

STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 6

ASSESSMENT OF PLANS AND PROJECTS

CHAPTER 1

GENERAL PROVISIONS

Introductory provisions

Interpretation of Part 6

^{F1}59.

Textual Amendments

F1 [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

^{F1}60.

Textual Amendments

F1 [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

^{F1}61.

Textual Amendments

F1 [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

^{F1}62.

Textual Amendments

F1 [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

^{F1}63.

Textual Amendments

F1 [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

^{F1}64.

Textual Amendments

F1 [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

^{F1}65.

Textual Amendments

F1 [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

^{F1}66.

Textual Amendments

F1 [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

^{F1}67.

Textual Amendments

F1 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

^{F1}68.

Textual Amendments

F1 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

^{F1}69.

Textual Amendments

F1 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

^{F1}70.

Textual Amendments

F1 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

^{F1}71.

Textual Amendments

F1 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

^{F1}72.

Textual Amendments

F1 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

^{F2}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

F2 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

^{F3}74.

Textual Amendments

F3 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

^{F3}75.

Textual Amendments

F3 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

^{F3}76.

Textual Amendments

F3 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

[^{F4}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

- F4** 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

- [^{F5}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

- F5** 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**

[^{F6}Neighbourhood development orders

Textual Amendments

- F6** 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

- [^{F7}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

- F7** 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

- [^{F8}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

F8 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

[^{F9}**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

F9 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

^{F10}**81.**

Changes to legislation: There are currently no known outstanding effects for the The Conservation of Habitats and Species Regulations 2010, PART 6. (See end of Document for details)

Textual Amendments

F10 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

^{F10}**82.**

Textual Amendments

F10 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

^{F10}**83.**

Textual Amendments

F10 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

^{F10}**84.**

Textual Amendments

F10 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

^{F10}**85.**

Textual Amendments

F10 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

^{F10}86.

Textual Amendments

F10 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

^{F10}87.

Textual Amendments

F10 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

^{F10}88.

Textual Amendments

F10 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

^{F10}89.

Textual Amendments

F10 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

^{F10}90.

Changes to legislation: There are currently no known outstanding effects for the The Conservation of Habitats and Species Regulations 2010, PART 6. (See end of Document for details)

Textual Amendments

F10 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

F1091.

Textual Amendments

F10 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

F1092.

Textual Amendments

F10 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

F1093.

Textual Amendments

F10 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

F1094.

Textual Amendments

F10 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

F1095.

Textual Amendments

F10 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

F1096.

Textual Amendments

F10 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

F1097.

Textual Amendments

F10 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

F1098.

Textual Amendments

F10 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

F1099.

Textual Amendments

F10 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

F10100.

Changes to legislation: There are currently no known outstanding effects for the The Conservation of Habitats and Species Regulations 2010, PART 6. (See end of Document for details)

Textual Amendments

F10 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

F10 **101.**

Textual Amendments

F10 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

F10 **102.**

Textual Amendments

F10 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

F10 **102A.**

Textual Amendments

F10 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

F10 **103.**

Textual Amendments

F10 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

^{F10}104.

Textual Amendments

F10 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

^{F10}105.

Textual Amendments

F10 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

^{F10}106.

Textual Amendments

F10 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

^{F10}107.

Textual Amendments

F10 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

^{F10}107A.

Changes to legislation: There are currently no known outstanding effects for the The Conservation of Habitats and Species Regulations 2010, PART 6. (See end of Document for details)

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Textual Amendments

F10 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

^{F10}**107B.**

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Textual Amendments

F10 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**

Changes to legislation:

There are currently no known outstanding effects for the The Conservation of Habitats and Species Regulations 2010, PART 6.