
STATUTORY INSTRUMENTS

2024 No. 49

**The Biodiversity Gain (Town and Country Planning)
(Consequential Amendments) Regulations 2024**

PART 3

**Amendments related to permission to develop land without compliance
with conditions previously attached: biodiversity gain in England**

7. In section 73 (determination of applications to develop land without conditions previously attached)(1) for subsection (2C)(c) substitute—

- “(c) the conditions subject to which the planning permission is granted under this section—
- (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
 - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.”.

(1) Section 73 of the Town and Country Planning Act 1990 (c. 8) was amended by: paragraph 4 of Schedule 3 to the Neighbourhood Planning Act 2017 (c. 20); section 35(7) of the Planning (Wales) Act 2015 anaw. 4; paragraph 3(5) of Schedule 14(2) to the Environment Act 2021 (c. 30) and section 114(6) of the Levelling-up and Regeneration Act 2023 (c. 55) on a date to be appointed.