



Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

To: Property Services
The Castle
Winchester
Hampshire
SO23 8UD

Application No: **CS/24/98535**

HCC Ref: EAE047

For: Hampshire County Council

Date of Application: 13 November 2024

Hampshire County Council, as County Planning Authority, **grants permission** for the following development in respect of the plans and particulars and subject to the attached schedule of 21 conditions and statutory Biodiversity Net Gain conditions:

Development: **New two storey school for 125 pupils with Social Emotional and Mental Health (SEMH) needs, with associated external play areas and parking and drop off facilities**

Site address: **Luminous Oak SEMH School, Flycatcher Road, Boorley Gardens, Hedge End, Botley SO32 2FG**

Reason for Approval

The proposal would be in accordance with the relevant policies of the Eastleigh Borough Local Plan (2022) as it is within a major development area (Policy S3(v) and would meet the needs of the local community (Policy S10: community facilities as well as Paragraph 100 of the National Planning Policy Framework (2024). The design, appearance and proposed materials are considered appropriate (Policy DM1 - General criteria for new development and the approved Boorley Gardens Design Guide), the proposed landscaping will ensure the development complements and reflects the character of the area, enhances the ecological value around the site and protects retained trees (Policies DM1- General critierial for new development and DM11: Nature conservation). The site is located within a low flood risk area and appropriate measures will be taken to ensure surface water run-off from the development will be managed in a sustainable way and will not increase the risk of flooding off site (Policy DM6 - Sustainable Surface Water Management. The proposal is acceptable in terms of highway safety and convenience (Policy DM13 - General Development Criteria – Transport). The proposed development represents a sustainable development in accordance with Policy S1 (Delivering sustainable development) and paragraph 11 of the National Planning Policy Framework (2024).

All enquiries should be referred to Universal Services, The Castle, Winchester, SO23 8UD

Tel: (01962) 846746 Fax: (01962) 847055

Director of Universal Services
19 March 2025

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IMPORTANT - Biodiversity Gain Condition

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.

Further information about the Biodiversity Net Gain status of this application and how to comply with this statutory condition are set out below within the notes.

Conditions

Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

Pre-commencement - drainage

2. Prior to commencement of development, a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the County Planning Authority. The submitted details should include:
 - a. Technical summary highlighting any changes to the design from that within the Flood Risk Assessment;
 - b. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations;

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- c. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change;
- d. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753;
- e. Confirmation of three stages of natural filtration to the drainage network in accordance with Eastleigh Borough Council local plan policy;
- f. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria; and
- g. Details for the long-term maintenance arrangements for the surface water drainage system to include maintenance schedules for each drainage feature type and ownership.

The approved scheme shall be implemented and maintained for the duration of the development.

Reason: To ensure that the surface water drainage system is acceptable and deliverable in accordance with NPPF (2024) and Policies DM3 (Adaptation to climate change) and DP6 (Sustainable surface water management and watercourse management). This is a pre-commencement condition as such details are necessary to ensure the development will protect the water environment and prevent flood risk and thus goes to the heart of the planning permission.

Pre-commencement Highways

3. No development hereby permitted shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority. The details shall include:
 - details on the daily and total number and size of lorries accessing the site;
 - the turning of delivery vehicles and lorry routing;
 - provisions for removing mud from vehicles, and
 - a programme of works.

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The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of highway safety in accordance Policy DM13 (General development criteria – transport of the Eastleigh Borough Local Plan (2022)). This is a pre-commencement condition as such details are necessary to ensure the development can be carried out in an acceptable manner in the interests of highway safety and to protect the amenities of the neighbouring residents and thus it goes to the heart of the planning permission.

Pre-commencement provision - CEMP

4. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority. The CEMP shall include:
 - a) the location of temporary site buildings, compounds, construction material and plant storage areas used during construction;
 - b) the arrangements for deliveries associated with all construction works, loading/unloading of plant & materials and restoration of any damage to the highway including vehicle crossovers and grass verges;
 - c) the parking of vehicles of site operatives and visitors;
 - d) measures to control the emission of dust and air-borne pollutants;
 - e) a scheme for controlling noise and vibration from construction activities;
 - f) provision for storage, collection, and disposal of waste from the development during construction period;
 - g) measures to prevent mud and dust on the highway during construction;
 - h) Public relations procedures, including complaint management and community liaison;
 - i) temporary lighting;
 - j) confirmation that a SGN representative has been contacted in relation to the High Pressure Gas Pipeline to the south west of the site (SGN Plant Protection Team on 0800 912 1722 or email plantlocation@sgn.co.uk);
 - k) temporary surface water drainage provisions; and
 - l) hours of working.

