
STATUTORY INSTRUMENTS

2010 No. 490

**WILDLIFE
COUNTRYSIDE**

The Conservation of Habitats and Species Regulations 2010

Made - - - - 1st March 2010
Laid before Parliament 8th March 2010
Laid before the National
Assembly for Wales - - 8th March 2010
Coming into force in accordance with regulation 1(2),
(3) and (4)

The Secretary of State is designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} in relation to the environment, and the Welsh Ministers are designated ^{M3} for those purposes in relation to the conservation of natural habitats and of wild fauna and flora.

In exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972 and paragraph 1A of Schedule 2 ^{M4} to that Act, and by section 307(3) and (5) of the Criminal Justice Act 2003 ^{M5}, the Secretary of State and the Welsh Ministers make these Regulations, the Welsh Ministers in relation to Wales, to the extent that they are designated to do so, and the Secretary of State in relation to every other aspect.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State and to the Welsh Ministers that it is expedient for any reference in these Regulations to an Annex to Council Directive 92/43/EEC (on the conservation of natural habitats and of wild fauna and flora ^{M6}) to be construed as a reference to that Annex as amended from time to time.

Marginal Citations

M1 [S.I. 2008/301](#).

M2 [1972 c. 68](#).

M3 [S.I. 2002/248](#). The designation is subject to the exceptions set out in Schedule 2 to that Order. The functions conferred on the National Assembly for Wales by means of that Order are now exercisable by the Welsh Ministers, by virtue of paragraph 30 of Schedule 11 to the [Government of Wales Act 2006 \(c. 32\)](#).

M4 [Paragraph 1A](#) of Schedule 2 was inserted by section 28 of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#).

M5 [2003 c. 44](#).

M6 OJ No L 206, 22.7.1992, p. 7, last amended by Council Directive 2006/105/EC (OJ No L 363, 20.12.2006, p. 368).

PART 1

INTRODUCTORY AND GENERAL PROVISIONS

Citation and commencement

1.—(1) These Regulations may be cited as the Conservation of Habitats and Species Regulations 2010.

(2) Except as provided by paragraphs (3) and (4), these Regulations come into force on 1st April 2010.

(3) In regulation 6 (relevant authorities in relation to marine areas and European marine sites), paragraph (i) (inshore fisheries and conservation authority) comes into force immediately after section 153 of the Marine Act ^{M7} (management of inshore fisheries) comes into force.

(4) The following provisions come into force immediately after section 134 of the Marine Act (orders for protection of marine conservation zones in Wales) comes into force (so far as not already brought into force)—

- (a) paragraph (2) of regulation 38 (European marine sites: byelaws and orders), and paragraphs (3), (4) and (5) of that regulation in so far as they relate to paragraph (2); and
- (b) paragraph (3) of regulation 133 (revocations), in so far as that paragraph relates to the revocation, as regards Wales, of—
 - (i) the entry “sections 36 and 37 of the Wildlife and Countryside Act 1981 (marine nature reserves),” in paragraph (3) of regulation 3 (implementation of Directive) of the 1994 Regulations ^{M8}, and
 - (ii) regulation 36 (byelaws for protection of European marine site) of the 1994 Regulations.

Marginal Citations

M7 2009 c. 23.

M8 S.I. 1994/2716.

Extent

2.—(1) Except as provided in this regulation, these Regulations extend to England and Wales only.

(2) The following provisions also extend to Scotland—

- (a) regulation 3(8) (interpretation in relation to adjacent sea);
- ^[F1](b) regulations 9 (duties relating to compliance with the Directives) and 9A (duties in relation to wild bird habitat), in so far as those regulations apply in relation to the exercise of a function which relates to a reserved matter (within the meaning of Schedule 5 to the Scotland Act 1998 (reserved matters));
- (c) regulation 39(4) (statement under Planning Act 2008 ^{M9});

- [^{F2}(ca) Chapter 1 of Part 6 (assessment of plans and projects: general provisions), in so far as that Chapter applies in relation to plans and projects—
- (i) which do not relate to a matter specified in Chapters 2 to 9 of that Part, and
 - (ii) which relate to a reserved matter (within the meaning of Schedule 5 to the Scotland Act 1998);]
- (d) in regulation 68 (grant of planning permission)—
- (i) paragraph (1)(e)(ii) and (iii) (deemed grant of planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 ^{M10} and section 5(1) of the Pipe-lines Act 1962 ^{M11}), and
 - (ii) paragraph (2) in so far as that paragraph relates to paragraph (1)(e)(ii) and (iii) of that regulation;
- (e) in regulation 69 (planning permission: duty to review), in paragraph (3)—
- (i) sub-paragraph (b) (direction under section 5(1) of the Pipe-lines Act 1962), and
 - (ii) sub-paragraph (d) in so far as that sub-paragraph relates to a direction under section 57(2) of the Town and Country Planning (Scotland) Act 1997;
- (f) regulations 81, 82 and 83(2) (development consent under Planning Act 2008);
- (g) Chapter 4 of Part 6 (electricity);
- (h) Chapter 5 of Part 6 (pipe-lines);
- [^{F3}(ha) regulation 100 (marine works) in so far as it applies to the granting of a licence under Part 2 of the Food and Environment Protection Act 1985;]
- (i) regulation 106 (national policy statements under Planning Act 2008), and regulations 102, 103 and 105 in so far as they apply in relation to a national policy statement by virtue of regulation 106; ^{F4} ...
- [^{F5}(ia) regulation 107A, in so far as it applies in relation to the exercise of any power by the Secretary of State, and regulations 102, 103 and 105 in so far as they apply to marine policy statements by virtue of regulation 107A;]
- (j) in Schedule 6 (amendments of legislation)—
 - (i) sub-paragraph (3) of paragraph 5 (amendment of section 123 of the Marine Act),
 - (ii) sub-paragraph (5) of that paragraph (amendment of section 237 of that Act), and
 - (iii) paragraph 7 (amendment of the 2007 Regulations ^{M12}),and regulation 132 in so far as it relates to those provisions.
- (3) The following provisions also extend to Scotland in so far as they have effect in relation to the provisions specified in paragraph (2)—
- (a) regulations [^{F6}1 (citation and commencement) and 2 (extent)] 3 (interpretation), 5 (nature conservation bodies), 7 (competent authorities) and 8 (European sites and European marine sites);
 - (b) Chapter 1 of Part 6 (general provisions in relation to Part 6 (assessment of plans and projects)); and
 - (c) regulations 128 (advisory role of the Joint Nature Conservation Committee), 129(3) (advisory role of Scottish Natural Heritage) and 131 (notices).
- [^{F7}(4) The following provisions also extend to Northern Ireland—
- (a) regulations 9 and 9A, in so far as those regulations apply in relation to the exercise of a function which relates to an excepted matter (within the meaning given by section 4(1) of the Northern Ireland Act 1998);

