
STATUTORY INSTRUMENTS

2024 No. 45

The Biodiversity Gain Site Register Regulations 2024

PART 6

Amendment of an entry in the biodiversity gain site register on the register operator's own initiative

Notice of intent to be given before entry is amended under regulation 20

21.—(1) Before exercising its power under regulation 20 to amend an entry in the biodiversity gain site register in which land is registered in relation to a conservation covenant or section 106 agreement, the register operator must give notice of its intention to do so (a “notice of intent”) to every required recipient.

(2) A “required recipient” of a notice of intent under paragraph (1) is a person who the register operator believes, on the basis of any information in the register operator's possession, is—

- (a) a person on whom a relevant requirement is imposed under the conservation covenant or section 106 agreement, or
- (b) a person by whom any such requirement is enforceable.

(3) For the purposes of paragraph (2), where the land is registered in relation to a conservation covenant, a “relevant requirement” under the conservation covenant is a requirement under the covenant—

- (a) to carry out works on the land for the purpose of habitat enhancement, or
- (b) to maintain any habitat enhancement to be achieved by works required to be carried out on the land for that purpose under the covenant or obligation.

(4) For the purposes of paragraph (2), where the land is registered in relation to a section 106 agreement, a “relevant requirement” under the section 106 agreement is a requirement under a planning obligation in the section 106 agreement—

- (a) to carry out works on the land for the purpose of habitat enhancement, or
- (b) to maintain any habitat enhancement to be achieved by works required to be carried out on the land for that purpose under a planning obligation in the section 106 agreement.

(5) A notice of intent given under paragraph (1) must—

- (a) identify the entry which the register operator intends to amend;
- (b) inform the recipient of the notice that the register operator considers that the information in the entry is inaccurate or incomplete;
- (c) explain why the register operator considers that the information in the entry is inaccurate or incomplete;
- (d) inform the recipient of the notice that the register operator intends to amend the entry;
- (e) inform the recipient of the right to make representations under regulation 22.