
STATUTORY INSTRUMENTS

2024 No. 44

**The Environment Act 2021 (Commencement No. 8
and Transitional Provisions) Regulations 2024**

Transitional provision: section 73 planning permissions

4.—(1) The biodiversity gain planning condition does not apply in relation to a section 73 planning permission where—

- (a) the original planning permission to which the section 73 planning permission relates was granted before 12th February 2024; or
- (b) the application for the original planning permission to which the section 73 planning permission relates was made before 12th February 2024.

(2) For the purposes of this regulation—

- (a) “section 73 planning permission” means a planning permission granted on an application made under section 73 of the 1990 Act (determination of applications to develop land without compliance with conditions previously attached);
- (b) “the original planning 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.