- (b) Chapter 1 of Part 6, in so far as that Chapter applies in relation to plans and projects—
 - (i) which do not relate to a matter specified in Chapters 2 to 9 of that Part, and
 - (ii) which relate to an excepted matter (within the meaning given by section 4(1) of the Northern Ireland Act 1998);
- (c) regulation 100, in so far as it applies in relation to a marine licence under Part 4 of the Marine Act in respect of anything done in the course of carrying on an activity which relates to a matter which is an excepted matter by virtue of paragraph 4 of Schedule 2 to the Northern Ireland Act 1998 (defence of the realm etc.);
- (d) regulation 107A, in so far as it applies in relation to the exercise of any power by the Secretary of State, and regulations 102, 103 and 105 in so far as they apply to marine policy statements by virtue of regulation 107A; and
- (e) in Schedule 6—
 - (i) sub-paragraphs (3) and (5) of paragraph 5, and sub-paragraph (1) of paragraph 5 in so far as it relates to those sub-paragraphs, and
 - (ii) paragraph 7,
 and regulation 132 in so far as it relates to those provisions.

(4A) This regulation and regulations 1, 3, 5, 7, 8, 128 and 131 also extend to Northern Ireland in so far as they have effect in relation to the provisions specified in paragraph (4).

(4B) Chapter 1 of Part 6 also extends to Northern Ireland in so far as it has effect in relation to the provision specified in paragraph (4)(c).]

^{F8}(5)

(6) The revocation of an enactment by any provision of regulation 133 (revocations) or Schedule 7 (revocations) has the same extent as the enactment revoked, except that the following provisions do not extend to Scotland—

- (a) paragraph (3) of that regulation, and paragraph (1) of that regulation so far as it relates to paragraph (3); and
- (b) paragraph (4)(b) of that regulation and Part 2 of that Schedule.

Textual Amendments

- F1** Reg. 2(2)(b) substituted (16.8.2012) by The Conservation of Habitats and Species (Amendment) Regulations 2012 (S.I. 2012/1927), regs. 1(1), **3(2)(a)**
- F2** Reg. 2(2)(ca) inserted (16.8.2012) by The Conservation of Habitats and Species (Amendment) Regulations 2012 (S.I. 2012/1927), regs. 1(1), **3(2)(b)**
- F3** Reg. 2(2)(ha) inserted (6.4.2011) by The Conservation of Habitats and Species (Amendment) Regulations 2011 (S.I. 2011/625), regs. 1(1), **3(a)(i)**
- F4** Word in reg. 2(2)(i) omitted (6.4.2011) by virtue of The Conservation of Habitats and Species (Amendment) Regulations 2011 (S.I. 2011/625), regs. 1(1), **3(a)(ii)**
- F5** Reg. 2(2)(ia) inserted (6.4.2011) by The Conservation of Habitats and Species (Amendment) Regulations 2011 (S.I. 2011/625), regs. 1(1), **3(a)(iii)**
- F6** Words in reg. 2(3)(a) inserted (6.4.2011) by The Conservation of Habitats and Species (Amendment) Regulations 2011 (S.I. 2011/625), regs. 1(1), **3(b)**
- F7** Reg. 2(4)-(4B) substituted for reg. 2(4) (16.8.2012) by The Conservation of Habitats and Species (Amendment) Regulations 2012 (S.I. 2012/1927), regs. 1(1), **3(3)**
- F8** Reg. 2(5) omitted (16.8.2012) by virtue of The Conservation of Habitats and Species (Amendment) Regulations 2012 (S.I. 2012/1927), regs. 1(1), **3(4)**

Marginal Citations

M9 2008 c. 29.

M10 1997 c. 8.

M11 1962 c. 58; section 5(1) was amended by S.I. 1999/742, **paragraph 2(3)** of the Schedule.

M12 S.I. 2007/1842.

Interpretation

3.—(1) In these Regulations—

“the 1949 Act” means the National Parks and Access to the Countryside Act 1949 ^{M13};

“the 1994 Regulations” means the Conservation (Natural Habitats, &c.) Regulations 1994 ^{M14};

“the 2007 Regulations” means the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 ^{M15};

[^{F9}“the appropriate authority” means the Secretary of State in relation to England and the Welsh Ministers in relation to Wales (but see modifications of the meaning of that term in regulations 9(4) and 9A(12)(a), and modifications of references to that term in regulations 67(1)(b), (3)(c), (5) and (8)(b), 94(6), 106(3)(b) and 107A(3)(c)), and any person exercising any function of the Secretary of State or the Welsh Ministers;]

“competent authority” is to be construed in accordance with regulation 7 (competent authorities);

“conservation” has the meaning given by Article 1(a) of the Habitats Directive;

“conservation status” and “favourable conservation status” have the meanings given by paragraphs (e) (in relation to habitats) and (i) (in relation to species) of Article 1 of the Habitats Directive;

“destroy”, in relation to an egg, includes doing anything to the egg which is calculated to prevent it from hatching, and “destruction” is to be construed accordingly;

“the devolved administrations” means the Welsh Ministers, the Department of the Environment in Northern Ireland and the Scottish Ministers;

[^{F10}“the Directives” means the Habitats Directive and the new Wild Birds Directive;]

“enactment” includes a local enactment and an enactment contained in subordinate legislation, and “subordinate legislation” has the same meaning as in the Interpretation Act 1978 ^{M16} (see section 21 of that Act);

“English inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to England;

“European marine site” has the meaning given by paragraph (4) of regulation 8 (European sites and European marine sites);

“European offshore marine site” means a European offshore marine site within the meaning of regulation 15 of the 2007 Regulations (meaning of European offshore marine site);

“European site” has the meaning given by regulation 8 (European sites and European marine sites);

“functions” includes powers and duties;

“the Habitats Directive” means Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;

“land” includes land covered by water;

“local planning authority” means, except as otherwise provided, any authority having any function as a local planning authority or mineral planning authority under the TCPA 1990 ^{M17};

“management agreement” means an agreement made, or having effect as if made, under regulation 16 (management agreements);

“the Marine Act” means the Marine and Coastal Access Act 2009 ^{M18};

