage team have reviewed the details which have been submitted with the application, and they are satisfied with the level of information provided, and the conclusions of the Assessment.

No objections have been raised, and the details are considered to be satisfactory, and in accordance with Policy SP6.

### ***Trees & Hedgerows***

- 6.30 Policy DM15 says that development which conserves and enhances trees, woodland and hedgerows will be supported. It goes on to say that where appropriate opportunities should be identified for the restoration and planting of new trees, woodland and hedgerows. This application is seeking retrospective permission for new boundary treatment along Rag Hill, for the wall and fencing which replaced trees along that boundary, over a distance of 100-120 metres. The trees which have been removed were not subject to a Tree Preservation Order, however, they did contribute towards the rural character of Rag Hill, and the Public Right of Way ALDE/12/2 passes through the Aqua Vitae Copse and the Ancient Woodland of Great Fishers Copse to the north of the site from Rag Hill, and the removal of the trees has also reduced the level of amenity experienced by users of that path. The Tree Officer has raised concern that there is insufficient justification for the removal of the trees, other than security for the site, which could have been achieved without removing the trees. There is mitigation planting proposed, and this can be secured by condition, but it is considered by the Tree Officer that this is not sufficient to overcome the harm to the character of the area.

### ***Ecology***

- 6.31 Policy SP11 requires new development to demonstrate how they conserve and enhance biodiversity including their long-term management and where required to deliver Biodiversity Net Gains. The policy sets out criteria for protecting and enhancing biodiversity and protecting nationally and internationally designated sites, as well as irreplaceable habitats.
- 6.32 The application has been submitted with a Preliminary Ecological Appraisal and Biodiversity Net Gain Report and Metric. The Council's Ecologist and the Newt Officer have not raised any objections to the proposal, as they are satisfied with the level of information which has been provided. The Council's Ecologist has requested a number of conditions, this includes that the lighting is controlled in the interests of protecting bats within the area. This has also been recommended to minimise the impact of the rural skies, and is considered to be appropriate. There are also conditions required with regards to the construction phase of the development, and to control invasive non-native species within the site. The application also makes provision to provide Biodiversity New Gain, and conditions are required to secure this provision.
- 6.33 The Newt Officer as also made recommendations with regards to the potential for protecting habitats for newts within the site. These can be added as informative notes on the decision notice.
- 6.34 There have been objections raised about how the application will affect wildlife within and around the site. The details that have been submitted are considered to be satisfactory and the proposed development, and retention of existing works within the site is not considered to be harmful to the protected species and their habitats.

### ***Climate Change***

- 6.35 Policy SP5 requires the principles of climate change and adaptation to be included into new development, improving the resilience of land, buildings and existing and future communities to the opportunities and impacts arising from climate change. It goes on to say that development should contribute towards West Berkshire becoming, and staying carbon neutral, and sets out criteria for development to meet, depending upon

the nature and scale of the proposals. The policy requires the submission of a Sustainability Statement, which demonstrates how the principles of Policy SP5 have been embedded into the development. It says that the level of information provided should be proportionate to the scale and nature of the development proposed. Policy DM4 requires new development to demonstrate how the development will achieve net zero operational carbon emissions.

- 6.36 The application has been submitted with a Sustainability Statement to set out how the principles of sustainability have been incorporated into the development. An Energy Statement has also been produced to refer to the storage shed building to be retained on the site. However, it is important to note that this building is for storage purposes only, and given the nature of the building for storage purposes only, and not as workspace, it only has very limited energy requirements, and so there is not a BREEAM standard which is applicable to this the building, or a need to reduce the carbon emissions.

### ***Parish Council representations***

- 6.37 The representations made by Aldermaston Parish Council have been considered within the report. Their objections have also referred to the raising of levels within the site. It is not clear at what stage these alterations to the levels has occurred. However, as the site can be adequately drained without increasing the risk of flooding, and there is no overlooking to residential properties, it is considered that there is not sufficient justification to refuse the planning application on these grounds.

## **7. Planning Balance and Conclusion**

- 7.1 The application is proposing the retention of a storage shed, boundary treatment and security gate, the retention of some surfacing within the site, and the addition of further hard surfacing. The works are generally considered to be of a benefit to the operation of the site, and the retention of business of the site, and the ability to make effective use of the employment land, in accordance with Policies SP17 and DM35, and this is given significant weight. There are no objections from the Highways Officer or Environmental Health, and the proposal is considered to have a neutral impact on the highway network, and the living conditions of nearby residents, given the existing uses within the site. There has been harm identified due to the loss of trees along the boundary with Rag Hill, and this has opened up the site to public, and eroded the rural character of the lane. However, whilst there is some harm, and this given weight, this can be partially mitigated through additional planting within the site, which lessens the weight of the harm afforded to the loss of rural character within Rag Hill. There are also benefits of the development, through the works that have been carried out to overcome some previously identified harms within the site, and the introduction of a sustainable drainage system within the site to reduce the risk of flooding which are also given substantial weight. Whilst there is identified harm to the character of the area, this is considered to be outweighed by the economic benefit of making efficient use of an existing B8 storage site within the District, and the improvements to the appearance within the site, with the additional hardstanding make it more efficient to use.
- 7.2 The proposal is considered to accord with the relevant development plan policies as a whole.