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The construction of the development shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: To limit the impact the development has on the amenity of the locality, neighbouring residents, and biodiversity and hydrology during the construction process in accordance with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022). This is a pre-commencement condition to ensure the amenity of local residents can be maintained throughout the construction of the development and thus goes to the heart of the permission.

Pre-commencement Ecology – Biodiversity Net Gain

5. Prior to the commencement of the development hereby approved, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the County Planning Authority. The HMMP shall detail how the On-site Significant Gains detailed in the required Biodiversity Gain Plan will be retained, created, enhanced, managed, and monitored and reported to the County Planning Authority, for a period of 30 years following completion of the development.

The HMMP shall be managed and maintained in accordance with the approved details for 30 years from the date of completion of the development.

Completion of the development shall be considered to be when the required planting and seeding of the approved habitats has been implemented and notification provided to the County Planning Authority.

Reason: To protect and enhance biodiversity in accordance with the Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006, National Planning Policy Framework (2024) and Policies DM1 (General Criteria for New Development), DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022) and Biodiversity Net Gain requirements of Town and Country Planning Act (1990).

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Highways

6. Prior to the occupation of the school, an Interim School Access Plan or confirmation of developer obligations setting out any necessary interim access arrangements should be provided to ensure that all access can be accommodated safely. No occupation of the school for educational use shall commence until a safe and publicly approved highway has been installed and approved by the relevant regulatory body.

Reason: To ensure there is proper and safe access to the site for all visitors to the school throughout the continuing construction period as well as to ensure amenity is not harmed by construction starting without sufficiently good access in accordance with Policies S11 (Transport Infrastructure), DM13 (General development criteria – transport), DM14 (Parking) and DM1 (General Criteria for New Development) of the Eastleigh Borough Council Local Plan (2022).

Contaminated Land

7. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the site investigation (Terra Firma (March 2024) Ground Investigation Report ref: PO-23-014 Rev 2 & Hampshire County Council Memorandum dated 15/01/2025), work shall cease on that part of the site and it shall be reported in writing immediately to the County Planning Authority. An investigation and risk assessment undertaken in accordance with the approved methodology and approved in writing by the County Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the County Planning Authority.

Reason: To minimise the risk from land contamination for the safety of the future occupiers of the development and to accord with Policy DM8 (Pollution) of the Eastleigh Borough Local Plan (2022).

8. Within 3 months of the date of this decision, details of the bin and cycle stores shall be submitted to and approved in writing by the County Planning Authority.

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Thereafter the development shall be carried out in accordance with those approved details.

Reason: To ensure satisfactory provision of bin and cycle storage and to accord with Policy DM1 (General criteria for new development) of the Eastleigh Borough Local Plan (2022).

Sustainability

9. The development hereby permitted shall be carried out in accordance with the credit strategy in the BREEAM Design Stage Report (Scott White and Hookins, Project No: 503712 Rev 1.0, dated 31.01.2025) which would deliver a BREEAM 'Excellent' rating.

Reason: To ensure the development achieves the lowest level of carbon emissions and water and energy consumption in accordance with Policy DM2 (Environmentally sustainable development) of the Eastleigh Borough Local Plan (2022).

Materials

10. The development hereby approved shall be carried out in accordance with the external materials as set out in the supporting Planning Application Form and Planning, Design & Access Statement (November 2024), section 4.12 Massing & Elevation Approach.

Reason: In the interests of visual amenity and to ensure a high quality development in accordance with Policy DM1 (General criteria for new development) of the Eastleigh Borough Local Plan (2022).

11. Within 3 months of the date of this decision, details of the means of enclosures within and around the school site shall be submitted to an approved in writing by the County Planning Authority. Notwithstanding the details submitted in the supporting Planning Application form and Planning Statement, details of the colour of fence shall be provided. It is expected that the perimeter fence shall be black or grey. Insofar as it relates to the acoustic fence, these details shall include sections to demonstrate the site levels between the school and the approved residential land to the west.

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Reason: To protect the amenities of the occupiers of nearby properties, in the interests of visual amenity and to ensure a high quality development in accordance with Policy DM1 (General criteria for new development) of the Eastleigh Borough Local Plan (2022).

Landscape and Arboriculture

12. Notwithstanding the details on the Structural Planting Plan (P13332-TER-XX-XX-00-D-L-3001 Rev P04), a detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the County Planning Authority within 3 months of the date of this decision. The scheme shall specify the types, size and species of all trees to include tree pits where relevant (and as set out in email correspondence dated 19 December 2024) and shrubs to be planted, phasing and timescales for carrying out the works, and provision for future maintenance.