“marine area” means (subject to [^{F11}regulations 9(5) and 9A(12)(b)]) the English inshore region and the Welsh inshore region;

“Natura 2000” means the European network of special areas of conservation, and special protection areas under the old Wild Birds Directive or the new Wild Birds Directive, provided for by Article 3(1) of the Habitats Directive;

“natural habitats” has the meaning given by Article 1(b) of the Habitats Directive;

“nature conservation body” and “appropriate nature conservation body” have the meaning given by regulation 5 (nature conservation bodies);

“the new Wild Birds Directive” means Directive [2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds ^{M19};

[^{F12}“Northern Ireland inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to Northern Ireland;]

“officer”—

- (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, and
- (b) in relation to an unincorporated body, means any member of its governing body or a chief executive, manager or other similar officer of the body;

“the old Wild Birds Directive” means Council Directive [79/409/EEC](#) on the conservation of wild birds ^{M20};

“priority natural habitat types” has the meaning given by Article 1(d) of the Habitats Directive;

“priority species” has the meaning given by Article 1(h) of the Habitats Directive;

“the register” means the register of European sites provided for by regulation 13 (register of European sites);

“relevant authorities”, in relation to marine areas and European marine sites, is to be construed in accordance with regulation 6 (relevant authorities in relation to marine areas and European marine sites);

“relevant licensing body” has the meaning given by regulation 56 (relevant licensing body);

“research” includes inquiries and investigations;

“restricted English inshore region” means so much of the English inshore region as lies to seaward of mean low water mark;

“sample” means a sample of blood, tissue or other biological material;

“Scottish inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to Scotland;

“sea” includes—

- (a) any area submerged at mean high water spring tide, and
- (b) the waters of every estuary, river or channel, so far as the tide flows at mean high water spring tide,

and any reference to an area of sea includes the bed and subsoil of the sea within that area;

“ship” means any vessel (including hovercraft, submersible craft and other floating craft) other than one which permanently rests on, or is permanently attached to, the seabed;

“site” has the meaning given by Article 1(j) of the Habitats Directive;

“site of Community importance” has the meaning given by Article 1(k) of the Habitats Directive;

“special area of conservation” has the meaning given by Article 1(l) of the Habitats Directive;

“specimen”—

(a) for the purposes of Part 7 (enforcement), means any animal or plant, or any part of, or anything derived from, an animal or plant, and

(b) for all other purposes has the meaning given by Article 1(m) of the Habitats Directive;

“statutory undertaker” means a person who is, or is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the TCPA 1990 (statutory undertakers);

“the TCPA 1990” means the Town and Country Planning Act 1990^{M21};

“the WCA 1981” means the Wildlife and Countryside Act 1981^{M22}, ^{F13} ...

“Welsh inshore region” means the area of sea within the seaward limits of the territorial sea adjacent to [^{F14}Wales;]

[^{F15}“wild bird” means a bird which is—

(a) a member of a species referred to in Article 1 of the new Wild Birds Directive, and

(b) wild.]

(2) The area of sea referred to in sub-paragraph (a) of the definition of “sea” in paragraph (1) includes waters in any area—

(a) which is closed, whether permanently or intermittently, by a lock or other artificial means against the regular action of the tide, but

(b) into and from which seawater is caused or permitted to flow, whether continuously or from time to time.

(3) Terms not defined in paragraph (1) which are used in these Regulations and also in the Habitats Directive have the meaning they bear in that Directive.

(4) In these Regulations, any reference to an Annex to the Habitats Directive is a reference to that Annex to that Directive as amended from time to time.

(5) Subject to regulation 83(1)(which relates to the construction of provisions of Chapter 2 of Part 6 as one with the TCPA 1990), these Regulations apply to the Isles of Scilly as if the Isles were a county and the Council of the Isles were a county council.

(6) Except as provided by paragraph (7), for the purposes of these Regulations—

(a) any reference to England includes the English inshore region;

(b) any reference to Wales includes the Welsh inshore region;

(c) any reference to Scotland includes the Scottish inshore region; ^{F16} ...

(d) any reference to Great Britain includes the English inshore region, the Welsh inshore region and the [^{F17}Scottish inshore region;]

[^{F18}(e) any reference to Northern Ireland includes the Northern Ireland inshore region; and]

[^{F18}(f) any reference to the United Kingdom includes its internal waters and the English inshore region, the Welsh inshore region, the Scottish inshore region and the Northern Ireland inshore region.]

(7) Paragraph (6) does not apply for the purposes of—

- (a) in paragraph (1), the definitions of “English inshore region”, [^{F19}“Welsh inshore region”, “Scottish inshore region” and “Northern Ireland inshore region”];^{F20} ...
- [^{F21}(b) paragraph (8); or
- (c) regulation 4(2)(a)(ii).]
- (8) For the purposes of these Regulations—
- [^{F22}(a) the territorial sea adjacent to England is so much of the territorial sea adjacent to the United Kingdom as is not the territorial sea adjacent to Wales, the territorial sea adjacent to Scotland or the territorial sea adjacent to Northern Ireland;]
- (b) [^{F23}“the territorial sea adjacent to Wales”] is to be construed in accordance with article 6 of and Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999^{M23} (the sea adjacent to Wales);^{F24} ...
- (c) [^{F25}“the territorial sea adjacent to Scotland”] is to be construed in accordance with article 3 of and Schedule 1 to the Scottish Adjacent Waters Boundaries [^{F26}Order 1999^{M24}; and]
- [^{F27}(d) “the territorial sea adjacent to Northern Ireland” is to be construed in accordance with article 2 of the Adjacent Waters Boundaries (Northern Ireland) Order 2002.]
- (9) Nothing in these Regulations is to be construed as excluding the application of the provisions of Part 1 of the WCA 1981 (wildlife) in relation to animals or plants also protected under Part 3, 4 or 5 of these Regulations.

