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STATUTORY INSTRUMENTS

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**2024 No. 48**

**The Biodiversity Gain Requirements  
(Irreplaceable Habitat) Regulations 2024**

**Modification of application of Part 2 of Schedule 7A**

**3.—**(1) Subject to regulation 4, Part 2 of Schedule 7A applies in relation to any part of a development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat, with the following modifications.

(2) Paragraph 14(2) applies as if—

- (a) in paragraph (a) the words “and any other habitat” were omitted; and
- (b) paragraphs (d) and (e) were omitted.

(3) Paragraph 15 applies as if—

(a) in sub-paragraph (2)—

- (i) paragraphs (c) and (d) were omitted, and
- (ii) for paragraph (e) there were substituted—

“(e) that the adverse effect of the development on the biodiversity of the onsite habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact”; and

(b) after sub-paragraph (2) there were inserted—

“(3) For the purposes of sub-paragraph (2)(e), arrangements are appropriate only if they secure that there is a compensation plan in place that secures appropriate compensation relative to the baseline habitat type, and which does not include the use of biodiversity credits.”.