
STATUTORY INSTRUMENTS

2024 No. 50

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

PART 4

**Amendments to the Town and Country Planning
(Development Management Procedure) (England) Order 2015**

18. In article 37 (appeals) at the beginning insert—

“(A1) This article does not apply to an appeal to the Secretary of State under section 78 of the 1990 Act⁽¹⁾ for not approving or not determining a biodiversity gain plan (see Part 7A, article 37E).”.

(1) Section 78 was amended by section 17(2) of the Planning and Compulsory Purchase Act 1991, section 121(1), (2)(b), (3A) and (3B) of the Planning and Compulsory Purchase Act 2004, Paragraphs 1 and 3(a) and (b) of Schedule 10 and paragraphs 1 and 2 of Schedule 11 to the Planning and Compulsory Purchase Act 2008, section 123(1) and (3) of, and paragraphs 1 and 11 of Schedule 12 to, the Localism Act 2011, paragraphs 2 and 12 of Part 2 of Schedule 4 to the Infrastructure Act 2015, sections 45 and 47(1) of, and paragraph 7(1) and (2) of Schedule 7 to, the Planning (Wales) Act 2015, paragraphs 1 and 12 of Schedule 12 to the Housing and Planning Act 2016, and [S.I. 2014/2773](#). Section 78 is prospectively amended by section 113(1) and (5) of, and paragraph 1(1) and (12) of Schedule 9 to, the Levelling-up and Regeneration Act 2023 from a date and time to be appointed.