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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 2**

**Modification of Application of Part 2 of Schedule 7A  
to the 1990 Act: Development in Phases**

**Modification of application of Part 2 of Schedule 7A to the 1990 Act: development in phases**

**3.** Part 2 of Schedule 7A to the 1990 Act (condition of planning permission relating to biodiversity gain)<sup>(1)</sup> applies, with the modifications in regulations 4 to 8, in relation to—

- (a) the grant of outline planning permission, where the reservation of matters for subsequent approval has the effect of requiring or permitting development to proceed in phases;
- (b) the grant of any kind of planning permission<sup>(2)</sup>, where the grant is subject to conditions (whether requiring the subsequent approval of any matters or otherwise) having that effect.

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<sup>(1)</sup> Part 2 of Schedule 7A to the Town and Country Planning Act 1990 was inserted by the Environment Act 2021.

<sup>(2)</sup> The term “planning permission” is defined in section 336(1) of the Town and Country Planning Act 1990, as amended by section 84(6) of, and Part 1 of Schedule 19 to, the Planning and Compensation Act 1991 (c. 34) and paragraphs 1 and 40(1) and (3) of Schedule 12 to the Housing and Planning Act 2016. It is prospectively amended by paragraphs 1 and 10(b) of Schedule 10 to the Levelling-up and Regeneration Act 2023 from a date and time to be appointed.