

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Environment Act 2021, Paragraph 3. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 15

BIODIVERSITY GAIN IN NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

PART 1

PRINCIPAL AMENDMENTS TO THE PLANNING ACT 2008

- 3 (1) Section 104 (decisions in cases where national policy statement has effect) is amended as follows.
- (2) For subsection (3) substitute—
- “**(3)** The Secretary of State must decide the application in accordance with any relevant national policy statement.
- (3A)** In particular, if a relevant national policy statement contains a biodiversity gain statement under Schedule 2A in relation to development of the description to which the application relates, the Secretary of State may not grant the application unless satisfied that the biodiversity gain objective contained in the statement is met in relation to the development to which the application relates.
- (3B)** Subsections (3) and (3A) do not apply to the extent that one or more of subsections (4) to (8) applies.”
- (3)** In each of subsections (4), (5) and (6), for “any relevant national policy statement” substitute “subsection (3) or (3A)”.
- (4)** In subsection (8), for “a national policy statement” substitute “subsection (3) or (3A)”.

Commencement Information

- II** Sch. 15 para. 3 not in force at Royal Assent, see [s. 147\(3\)](#)

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