
STATUTORY INSTRUMENTS

2024 No. 47

**The Biodiversity Gain Requirements
(Exemptions) Regulations 2024**

Temporary exemption for small developments

3.—(1) The biodiversity gain planning condition does not apply in relation to planning permission for small development where—

- (a) the application for planning permission for small development was made before 2nd April 2024; or
- (b) planning permission is granted for small development which has effect before 2nd April 2024.

(2) The biodiversity gain planning condition does not apply in relation to a section 73 planning permission where the original planning permission to which the section 73 planning permission relates was exempt by virtue of paragraph (1).

(3) In this regulation—

“original planning permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions;

“section 73 planning permission” means planning permission granted on an application made under section 73 of the Town and Country Planning Act 1990 (determination of applications to develop land without compliance with conditions previously attached);

“small development” means development which is not major development within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015(1).