



# Environment Act 2021

## 2021 CHAPTER 30

### PART 6

#### NATURE AND BIODIVERSITY

##### *Biodiversity gain in planning*

#### **101 Biodiversity credits**

- (1) The Secretary of State may make arrangements under which a person who is entitled to carry out the development of any land may purchase a credit from the Secretary of State for the purpose of meeting the biodiversity gain objective referred to in Schedule 7A to the Town and Country Planning Act 1990 or Schedule 2A to the Planning Act 2008.
- (2) A credit is to be regarded for the purposes of that Schedule as having such biodiversity value as is determined under the arrangements.
- (3) The arrangements may in particular include arrangements relating to—
  - (a) applications to purchase credits;
  - (b) the amount payable in respect of a credit of a given value;
  - (c) proof of purchase;
  - (d) reimbursement for credits purchased for development which is not carried out.
- (4) In determining the amount payable under the arrangements for a credit of a given value the Secretary of State must have regard to the need to determine an amount which does not discourage the registration of land in the biodiversity gain sites register.
- (5) The Secretary of State must publish information about the arrangements, including in particular the amount payable for credits.
- (6) The Secretary of State may use payments received under arrangements under this section for the following purposes (only)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) carrying out works, or securing the carrying out of works, for the purpose of habitat enhancement (within the meaning of Part 7A of the Town and Country Planning Act 1990) on land in England;
  - (b) purchasing interests in land in England with a view to carrying out works, or securing the carrying out of works, for that purpose;
  - (c) operating or administering the arrangements.
- (7) The references to works in subsection (6) do not include works which the Secretary of State is required to carry out apart from this section by virtue of any enactment.
- (8) The Secretary of State must publish reports relating to the discharge of the Secretary of State's functions under subsections (1) and (6).
- (9) A report must relate to a period not exceeding a year which—
  - (a) in the case of the first report, begins on the date on which Schedule 7A to the Town and Country Planning Act 1990 comes into force in relation to any development (within the meaning of Part 3 of that Act), and
  - (b) in the case of any subsequent report, begins on the day after the last day of the period to which the previous report related.
- (10) A report must set out—
  - (a) the total payments received under arrangements under this section in the period to which the report relates,
  - (b) how those payments have been used, and
  - (c) where those payments have been used for the purpose of carrying out or securing the carrying out of works for the purpose of habitat enhancement, the projected biodiversity value of the habitat enhancement at such time or times after completion of the works as the Secretary of State considers it appropriate to specify.