The scheme shall be implemented as approved.

Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure an appropriate form of development in terms of the principles of good design and in the interests of landscape character and visual amenity, and to comply with Policies DM1 (General criteria for new development and DM3 (Adaptation to climate change of the Eastleigh Borough Local Plan (2022).

13. The development hereby approved shall be carried out in accordance with the 'Recommendations' section of the approved Arboriculture Impact Assessment (Hampshire Highways Arboriculture, ref: SS22389 -EBC-BoorleyGardensSEMH-WI-AIA1.2, dated 13.10.24). The Tree Protection Plan fencing therein shall be retained during the construction phase of the development.

Reason: To ensure the enhancement of the development by the retention of trees/hedges and in accordance with Policies DM1 (General criteria for new development) and DM3 (Adaptation to climate change) of the Eastleigh Borough Local Plan (2022).

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School Travel Plan

14. Within 12 months of the school being occupied, a full School Travel Plan demonstrating the interventions, incentives and targets implemented to promote a reduction in single occupancy car trips by pupils shall be submitted to and approved in writing by the County Planning Authority. The School Travel Plan should include details of its implementation and ongoing monitoring.

Reason: To support sustainable transport policy and encourage the use of alternative means of travel in compliance with the aims and objectives of the National Planning Policy Framework (2024) and in accordance Policy DM13 (General development criteria – transport) of the Eastleigh Borough Local Plan (2022).

Ecology

15. The development hereby approved shall be carried out in accordance with the measures set out in Section 9 of the Ecological Appraisal and Biodiversity Net Gain Assessment by Hampshire County Council (October 2024).

Reason: To protect and enhance biodiversity in accordance with the Habitat and Species Regulations 2017, Wildlife and Countryside Act 1981, Natural Environment and Rural Communities Act 2006 and the National Planning Policy Framework (2024), Policies DM1 (General criteria for new development) and DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022).

Lighting

16. The approved External Lighting Strategy Report (RENTEC, ref: P13332-REN-XX-XX-T-E-0001 Rev 02) shall be updated within 3 months of the date of this decision to include a plan illustrating the number, type and location of the proposed lighting features and confirmation of the 1900 to 0700 lighting curfew. The updated External Lighting Strategy Report shall be submitted to and approved in writing by the County Planning Authority.

The scheme shall be implemented as approved for the duration of the permission.

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Reason: In the interests of the protection of fauna and amenities of the neighbouring properties in accordance Policies DM1 (General criteria for new development) and DM11 (Nature Conservation) of the Eastleigh Borough Local Plan (2022).

Community Use of the Site

17. The development shall be carried out in accordance with the mitigation proposed in the Noise Assessment (24Acoustics, Ref R9907-1 Rev 1, dated 13th November 2024). In particular, any use of the Multi-Use Games Area (MUGA) and sports pitch shall be limited to the hours of 08:00 to 20:00 and a booking system implemented for the public use of these facilities.

Reason: To protect the amenities of the occupiers of nearby properties and to accord with Policy DM1 (General criteria for new development) of the Eastleigh Borough Local Plan (2022).

Extraction/Ventilation System

18. Prior to the building being occupied/brought into use, details of the proposed ventilation system for the extraction and dispersal of cooking smells/fumes must be submitted to and approved in writing by the County Planning Authority. The ventilation system must include:

- i. Construction method, odour control measures, noise levels, and aesthetic considerations;
- ii. Flues that:
- iii. Terminate at least 1 metre above the ridge height of any nearby building with no obstruction to upward air movement; or
- iv. Incorporate odour control measures (e.g., activated carbon filters or electrostatic precipitation).

The approved system must be installed prior to occupation and retained thereafter.

Reason: To ensure odour control and safeguard the amenity of adjoining properties in accordance with Policies DM1 (General criteria for new development) and DM8 (Pollution) of the Eastleigh Borough Local Plan (2022).

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Sport England

19. With the exception of any initial clearance operations or earthworks required to achieve access to areas of the development site, no other development of the proposed school playing field areas shall take place unless and until:
- A detailed assessment of ground conditions of the land proposed for the new playing field land as shown on drawing number P13332–NOV– XX– 00–D–A– 1904 Rev P03 (Proposed Site Plan) shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the County Planning Authority after consultation with Sport England.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the County Planning Authority in consultation with Sport England.

Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policies DM1 (General criteria for new development) and DM33 (Provision of recreation and open space facilities with new development) of the Eastleigh Borough Local Plan (2022).

20. The playing field/s and pitch/es shall be constructed and laid out in accordance with approved drawing P13332-TER-XX-OO-D-L-3001 Rev P03 (General arrangement – structural planting) and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before the building is first occupied/brought into use.

Reason: To ensure the quality of pitches is satisfactory and that they are available for use upon occupation in accordance with the requirements of Sport England and Policies DM1 (General criteria for new development) and DM33 (Provision of



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recreation and open space facilities with new development) of the Eastleigh Borough Local Plan (2022).

Plans

21. The development hereby permitted shall be carried out in accordance with the following approved plans: **The location plan (P13332-NOV-XX-00-D-A-1902RevP03), Existing Site Plan (P13332-NOV-XX-00-D-A-1903RevP03), Proposed Ground Floor Plan (P13332-NOV-XX-00-D-A-1905RevP02), Proposed Site Plan (P13332-NOV-XX-00-D-A-1904RevP03), Proposed First Floor Plan (P13332-NOV-XX-01-D-A-1906RevP02), Proposed Elevations 1 of 2 (P13332-NOV-XX-ZZ-D-A-1908RevP02), Proposed Roof Plan (P13332-NOV-XX-RF-D-A-1907RevP03), Proposed Elevations 2 of 2 (P13332-NOV-XX-ZZ-D-A-1909RevP02), Proposed Sections 1 of 2 (P13332-NOV-XX-ZZ-D-A-1910RevP02), Proposed Sections 2 of 2 (P13332-NOV-XX-ZZ-D-A-1911RevP02), CGI External View 1 (P13332-NOV-XX-XX-I-A-1912RevP02), CGI External View 2 (P13332-NOV-XX-XX-I-A-1913RevP02), Site Sections A-A & B-B (P13332-TER-XX-00-DR-L-5001RevP01), Site Sections C-C & D-D (P13332-XX-00-DR-L-5002RevP01), General Arrangements -Enclosures (P13332-TER-XX-00-D-L-2001 P07), General Arrangement - Structural Planting (P13332-TER-XX-00-D-L-3001RevP03), General Arrangement Plan (P13332-TER-XX-00-D-L-1001RevP08), Proposed Ground Floor Plan (P13332-NOV-XX-00-D-A-1905RevP02)**

Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant

1. In determining this planning application, the Minerals and County Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2024), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. A High Pressure Gas Pipeline lies approximately 150m to the south west of the site along the railway line. SGN has provided comments on this proposal and provide the following advice:

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The pipeline is of prime importance to the gas supplies of this area. It is essential that you comply with the restrictions detailed below and in the document SGN/WI/SW2 in order to protect our plant and equipment and for the safety of your own operatives. A SGN representative must be contacted before any works commence.

- i. No mechanical excavation is allowed within 3 metres either side of pipeline.
- ii. No plant or storage of equipment shall be made within any easement strip.
- iii. If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne by the promoter of the works. A minimum clearance of 600mm is required.
- iv. All precautions stated in publication SGN/WI/SW/2 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SGN/WI/SW/2 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
- v. No thrust boring shall take place within 3 meters of the pipeline.
- vi. All planting within the easement strip should comply with 'Notes for Guidance on Tree Proximity'.
- vii. Before commencing work on site you must contact our Pipeline Maintenance Section on the number above at least seven days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to high pressure gas pipelines can then be discussed.
- viii. Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.
- ix. This pipeline is cathodically protected and as such has test cables located in test posts, were these to be lost through this work we would look to you for remedial action at no cost to SGN.
- x. Intrusive construction methods will require an agreed method statement prior to work starting.
- xi. Any extended period of SGN site supervision may incur charges to you. These will be charged based on visiting times, materials and occurrences. You will be informed when these come into effect and be invoiced direct.

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- xii. Any piling or boreholes within 15 metres of the pipeline may require vibration monitoring. No piling or boreholing must take place within 3 metres of the pipeline.
- 3 No vehicles, machinery, equipment, materials, spoil, scaffolding, skips or anything else associated with the works shall be left on or near to Botley Footpath 1 at any time, as to cause obstruction, hindrance or a hazard to pedestrians. The public retain the right to use the Public Right of Way at all times, safely and without impediment.
- 4. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.

Biodiversity Net Gain

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 Hampshire County Council as the County Planning Authority.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply under Regulation 7 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024. 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.

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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).

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.

* "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.

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

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- 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

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parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

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