Textual Amendments

- F9** Words in reg. 3(1) substituted (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(2)(a)**
- F10** Words in reg. 3(1) inserted (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(2)(b)**
- F11** Words in reg. 3(1) substituted (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(2)(c)**
- F12** Words in reg. 3(1) inserted (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(2)(d)**
- F13** Word in reg. 3(1) omitted (16.8.2012) by virtue of [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(2)(e)**
- F14** Word in reg. 3(1) substituted (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(2)(f)**
- F15** Words in reg. 3(1) inserted (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(2)(g)**
- F16** Word in reg. 3(6)(c) omitted (16.8.2012) by virtue of [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(3)(a)**
- F17** Words in reg. 3(6)(d) substituted (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(3)(b)**
- F18** Reg. 3(6)(e)(f) added (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(3)(c)**
- F19** Words in reg. 3(7)(a) substituted (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(4)(a)**
- F20** Word in reg. 3(7)(a) omitted (16.8.2012) by virtue of [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(4)(b)**
- F21** Reg. 3(7)(b)(c) substituted for reg. 3(7)(b) (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(4)(c)**
- F22** Reg. 3(8)(a) substituted (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **4(5)(a)**

- F23** Words in reg. 3(8)(b) substituted (16.8.2012) by The Conservation of Habitats and Species (Amendment) Regulations 2012 (S.I. 2012/1927), regs. 1(1), **4(5)(b)(i)**
- F24** Word in reg. 3(8)(b) omitted (16.8.2012) by virtue of The Conservation of Habitats and Species (Amendment) Regulations 2012 (S.I. 2012/1927), regs. 1(1), **4(5)(b)(ii)**
- F25** Words in reg. 3(8)(c) substituted (16.8.2012) by The Conservation of Habitats and Species (Amendment) Regulations 2012 (S.I. 2012/1927), regs. 1(1), **4(5)(c)(i)**
- F26** Words in reg. 3(8)(c) substituted (16.8.2012) by The Conservation of Habitats and Species (Amendment) Regulations 2012 (S.I. 2012/1927), regs. 1(1), **4(5)(c)(ii)**
- F27** Reg. 3(8)(d) added (16.8.2012) by The Conservation of Habitats and Species (Amendment) Regulations 2012 (S.I. 2012/1927), regs. 1(1), **4(5)(d)**

Marginal Citations

- M13** 1949 c. 97.
- M14** S.I. 1994/2716, amended by the Environment Act 1995 (c. 25), **paragraph 233** of Schedule 22, the Land Reform (Scotland) Act 2003 (asp 2), **paragraphs 14 to 16** of Schedule 2, and S.I. 1996/525, S.I. 1996/973, S.I. 1997/3055, S.I. 1999/1820, S.I. 2000/192, S.S.I. 2000/323, S.I. 2000/1973, S.I. 2003/2155, S.S.I. 2004/475, S.I. 2005/3389, S.S.I. 2006/270, S.I. 2006/1282, S.S.I. 2007/80, S.S.I. 2007/349, S.S.I. 2007/485, S.S.I. 2007/517, S.I. 2007/1843, S.I. 2007/3538, S.S.I. 2008/17, S.S.I. 2008/425, S.S.I. 2008/427, S.I. 2008/2172, S.I. 2009/6, S.S.I. 2009/222, S.S.I. 2009/343, S.I. 2009/1307, S.I. 2009/2438, S.I. 2009/3160 and S.I. 2010/489 (W. 55).
- M15** S.I. 2007/1842, amended by S.S.I. 2007/485, S.I. 2009/7 and S.I. 2010/491.
- M16** 1978 c. 30.
- M17** 1990 c. 8.
- M18** 2009 c. 23.
- M19** OJ No L 20, 26.1.2010, p. 7.
- M20** OJ No L 103, 25.4.1979, p. 1; the old Wild Birds Directive was repealed by the new Wild Birds Directive.
- M21** 1990 c. 8.
- M22** 1981 c. 69.
- M23** S.I. 1999/672. These provisions continue to have effect as if made under section 158(3) of the Government of Wales Act 2006 (c. 32), by virtue of paragraph 26(3) of Schedule 11 to that Act.
- M24** S.I. 1999/1126.

Plans or projects relating to offshore marine area or offshore marine installations

F284.

Textual Amendments

- F28** Regs. 4-21 revoked (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Nature conservation bodies

F285.

Textual Amendments

- F28** Regs. 4-21 revoked (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Relevant authorities in relation to marine areas and European marine sites

F28 6.

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Competent authorities

F28 7.

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

European sites and European marine sites

F28 8.

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Duties relating to compliance with the Directives

F28 9.

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Duties in relation to wild bird habitat

F28 9A.

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Review by appropriate nature conservation body

F28 9B.

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

PART 2

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

European sites

Selection of sites eligible for identification as of Community importance

F28 10.

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Designation of special areas of conservation

F28 11.

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Consultation as to inclusion of site omitted from the list

F28 12.

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Classification of sites as special protection areas

F28 12A.

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Notification of a proposal to classify a special protection area

^{F28}**12B.**

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Register of European sites

Register of European sites

^{F28}**13.**

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Notification of changes to the register

^{F28}**14.**

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Notice to landowners and other bodies

^{F28}**15.**

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Management agreements

Management agreements

^{F28}**16.**

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Existing agreements

^{F28}**17.**

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Certain payments under management agreements

^{F28}**18.**

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Control of potentially damaging operations

Notification of potentially damaging operations

^{F28}**19.**

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Restriction on carrying out operations specified in notification

^{F28}**20.**

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Assessment of implications for European sites

^{F28}**21.**

Textual Amendments

F28 Regs. 4-21 revoked (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Notification of appropriate authority in case of risk

^{F29}**22.**

Textual Amendments

F29 Reg. 22 revoked (16.8.2012) by [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), **14**

Sites of special scientific interest which become European sites: duty to review

^{F30}**23.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Farm capital grants

^{F30}**24.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Special nature conservation orders

Power to make special nature conservation order

^{F30}**25.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Restriction on carrying out operations specified in order

^{F30}**26.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Assessment of implications for European sites after service of stop notice

^{F30}27.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Compensation for effect of stop notice

^{F30}28.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Restoration orders

^{F30}29.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Byelaws

Power to make byelaws

^{F30}30.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Byelaws: supplementary provisions

^{F30}31.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Compensation for effect of byelaws

^{F30}32.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Continuation in force of existing byelaws

^{F30}33.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Powers of compulsory acquisition

Powers of compulsory acquisition

^{F30}34.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

European marine sites

Marking of site and advice by nature conservation bodies

^{F30}35.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Management scheme for European marine site

^{F30}36.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Direction to establish or amend management scheme

^{F30}37.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

European marine sites: byelaws and orders

^{F30}38.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Nature conservation policy in planning contexts

Nature conservation policy in planning contexts

^{F30}39.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

PART 3

PROTECTION OF SPECIES

Protection of animals

European protected species of animals

^{F30}40.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Protection of certain wild animals: offences

^{F30}41.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Protection of certain wild animals: defences

^{F30}**42.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Prohibition of certain methods of capturing or killing wild animals

^{F30}**43.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Protection of plants