## 8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

1	<p><b>Commencement of development</b> The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
2	<p><b>Approved plans</b> The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan received 21<sup>st</sup> August 2025; Proposed Site Plan Drawing No PSM/PL/100 Rev A received 18<sup>th</sup> August 2025; Existing Fence Elevations Drawing No PSM/EX/300 received 21<sup>st</sup> August 2025; Proposed Elevation -Fence Drawing No PSM/PL/300 received 21<sup>st</sup> August 2025; Storage Shed – Existing Elevations Drawing No PSM/EX/203 received 21<sup>st</sup> August 2025; Existing Floor Plans – Storage Shed Drawing No PSM/EX/202 received 21<sup>st</sup> August 2025; Existing Floor Plan and Section Storage Shed Drawing No PSM/EX/202 Rev A received 18<sup>th</sup> August 2025; Tree Constraints Plan received 21<sup>st</sup> August 2025;</p> <p>Sustainability Statement dated September 2025 received 18<sup>th</sup> September 2025; Planning, Design and Access Statement received 21<sup>st</sup> August 2025; Preliminary Ecological Appraisal prepared by GS Ecology reference ECO3839 dated 4<sup>th</sup> August 2025 received 21<sup>st</sup> August 2025; Sustainable Drainage Assessment prepared by GeoSmart received 21<sup>st</sup> August 2025; Flood Risk Assessment prepared by GeoSmart received 21<sup>st</sup> August 2025; Tree Survey and Arboricultural Impact Assessment prepared by GHA Trees dated 7<sup>th</sup> May 2025 received 21<sup>st</sup> August 2025; Highways Technical Note prepared by Paul Basham Associates received 21<sup>st</sup> August 2025; Biodiversity Net Gain Calculation prepared by GS Ecology reference ECO3839b dated 4<sup>th</sup> August 2025 received 21<sup>st</sup> August 2025; Biodiversity Net Gain metric received 22<sup>nd</sup> January 2025.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p><b>Lighting design strategy for light sensitive biodiversity</b> No lighting shall be installed until a “lighting design strategy for biodiversity” for the “storage shed, entrance gates, hard surfacing and boundary treatments (including gabion walls, security railings, and mesh fencing), as well as the marginal extension of boundary treatments and additional hard surfacing” shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting</p>

	<p>places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: Bats, badgers and otters are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. The condition is also necessary to protect the rural character and dark skies within the landscape. This condition is applied in accordance with the National Planning Policy Framework, and Policies SP8 and SP11 of the West Berkshire Local Plan Review 2023-2041.</p>
4.	<p><b>Construction Environmental Management Plan</b></p> <p>No extension of the hard surfacing area and/or extension of the boundary treatments hereby permitted shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:</p> <ul style="list-style-type: none"> <li>(a) Risk assessment of potentially damaging construction activities.</li> <li>(b) Identification of “biodiversity protection zones”.</li> <li>(c) 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).</li> <li>(d) The location and timing of sensitive works to avoid harm to biodiversity features.</li> <li>(e) The times during construction when specialist ecologists need to be present on site to oversee works.</li> <li>(f) Responsible persons and lines of communication.</li> <li>(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</li> <li>(h) Use of protective fences, exclusion barriers and warning signs.</li> </ul> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To avoid harm to protected species during demolition/construction and preparatory operations. This condition is applied in accordance with the National Planning Policy Framework and Policy SP11 of the West Berkshire Local Plan Review 2023-2041. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.</p>
5.	<p><b>Restrictions on operations involving invasive non-native species</b></p> <p>No extension of the hard surfacing area and/or extension of the boundary treatments hereby permitted shall take place until an invasive non-native species protocol has been submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese knotweed and Himalayan Balsam on</p>

