
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England only, exempt certain developments from meeting the biodiversity gain requirement that would otherwise be imposed as a general condition of planning permission.

That requirement is that the biodiversity value attributable to the development exceeds the pre-development biodiversity value by at least the statutorily specified percentage. Biodiversity value means the value of any habitat or habitat enhancement as calculated in accordance with the biodiversity metric published by the Secretary of State.

The exemptions in these Regulations relate to:

- (a) small developments where an application for planning permission is made or has been granted before April 2024,
- (b) developments with no impact on priority habitat and where impacts on other habitat fall below specified thresholds,
- (c) householder applications,
- (d) the high-speed railway network,
- (e) off-site gain developments i.e. developments which fulfil the biodiversity net gain requirement arising in relation to another development, and
- (f) certain self-build and custom build developments.

These Regulations also require the Secretary of State to carry out a review of these Regulations at least once in every 5 years.

An Impact Assessment for these Regulations has been produced and is available at www.gov.uk or from DEFRA Helpline, Seacole building, 2 Marsham Street, London SW1P 4DF.