European protected species of plants

^{F30}**44.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Protection of certain wild plants: offences

^{F30}**45.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Protection of certain wild plants: defences

^{F30}**46.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Interpretation of Part 3

Interpretation of Part 3

^{F30}47.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

PART 4

**ADDITIONAL PROTECTION OF HABITATS
AND WILD ANIMALS AND PLANTS**

Surveillance and monitoring

Surveillance of conservation status of habitats and species

^{F30}48.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Protection of certain animals and plants from exploitation

^{F30}49.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Monitoring of incidental capture and killing

^{F30}50.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Protection from incidental capture and killing

^{F30}**51.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Introduction of new species

Introduction of new species from ships

^{F30}**52.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

PART 5

LICENCES

Grant of licences

Licences for certain activities relating to animals or plants

^{F30}**53.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Licences for the introduction of new species

^{F30}**54.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Licences: general provisions

^{F30}**55.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Relevant licensing body

Relevant licensing body

^{F30}**56.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Offences

False statements made for obtaining licence

^{F30}**57.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Offence of breaching licence condition

^{F30}**58.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

PART 6

ASSESSMENT OF PLANS AND PROJECTS

CHAPTER 1

GENERAL PROVISIONS

Introductory provisions

Interpretation of Part 6

^{F30}59.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Application of provisions of Chapter 1

^{F30}60.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

General provisions for protection of European sites and European offshore marine sites

Assessment of implications for European sites and European offshore marine sites

^{F30}61.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Considerations of overriding public interest

^{F30}62.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Review of existing decisions and consents

^{F30} **63.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Consideration on review

^{F30} **64.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Co-ordination where more than one competent authority involved

^{F30} **65.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Compensatory measures

^{F30} **66.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Modifications of regulations 61 to 66 in certain cases

^{F30} **67.**

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

CHAPTER 2

PLANNING

Planning permission

Grant of planning permission

^{F30}68.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Planning permission: duty to review

^{F30}69.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Planning permission: consideration on review

^{F30}70.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Planning permission: effect of orders made on review

^{F30}71.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Planning permission: supplementary provisions as to compensation

^{F30}72.

Textual Amendments

F30 Regs. 23-72 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

General development orders

General development orders

[^{F31}**73.**—(1) It is a condition of any planning permission granted by a general development order, whether made before or after 1st April 2010, that development which—

- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site,

must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 75 (approval of local planning authority).

(2) It is a condition of any planning permission granted by a general development order made before 1st April 2010 that development which—

- (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects),
- (b) is not directly connected with or necessary to the management of the site, and
- (c) was begun but not completed before that date,

must not be continued until the developer has received written notification of the approval of the local planning authority under regulation 75.

(3) Nothing in this regulation affects anything done pursuant to any such planning permission before 1st April 2010.]

Textual Amendments

F31 Reg. 73 revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Modifications etc. (not altering text)

- C1** Reg. 73 excluded (1.9.2010) by [The Port of Bristol \(Deep Sea Container Terminal\) Harbour Revision Order 2010 \(S.I. 2010/2020\)](#), art. 1(1), [Sch. 4 para. 2](#) (with Sch. 4 para. 3)
- C2** Reg. 73 excluded (7.4.2011) by [The Associated British Ports \(Grimsby Riverside Ro-Ro Terminal\) Harbour Revision Order 2011 \(S.I. 2011/950\)](#), arts. 1, [20\(1\)\(2\)](#)
- C3** Reg. 73 excluded (16.8.2012) by [The Hinkley Point Harbour Empowerment Order 2012 \(S.I. 2012/1914\)](#), arts. 1(1), [36](#) (with arts. 34, 35, 37, 40)
- C4** Reg. 73 excluded (cond.) (3.12.2014) by [The Associated British Ports \(Fisher Fleet Quay\) Harbour Revision Order 2014 \(S.I. 2014/2933\)](#), arts. 1, [16](#) (with art. 14)
- C5** Reg. 73 excluded (E.W.S.) (10.7.2015) by [The Poole Harbour \(Works\) Revision Order 2015 \(S.I. 2015/1390\)](#), arts. 1(1), [19\(1\)](#) (with arts. 16-18, 19(2))

General development orders: opinion of appropriate nature conservation body

^{F32}**74.**

Textual Amendments

F32 Regs. 74-76 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

General development orders: approval of local planning authority

^{F32}75.

Textual Amendments

F32 Regs. 74-76 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

General development orders: supplementary

^{F32}76.

Textual Amendments

F32 Regs. 74-76 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Special development orders

Special development orders

[^{F33}77.—(1) A special development order may not grant planning permission for development which—

- (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects); and
- (b) is not directly connected with or necessary to the management of the site.

(2) A special development order made before 1st April 2010 is not to be taken to grant planning permission for development of a kind mentioned in paragraph (1), whether or not the development authorised by the permission has been begun.

(3) Nothing in this regulation affects anything done pursuant to a special development order before 1st April 2010.

(4) A special development order may not grant planning permission for development which is likely to have a significant effect on a European offshore marine site (either alone or in combination with other plans or projects).]

Textual Amendments

F33 Reg. 77 revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Local development orders

Local development orders

- [^{F34}78. A local development order may not grant planning permission for development which—
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and
 - (b) is not directly connected with or necessary to the management of the site.]

Textual Amendments

- F34** Reg. 78 revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

[^{F35}Neighbourhood development orders

Textual Amendments

- F35** Reg. 78A and cross-heading inserted (6.4.2012) by [The Neighbourhood Planning \(General\) Regulations 2012 \(S.I. 2012/637\)](#), reg. 1, **Sch. 2 para. 3**

Neighbourhood development orders

- [^{F36}78A. A neighbourhood development order may not grant planning permission for development which—
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and
 - (b) is not directly connected with or necessary to the management of the site.]]

Textual Amendments

- F36** Reg. 78A revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Simplified planning zones and enterprise zones

Simplified planning zones

- [^{F37}79.—(1) Where a simplified planning zone scheme is adopted or approved, that scheme is not to be taken to grant planning permission for development which—
- (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects); and
 - (b) is not directly connected with or necessary to the management of the site.
- (2) A simplified planning zone scheme in force before 1st April 2010 is not to be taken to grant planning permission for development of a kind mentioned in paragraph (1), whether or not the development authorised by the permission has been begun.

(3) Where a simplified planning zone scheme is adopted or approved, that scheme is not to be taken to grant planning permission for development which is likely to have a significant effect on a European offshore marine site (either alone or in combination with other plans or projects).

