
STATUTORY INSTRUMENTS

2024 No. 45

The Biodiversity Gain Site Register Regulations 2024

PART 9

Appeals

Right to appeal against rejection of an application, amendment of the register or removal of an entry from the register

30.—(1) Where the register operator gives notice under regulation 10 that it has rejected an application referred to in regulation 7 (application to register land in the biodiversity gain site register) the person who made the application may appeal to the First-tier Tribunal against the register operator’s decision to reject the application.

(2) Where the register operator gives notice under regulation 15(2) that it has rejected an application referred to in regulation 12(2) (application to record the allocation of any habitat enhancement to a development in the biodiversity gain site register) the person who made the application may appeal to the First-tier Tribunal against the register operator’s decision to reject the application.

(3) Where the register operator gives notice under regulation 19 that it has rejected an application referred to in regulation 17(1) (application to amend an entry in the biodiversity gain site register) the person who made the application may appeal to the First-tier Tribunal against the register operator’s decision to reject the application.

(4) Where the register operator gives notice under regulation 19 that it has accepted an application referred to in regulation 17(1) (application to amend an entry in the biodiversity gain site register) but is not satisfied that all of the amendments requested in the application by the person who made the application need to be made, the person who made the application may appeal to the First-tier Tribunal against the register operator’s decision not to make the requested amendments or any of them.

(5) Where the register operator amends an entry in the biodiversity gain site register under regulation 20 (amendment of an entry without application) any interested person may appeal to the First-tier Tribunal against the register operator’s decision to amend the entry.

(6) Where the register operator gives notice under regulation 25(13) that it has rejected an application referred to in regulation 24(2) (application to have an entry removed from the biodiversity gain site register) the person who made the application may appeal to the First-tier Tribunal against the register operator’s decision to reject the application.

(7) Where the register operator removes an entry from the biodiversity gain site register under regulation 26 (removal of an entry without application) any interested person may appeal to the First-tier Tribunal against the register operator’s decision to remove the entry.

(8) For the purposes of paragraphs (5) and (7), an “interested person” in relation to an appeal against the amendment or removal of an entry in the biodiversity gain site register in which land is registered in relation to a conservation covenant means a person—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) who is required under the conservation covenant to carry out works on the land for the purpose of habitat enhancement,
 - (b) who is required under the conservation covenant 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
 - (c) by whom a requirement referred to in sub-paragraph (a) or (b) is enforceable.
- (9) For the purposes of paragraphs (5) and (7), an “interested person” in relation to an appeal against the amendment or removal of an entry in the biodiversity gain site register in which land is registered in relation to a section 106 agreement means a person—
- (a) who is required under a planning obligation in the section 106 agreement to carry out works on the land for the purpose of habitat enhancement,
 - (b) who is required under a planning obligation in the section 106 agreement 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, or
 - (c) by whom a requirement referred to in sub-paragraph (a) or (b) is enforceable.