
STATUTORY INSTRUMENTS

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 paragraph 14 (biodiversity gain plan)

5. For the purposes of paragraph 13(3)(a) (overall plan) as modified by regulation 4, paragraph 14 applies as if—

- (a) in the heading, at the end there were inserted “: overall plan”;
- (b) for sub-paragraph (1) there were substituted—

“(1) For the purposes of paragraph 13(3)(a) (overall plan), a biodiversity gain plan is a plan which—

- (a) relates to the development for which planning permission of the type mentioned in paragraph 19(1)(a) or (b) is granted, and
- (b) subject to sub-paragraph (2A), specifies the matters referred to in sub-paragraph (2).”;

- (c) in sub-paragraph (2), for paragraphs (a) to (e) there were substituted—

- “(a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat(1) and any other habitat,
- (b) the pre-development biodiversity value(2) of the onsite habitat,
- (c) any registered offsite biodiversity gain(3) allocated to the development before the date of submission of the biodiversity gain plan and the biodiversity value of that gain in relation to the development,
- (d) any registered offsite biodiversity gain proposed to be allocated to the development and the biodiversity value of that gain in relation to the development,
- (e) any biodiversity credits(4) purchased before the date of submission of the biodiversity gain plan,
- (ea) any biodiversity credits proposed to be purchased for the development,

(1) The term “onsite habitat” has the meaning given by paragraph 12(1) of Schedule 7A to the Town and Country Planning Act 1990.

(2) The term “pre-development biodiversity value” has the meaning given by paragraph 5 of Schedule 7A to the Town and Country Planning Act 1990, as amended by section 135(b) of the Levelling-up and Regeneration Act 2023.

(3) The term “registered offsite biodiversity gain” has the meaning given by paragraph 10 of Schedule 7A to the Town and Country Planning Act 1990, as amended by section 135(c) of the Levelling-up and Regeneration Act 2023.

(4) The term “biodiversity credits” has the meaning given by paragraph 11 of Schedule 7A to the Town and Country Planning Act 1990.

- (eb) the post-development biodiversity value⁽⁵⁾ of the onsite habitat for the overall development,
- (ec) except in a section 73 case, the post-development biodiversity value of the onsite habitat for each phase of development,
- (ed) in a section 73 case, the post-development biodiversity value of the onsite habitat for each phase of development (whether begun or otherwise), and”;
- (d) after sub-paragraph (2) there were inserted—
 - “(2A) Where the onsite habitat of any part of a development is irreplaceable habitat⁽⁶⁾—
 - (a) the words “and any other habitat” in sub-paragraph (2)(a), and
 - (b) sub-paragraph (2)(c), (d), (e) and (ea),do not apply in relation to that part of the development.”.

(5) The term “post-development biodiversity value” has the meaning given by paragraph 8 of Schedule 7A to the Town and Country Planning Act 1990.

(6) “Irreplaceable habitat” is defined for the purposes of Part 2 of Schedule 7A to the Town and Country Planning Act 1990 by regulation 2 of [S.I. 2024/48](#).