	<p>site. The measures shall be carried out strictly in accordance with the approved scheme.</p> <p>Reason: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese knotweed and Himalayan Balsam is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. The submission of a method statement, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features. This condition is applied in accordance with the National Planning Policy Framework and Policy SP11 of the West Berkshire Local Plan Review 2023-2041. A pre-commencement condition is required because measures may need to take place throughout the construction phase.</p>
6.	<p><b>Biodiversity Gain Condition</b></p> <p>No development, demolition, earth moving shall take place until a Biodiversity Gain Plan has been submitted to and approved by the local planning authority. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Metric dated 24<sup>th</sup> July 2025 prepared by GS Ecology and shall include:</p> <ul style="list-style-type: none"> <li>i. 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;</li> <li>ii. the pre-development biodiversity value of the onsite habitat;</li> <li>iii. the post-development biodiversity value of the onsite habitat;</li> <li>iv. any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;</li> <li>v. any biodiversity credits purchased for the development.</li> </ul> <p>The approved Biodiversity Gain Plan shall be implemented in accordance with the approved details.</p> <p>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. A pre-commencement condition is required because the habitat and management arrangements need to be determined before existing habitats are affected.</p>
7.	<p><b>Habitat Creation Management and Monitoring Plan (HCMMP)</b></p> <p>Prior to the commencement of the development the HMMP shall be submitted to, and be approved in writing by, the local planning authority. The HMMP shall include:</p> <ul style="list-style-type: none"> <li>i. Summary of Habitat Proposal and Plans providing the biodiversity baseline assessment against which BNG outcomes are assessed and monitored;</li> <li>ii. Site Context Photos</li> <li>iii. Retention and Protection Measures Map</li> </ul>

	<p>iv. Management plan aims and objectives;</p> <p>v. Design Principles Informed by Baseline Information</p> <p>vi. a programme detailing the long-term phases of the management the number of years to achieve and then maintain the BNG targets;</p> <p>vii. Habitat targets. Habitat creation, enhancement condition management targets and prescriptions.</p> <p>viii. Habitat Creation, Enhancement and Management – Risk Register and Remedial Measures</p> <p>ix. A monitoring strategy and schedule to inform decisions about management, whether assessing progress towards the BNG targets is on track and whether changes to management are required to achieve the targets to include methods and intervals of reporting and adaptive management.</p> <p>x. If management is not delivering the biodiversity outcomes, or is deemed unlikely to (on the basis of trajectory of change in condition and known time to target condition), changes in the management regime shall be agreed in writing and implemented to deliver a successful outcome.</p> <p>xi. Evidence of legal, financial, governance and practical arrangements for the long-term delivery and management of BNG measures. The approved HCMMP will be implemented in accordance with the approved details.</p> <p>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. A pre-commencement condition is required because the habitat and management arrangements need to be determined before existing habitats are affected.</p>
8.	<p><b>Soft landscaping (Prior Approval)</b></p> <p>No extension of the hard surfacing area and/or extension of the boundary treatments hereby permitted shall take place until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following commencement of the hard surfacing. Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies SP7, SP8 and SP10 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.</p>
9.	<p><b>Sustainable Drainage measures</b></p> <p>No extension of the hard surfacing area and/or extension of the boundary treatments hereby permitted shall take place until details of sustainable drainage measures to</p>

	<p>manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall:</p> <p>a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document (2018) with particular emphasis on Green SuDS that provide environmental/biodiversity benefits and water re-use;</p> <p>b) Include run-off calculations based on current rainfall data models, discharge rates (based on 1 in 1 year greenfield run-off rates), and infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change. If not achievable, evidence must be provided and a suitable rate agreed with the LLFA.</p> <p>c) Provide a Maintenance Plan for the proposed drainage system over its lifetime (100 years for residential, 60 years for commercial).</p> <p>The above sustainable drainage measures shall be implemented in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy SP6 of the West Berkshire Local Plan review 2023-20141, Part 4 of Supplementary Planning Document Quality Design (2006) and SuDS Supplementary Planning Document (2018).</p> <p>A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place</p>
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### **Informatives**

1	<p><b>Proactive</b></p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2	<p><b>Biodiversity Net Gain</b></p> <p>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:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p>

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 West Berkshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

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 listed below are considered to apply.

If 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).

#### EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

The following are the 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
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) 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:
  - 4.1 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).
  - 4.2 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).

4.3 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.

4.4 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).

4.5 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).

4.6 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.

#### 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.

#### THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

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

	<p>regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.</p> <p>Those circumstances are that the conditions subject to which the section 73 permission is granted:</p> <p>i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and</p> <p>ii) 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.</p>
3	<p><b>Greater Crested Newts</b></p> <p>Any trenches left overnight should be covered or provided with ramps to prevent Greater Crested Newts from becoming trapped.</p> <ul style="list-style-type: none"> <li>o Any building material should be stored in pallets or on an area of hardstanding to discourage Greater Crested Newts from using them as shelter.</li> <li>o Any demolition materials should be stored in skips or similar containers rather than in piles on the ground and should be removed from the site each day where possible.</li> </ul>