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STATUTORY INSTRUMENTS

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**2024 No. 50**

**The Biodiversity Gain (Town and Country Planning)  
(Modifications and Amendments) (England) Regulations 2024**

**PART 4**

**Amendments to the Town and Country Planning  
(Development Management Procedure) (England) Order 2015**

**15.** In article 7 (general requirements: applications for planning permission including outline planning permission)—

(a) in paragraph (1), after sub-paragraph (c)(ii), insert—

“(ia) the information relating to the condition under paragraph 13 of Schedule 7A to the 1990 Act (“the biodiversity gain condition”) specified in paragraph (1A);”;

(b) after paragraph (1) insert—

“(1A) Subject to paragraph (1B), an application for planning permission must be accompanied by the following information relating to the biodiversity gain condition—

(a) a statement as to whether the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition;

(b) where the applicant believes that planning permission, if granted, would not be subject to the biodiversity gain condition, the reasons for that belief;

(c) in cases where the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition—

(i) the completed biodiversity metric calculation tool or tools (as the case may be) showing the calculation of the biodiversity value of the onsite habitat, for the purpose of the biodiversity gain plan required to be submitted under paragraph 13 of Schedule 7A to the 1990 Act if permission is granted, on—

(aa) the date of the application, or

(bb) an earlier date proposed by the applicant, and

(cc) in either case, the date immediately before any activities of the type mentioned in paragraph 6 or 6A of Schedule 7A to the 1990 Act have been carried out on the land;

(ii) the biodiversity value or values (as the case may be) referred to in paragraph (i);

(iii) the publication date of the biodiversity metric calculation tool or tools (as the case may be) used to calculate the values referred to in paragraph (i);

(iv) if an earlier date is proposed by the applicant under paragraph (i)(bb), the reasons why that earlier date is proposed;

(v) if any activities of the type mentioned in paragraph 6 or 6A of Schedule 7A to the 1990 Act have been carried out on the land—

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- (aa) a statement that such activities have been carried out,
    - (bb) confirmation of the date immediately before those activities were so carried out, and
    - (cc) any available supporting evidence for the date referred to in subparagraph (bb) and for the value referred to in paragraph (i)(cc).
  - (vi) a description of any irreplaceable habitat, corresponding to the descriptions in Table 1 or in column 1 of Table 2 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024, that—
    - (aa) is on the land to which the application relates, and
    - (bb) exists on the date referred to in paragraph (i)(aa) or (bb) (as applicable);
  - (vii) a plan showing the location, on the date referred to in paragraph (i)(aa) or (bb) (as applicable), of—
    - (aa) the onsite habitat included in the calculations referred to in paragraph (i), and
    - (bb) any irreplaceable habitat.
- (1B) Paragraph (1A) does not apply to an application for permission to develop land without compliance with conditions previously attached made under section 73 of the 1990 Act.”;
- (c) in paragraph (2), for “(1)(c)(i) or (ii)” substitute “(1) or (1A)”.