(4) A simplified planning zone scheme adopted or approved on or after 21st August 2007 and before 1st April 2010 is not to be taken to grant planning permission for development of a kind mentioned in paragraph (3).]

Textual Amendments

F37 Reg. 79 revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Enterprise zones

[^{F38}**80.**—(1) Where an order designating an enterprise zone is made, or where a modified enterprise zone scheme is approved, that order or scheme is not to be taken to grant planning permission for development which—

- (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects); and
- (b) is not directly connected with or necessary to the management of the site.

(2) Where such an order was made or such a scheme was approved before 1st April 2010, that order or scheme is not to be taken to grant planning permission for development of a kind mentioned in paragraph (1), whether or not the development authorised by the permission has been begun.

(3) Where an order designating an enterprise zone is made, or where a modified enterprise zone scheme is approved, that order or scheme is not to be taken to grant planning permission for development which is likely to have a significant effect on a European offshore marine site (either alone or in combination with other plans or projects).

(4) Where such an order was made or such a scheme was approved on or after 21st August 2007 and before 1st April 2010, that order or scheme is not to be taken to grant planning permission for development of a kind mentioned in paragraph (3).]

Textual Amendments

F38 Reg. 80 revoked in part (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Development consent under Planning Act 2008

Grant of development consent

^{F39}**81.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

Development consent: review

^{F39}82.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Interpretation of Chapter 2

Interpretation of Chapter 2

^{F39}83.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

CHAPTER 3

HIGHWAYS AND ROADS

Construction or improvement of highways or roads

^{F39}84.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

Cycle tracks and other ancillary works

^{F39}85.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 7**

CHAPTER 4

ELECTRICITY

Consents under Electricity Act 1989: application of assessment and review provisions

^{F39}86.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Consents under Electricity Act 1989: procedure on review

^{F39}**87.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Consents under Electricity Act 1989: effect of review

^{F39}**88.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Consents under Electricity Act 1989: compensation

^{F39}**89.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

CHAPTER 5

PIPE-LINES

Authorisations under Pipe-lines Act 1962: application of assessment and review provisions

^{F39}**90.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Authorisations under Pipe-lines Act 1962: procedure on review

^{F39}**91.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Authorisations under Pipe-lines Act 1962: effect of review

F3992.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Authorisations under Pipe-lines Act 1962: compensation

F3993.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

CHAPTER 6

TRANSPORT AND WORKS

Orders under Transport and Works Act 1992: application of assessment and review provisions

F3994.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Orders under Transport and Works Act 1992: procedure on review

F3995.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Orders under Transport and Works Act 1992: effect of review

F3996.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Orders under Transport and Works Act 1992: compensation

F3997.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

CHAPTER 7

ENVIRONMENTAL CONTROLS

Environmental permits

F3998.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Abstraction and works authorised under water legislation

F3999.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Marine works

F39100.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Derogations in relation to nitrate pollution prevention legislation

F39101.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

CHAPTER 8

LAND USE PLANS

Land use plans

Assessment of implications for European sites and European offshore marine sites

F39 102.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Assessment of implications for European site: neighbourhood development plans

F39 102A.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Considerations of overriding public interest

F39 103.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Co-ordination for land use plan prepared by more than one authority

F39 104.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Compensatory measures

^{F39}**105.**

Textual Amendments
F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Planning Act 2008

National policy statements

^{F39}**106.**

Textual Amendments
F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Interpretation of Chapter 8

Interpretation of Chapter 8

^{F39}**107.**

Textual Amendments
F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

CHAPTER 9

Marine policy statement and marine plans

Marine policy statement

^{F39}**107A.**

Textual Amendments
F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Marine plan

^{F39}**107B.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

PART 7

ENFORCEMENT

Wildlife inspectors

Wildlife inspectors

F39 **108.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Powers of entry

Powers of entry: constables

F39 **109.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Powers of entry: wildlife inspectors

F39 **110.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Powers of entry: other authorised persons

F39 **111.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Powers of search, etc.

Constables' powers of search, etc.

^{F39}**112.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Powers in relation to specimens and samples

Powers in relation to samples: constables

^{F39}**113.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Powers in relation to specimens and samples: wildlife inspectors

^{F39}**114.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Restrictions on taking samples from live specimens

^{F39}**115.**

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Offences

Attempts and possession of means of committing offence

^{F39}116.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Obstruction of persons exercising powers of entry under regulation 111

^{F39}117.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Obstruction in connection with constables' powers to take samples

^{F39}118.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Offences in connection with wildlife inspectors' enforcement powers

^{F39}119.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Codes of practice

Codes of practice

^{F39}120.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Miscellaneous

Advice and assistance from nature conservation bodies

F39 121.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), [Sch. 7](#)

Forfeiture

F39 122.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), [Sch. 7](#)

Proceedings for offences: venue and time limits

F39 123.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), [Sch. 7](#)

Offences by bodies corporate etc.

F39 124.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), [Sch. 7](#)

Application of criminal offences to the Crown

F39 125.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), [Sch. 7](#)

Interpretation of Part 7

Interpretation of Part 7

^{F39}126.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), [Sch. 7](#)

PART 8

FINAL PROVISIONS

Powers of drainage authorities

^{F39}127.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), [Sch. 7](#)

Advisory role of the Joint Nature Conservation Committee

^{F39}128.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), [Sch. 7](#)

Advisory role of Natural England, the Natural Resources Body for Wales and Scottish Natural Heritage

^{F39}129.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), [Sch. 7](#)

Research

^{F39}129A.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Local inquiries

F39 130.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Notices

F39 131.

Textual Amendments

F39 Regs. 81-131 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Amendments of legislation

132. Schedule 6 (which makes amendments to legislation) has effect.

Revocations

F40 133.

Textual Amendments

F40 Regs. 133-135 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Transitional provisions

F40 134.

Textual Amendments

F40 Regs. 133-135 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Review

F40 135.

Textual Amendments

F40 Regs. 133-135 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), reg. 1(2), **Sch. 7**

Department for Environment, Food and Rural
Affairs

Huw Irranca-Davies
Parliamentary Under Secretary of State

One of the Welsh Ministers

Jane Davidson
Minister for Environment, Sustainability and
Housing

Changes to legislation: There are currently no known outstanding effects for the The Conservation of Habitats and Species Regulations 2010. (See end of Document for details)

F41 SCHEDULE 1

Regulation 25(3)

.....

Textual Amendments

F41 Sch. 1 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

F42 SCHEDULE 2

Regulation 40(1)

.....

