
EXPLANATORY NOTE

(This note is not part of the Regulations)

Schedule 7A to the Town and Country Planning Act 1990 (“Schedule 7A”) makes provision for grants of planning permission in England to be subject to a condition to secure that a biodiversity gain objective is met. These Regulations define “irreplaceable habitat” for the purposes of Schedule 7A and modify its application in respect of habitat falling within the definition. The effect of the modifications is that the requirement applicable to developments for which planning permission is granted to increase the biodiversity value of the development by a specified percentage is disapplied. Instead alternative arrangements must be made for the purpose of minimising the adverse effect of the development on the biodiversity of the onsite habitat where that habitat is deemed irreplaceable. The modifications in this instrument do not apply in respect of a phased development – similar modifications for such development is contained in regulations made under paragraph 19 of Schedule 7A.

An impact assessment has not been published for this instrument as no significant impact on the costs of the private or voluntary sectors is foreseen.