
STATUTORY INSTRUMENTS

2024 No. 49

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

PART 4

Amendments related to appeals: biodiversity gain in England

- 8.** In section 78 (right to appeal against planning decisions and failure to take such decisions)—
- (a) in subsection (2) after “development order” insert “or in relation to a biodiversity gain plan specified in regulations under paragraph 16(a) of Schedule 7A (biodiversity gain in England: regulations about determinations)”;
 - (b) in subsection (3) after “development order” insert “or, in relation to a biodiversity gain plan specified in regulations under paragraph 16(a) of Schedule 7A”.
- 9.** In section 284 (validity of development plans and certain orders, decisions and directions)⁽¹⁾, after subsection (3)(j) (inserted by paragraph 6 of Schedule 11 to the Levelling-Up and Regeneration Act 2023), insert—
- “, or
- (k) any determination by the Secretary of State whether to approve a biodiversity gain plan under Schedule 7A (biodiversity gain in England).”.
- 10.** In section 336(1) (interpretation), after the definition of “authority to whom Part II of the 1959 Act applies”, insert—
- ““biodiversity gain plan” has the meaning in paragraph 14(1) of Schedule 7A;”.

⁽¹⁾ Section 284 of the Town and Country Planning Act 1990 (c. 8) was amended by: section 82(2) of the Planning and Compulsory Purchase Act 2004 (c. 5); and subsection (3) was amended by paragraph 6 of Schedule 10 and paragraph 7 of Schedule 11 to the Levelling-up and Regeneration Act 2023 (c. 55) on a date to be appointed.