Textual Amendments

F42 Sch. 2 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

F43 SCHEDULE 3

Regulation 42(8)(a)

.....

Textual Amendments

F43 Sch. 3 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

F44 SCHEDULE 4

Regulation 43(1)(a)

.....

Textual Amendments

F44 Sch. 4 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

F45 SCHEDULE 5

Regulation 44(1)

Textual Amendments

F45 Sch. 5 revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), [Sch. 7](#)

SCHEDULE 6

Regulation 132

AMENDMENTS OF LEGISLATION

PART 1

PRIMARY LEGISLATION

Amendment of the Harbours Act 1964

1. In the Harbours Act 1964 ^{M25}, in Part 1 of Schedule 3 (procedure for making harbour revision and empowerment orders), in paragraph 1 (interpretation), for paragraph (j) of the definition of “sensitive area”^{M26} substitute—

“(j) a European site within the meaning of the Conservation of Habitats and Species Regulations 2010 (see regulation 8);”.

Marginal Citations

M25 1964 c. 40.

M26 The definition of “sensitive area” was amended by [S.I. 1999/3445](#); the [Countryside and Rights of Way Act 2000 \(c. 37\)](#), [paragraph 3](#) of Schedule 10, paragraph 4 of Schedule 15 and Part 3 of Schedule 16; the [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), [paragraph 1](#) of Schedule 7; the [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), [section 25\(1\)](#) and (5)(a)(ii) and (iii); and [S.S.I. 2008/202](#).

Amendment of the Conservation of Seals Act 1970

2. In the Conservation of Seals Act 1970 ^{M27}, in subsection (4A) ^{M28} of section 10 (power to grant licences), for “regulation 41 of the Conservation (Natural Habitats, &c) Regulations 1994” substitute “regulation 43 of the Conservation of Habitats and Species Regulations 2010”.

Marginal Citations

M27 1970 c. 30.

M28 Subsection (4A) was inserted, in relation to England and Wales, by [S.I. 2007/1843](#) (subsection (4A) was inserted in relation to Scotland by [S.S.I. 2007/80](#)).

Amendment of the Highways Act 1980

3. In the Highways Act 1980 ^{M29}, in section 105A ^{M30} (environmental impact assessments), in subsection (6)(i) ^{M31}, for “regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994” substitute “the Conservation of Habitats and Species Regulations 2010 (see regulation 8)”.

Marginal Citations

M29 1980 c. 66.

M30 Section 105A was inserted by S.I. 1988/1241 and substituted by S.I. 1999/369.

M31 Subsection (6) was amended by the Countryside and Rights of Way Act 2000 (c. 37), paragraph 5 of Schedule 10, paragraph 5 of Schedule 15 and Part 3 of Schedule 16.

Amendment of the Constitutional Reform Act 2005

4. In the Constitutional Reform Act 2005 ^{M32}, in Part 3 of Schedule 14 ^{M33} (appointments by the Lord Chancellor: offices to which paragraph 2(2)(d) of Schedule 12 applies), in the column entitled “enactment”, for the entry “Regulation 32(3)(a) of the Conservation (Natural Habitats, &c) Regulations 1994 (SI 1994/2716)” substitute “ Regulation 34(3) of the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490) ”.

Marginal Citations

M32 2005 c. 4.

M33 There are amendments to Part 3 of Schedule 14 not relevant to these Regulations.

Amendment of the Marine Act

5.—(1) The Marine Act is amended as follows.

(2) In section 12 (certain consents under section 36 of the Electricity Act 1989), subsection (5) (c) is omitted.

(3) In subsection (9) of section 123 (creation of network of conservation sites), in paragraph (a) of the definition of “European marine site”—

(a) after “within the meaning of” insert “ — (i) ”; and

(b) after “, or” insert—

“(ii) the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490) (see regulation 8), or”.

(4) In subsection (6)(d) of section 158 (byelaws: supplementary provision), for “the Conservation (Natural Habitats, &c) Regulations 1994 (S.I. 1994/2716)” substitute “ the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490) (see regulation 8) ”.

(5) In subsection (2) of section 237 (enforcement of nature conservation legislation)—

(a) omit paragraphs (c) and (d); and

(b) after paragraph (h) add—

“(i) regulations 41, 43, 45, 52, 57, 58 and 116(1) and (2) of the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490);

(j) any byelaws or orders made by virtue of regulation 30 or 38 of those Regulations. ”.

(6) Paragraph 4 of Schedule 11 (amendment of the 1994 Regulations) is omitted.

PART 2

SUBORDINATE LEGISLATION

Amendment of the 1994 Regulations

6. ^{F46} ...

Textual Amendments

F46 Sch. 6 para. 6 omitted (16.8.2012) by virtue of [The Conservation of Habitats and Species \(Amendment\) Regulations 2012 \(S.I. 2012/1927\)](#), regs. 1(1), 24

Amendment of the 2007 Regulations

7.—(1) The 2007 Regulations are amended as follows.

(2) In paragraph (2) of regulation 2 ^{M34} (interpretation)—

(a) after the definition of “the 1994 Regulations” insert—

““the 2010 Regulations” means the Conservation of Habitats and Species Regulations 2010 ^{M35};” and

(b) in paragraph (a) of the definition of “management scheme”, for “or regulation 29 of the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995” substitute “, regulation 29 of the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 or regulation 36 of the 2010 Regulations ”.

(3) In paragraph (12) of regulation 19 ^{M36} (management schemes for European offshore marine sites), for “or the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995.” substitute “, the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 or the 2010 Regulations. ”.

(4) In regulation 25 ^{M37} (protection of European offshore marine sites and European sites)—

(a) in paragraph (7), for “1994” substitute “ Conservation ” (in both places); and

(b) after paragraph (7) insert—

“(7A) In paragraph (7) “the Conservation Regulations” means either the 1994 Regulations or the 2010 Regulations (as the case may be).”.

(5) In regulation 27 ^{M38} (review of existing decisions and consents), for paragraph (8) substitute—

“(8) Regulations 87 and 88 of the 2010 Regulations (consents under Electricity Act 1989 ^{M39}: procedure on review and effect of review) apply in relation to any decision under paragraph (4) revoking or modifying a consent granted under section 36 ^{M40} or 37 ^{M41} of the Electricity Act 1989 as they apply in relation to a decision pursuant to regulation 86 of the 2010 Regulations revoking or varying any such consent, but with the modifications specified in paragraphs (9) and (10).

(9) In regulation 87—

(a) in paragraph (1)—

(i) for “86(3), (5) or (6)” substitute “ 86(3) or (5) ”,

(ii) omit “or a direction deeming planning permission to be granted”,

(iii) in sub-paragraph (a), omit “or, as the case may be, in whose favour the direction was made”, and

Changes to legislation: There are currently no known outstanding effects for the The Conservation of Habitats and Species Regulations 2010. (See end of Document for details)

- (iv) in sub-paragraph (b), omit “in the case of a consent under section 36 of the Electricity Act 1989,”;
- (b) omit paragraph (2)(a); and
- (c) in paragraph (4)—
 - (i) omit “, or the relevant planning authority,”; and
 - (ii) in sub-paragraph (a), omit “or the relevant planning authority (as the case may be)”.
- (10) In regulation 88—
 - (a) in paragraph (1)—
 - (i) for “86(3), (5) or (6)” substitute “ 86(3) or (5) ”; and
 - (ii) omit “or a direction deeming planning permission to be granted”; and
 - (b) in paragraphs (2) and (3), omit “or direction” (in all places).”.

Marginal Citations

- M34** There are amendments to regulation 2 not relevant to these Regulations.
- M35** [S.I. 2010/490](#).
- M36** There are amendments to regulation 19 not relevant to these Regulations.
- M37** There are amendments to regulation 25 not relevant to these Regulations.
- M38** There are amendments to regulation 27 not relevant to these Regulations.
- M39** [1989 c. 29](#).
- M40** [Section 36](#) was amended by the [Energy Act 2004 \(c. 20\)](#), [section 93\(1\)](#) and (3); the [Planning Act 2008 \(c. 29\)](#), [paragraphs 31](#) and 32 of Schedule 2; the [Marine and Coastal Access Act 2009 \(c. 23\)](#), [section 12\(7\)\(a\)](#) and (8); and, in relation to Scotland, by [S.I. 2006/1054](#), [paragraph 1\(1\)](#) and (2) of Schedule 1.
- M41** [Section 37](#) was amended by the [Planning Act 2008 \(c. 29\)](#), [paragraphs 31](#) and 33 of Schedule 2.

F47 SCHEDULE 7

Regulation 133(4)

Textual Amendments

- F47** [Sch. 7](#) revoked (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), [reg. 1\(2\)](#), [Sch. 7](#)

EXPLANATORY NOTE

(This note is not part of the Regulations)

^{M42M43}These Regulations consolidate the Conservation (Natural Habitats, &c.) Regulations 1994 (“the 1994 Regulations”). They also implement aspects of the Marine and Coastal Access Act 2009 (“the Marine Act”).

These Regulations extend to England and Wales (including the adjacent territorial sea). They also extend to Scotland (including the adjacent territorial sea) to a limited degree. They revoke the 1994 Regulations except (generally) as they extend to Scotland. In addition, in respect of reserved matters, these Regulations replace the 1994 Regulations as they extend to Scotland.

^{M44}These Regulations transpose Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (“the Habitats Directive”).

Part 1 – Introductory and general provisions

Regulation 9 provides that public bodies must exercise their nature conservation functions so as to comply with the Habitats Directive.

Part 2 – Conservation of natural habitats and habitats of species

Regulations 10 to 15 make provision for the selection, designation, registration and notification of sites to be protected under the Habitats Directive (“European sites”). Regulations 16 to 18 make provision for management agreements for European sites. Regulations 19 to 34 make provision in respect of European sites for (i) control of damaging operations, (ii) special nature conservation orders and restoration orders, (iii) byelaws and (iv) compulsory purchase. Regulations 35 to 38 make provision for the protection of European marine sites.

Part 3 – Protection of species

Part 3 provides for the protection of certain wild animals and plants. In particular, regulation 41 makes it an offence, subject to exceptions, deliberately to capture, kill or disturb those animals or to trade in them. Regulation 45 makes it an offence, subject to exceptions, to pick, collect, cut or destroy those plants or to trade in them. (These offences correspond to offences in the 1994 Regulations).

Part 4 – Additional protection of habitats and wild animals and plants

Regulation 48 imposes a duty on the Secretary of State and Welsh Ministers to make arrangements for the surveillance of the conservation status of natural habitats and species protected under the Habitats Directive. Regulation 50 requires them to make arrangements to establish a system to monitor the incidental capture and killing of animals listed in Annex IV(a) to the Habitats Directive.

Regulation 52 makes it an offence deliberately to introduce from a ship into the sea new species that are not native to Great Britain. (This corresponds to an offence in the 1994 Regulations).

Part 5 – Licences

Part 5 provides for the licensing of certain activities relating to animals and plants. The offences under Part 3 do not apply to anything done in accordance with a licence. Regulation 56(2) (a)(i) transfers certain licensing functions from Natural England to the Marine Management Organisation in respect of the territorial sea seaward of mean low water mark.

Part 6 – Assessment of plans and projects

Regulations 60 to 67 require the effect on a European site to be considered before the granting of consents or authorisations of a kind specified in regulations 68 to 101, including the grant of planning permission, consents under the Electricity Act 1989, authorisations under the Pipe-lines Act 1962, orders under the Transport and Works Act 1992, environmental permits, abstraction licences and marine works. Regulation 61 provides that a competent authority may not authorise a plan or project that may adversely affect the integrity of a European site, subject to the exceptions set out in regulation 62 (considerations of overriding public interest).

Chapter 8 of Part 6 sets out similar requirements in relation to land-use plans and national policy statements.

Part 7 – Enforcement

Part 7 sets out the enforcement powers of wildlife inspectors and constables. It also sets out certain further offences, including the offence of intentionally obstructing a wildlife inspector (regulation 119). (Again, these offences correspond to offences in the 1994 Regulations).

Part 8 – Final provisions

Changes to legislation: *There are currently no known outstanding effects for the The Conservation of Habitats and Species Regulations 2010. (See end of Document for details)*

Regulation 132 and paragraph 5 of Schedule 6 amend the Marine Act. Paragraph 5(5) extends the powers conferred by that Act on marine enforcement officers in respect of the 1994 Regulations to offences under regulations 57, 58 and 116 of these Regulations.

An impact assessment prepared during the passage of the Marine Act can be found on the Department for Environment, Food and Rural Affairs' website at www.defra.gov.uk. An impact assessment has not been produced for this instrument as no impact on business or the private or voluntary sector is foreseen.

Changes to legislation:

There are currently no known outstanding effects for the The Conservation of Habitats and Species Regulations 2010.