STATUTORY INSTRUMENTS

1994 No. 2716

WILDLIFE COUNTRYSIDE

[^{F1}The Conservation (Natural Habitats, &c.) Regulations 1994

Made - - - - Coming into force

20th October 1994 30th October 1994

THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994

PART I

INTRODUCTORY PROVISIONS

- 1. Citation and commencement
- 2. Interpretation and application
- 2A Interpretation: the Directives
- 3. Duties relating to compliance with the Directives
- 3ZA Reports
 - 3A Duties in relation to wild bird habitat
 - 3B Review and guidance
 - 4. Nature conservation bodies
 - 5. Relevant authorities in relation to marine areas and European marine sites
 - 6. Competent authorities generally

PART II

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

European sites

- 7. Duty to designate special areas of conservation
- 8. Priorities for designating special areas of conservation
- 9. Consultation as to inclusion of site omitted from the list
- 9A Special protection area: classification of sites
- 9B Special protection area: notification of proposal
- 9C Special protection area: hearing and representations in respect of a proposal
- 9D Management objectives of the UK site network
- 10. Meaning of "European site" in these Regulations

Register of European sites

- 11. Duty to compile and maintain register of European sites
- 12. Notification to appropriate nature conservation body
- 13. Notice to landowners, relevant authorities, &c.
- 14. Local registration: England and Wales
- 15. Local registers: Scotland

Management agreements

- 16. Management agreements
- 17. Continuation in force of existing agreement, &c.

Control of potentially damaging operations

- 18. Notification of potentially damaging operations
- 19. Application of Chapters 2, 3 and 4 of Part 2 of the 2004 Act
- 20. Chapter 2 of Part 2 of the 2004 Act
- 21. Chapter 3 of Part 2 of the 2004 Act

Special nature conservation orders

- 22. Chapter 4 of Part 2 of the 2004 Act
- 23. Restriction on carrying out operations specified in order
- 24. Supplementary provisions as to consents
- 25. Compensation for effect of notice
- 26. Restoration where order contravened
- 27. Continuation in force of existing orders, &c.
- 27A Interpretation

Byelaws

- 28. Power to make byelaws
- 29. Byelaws: limitation on effect
- 30. Compensation for effect of byelaws
- 31. Continuation in force of existing byelaws

Powers of compulsory acquisition

32. Powers of compulsory acquisition

Special provisions as to European marine sites

- 33. Marking of site and advice by nature conservation bodies
- 34. Management scheme for European marine site
- 35. Direction to establish or amend management scheme
- 36. Byelaws for protection of European marine site

Miscellaneous

- 37. Nature conservation policy in planning contexts
- 37A Surveillance of conservation status of habitats and species
- 37B Protection of certain animals and plants from exploitation
- 37C Introduction of new species from ships
- 37D Licensing the introduction of new species
- 37E False statements made for obtaining a licence under regulation 37D

PART III

PROTECTION OF SPECIES

Protection of animals

- 38. European protected species of animals
- 39. Protection of wild animals of European protected species
- 40. Exceptions from regulation 39
- 41. Prohibition of certain methods of taking or killing wild animals
- 41A Monitoring incidental capture and killing
- 41B Protection from incidental capture and killing

Protection of plants

- 42. European protected species of plants
- 43. Protection of certain wild plants

Power to grant licences

- 44. Grant of licences for certain purposes
- 44A Delegation of licence granting power: Scotland
- 45. Licences: supplementary provisions
- 46. False statements made for obtaining licence
- 46A Offence of breaching licence condition

PART IV

ADAPTATION OF PLANNING AND OTHER CONTROLS

Introductory

47. Application of provisions of this Part

General provisions for protection of European sites

- 48. Assessment of implications for European site
- 48A Directions as regards plans and projects
- 49. Considerations of overriding public interest
- 50. Review of existing decisions and consents, &c.
- 51. Consideration on review
- 52. Co-ordination where more than one competent authority involved
- 53. Compensatory measures
- 53A Control of operations requiring consent

Marine licences

53B Marine licences: duty to review

Planning

- 54. Grant of planning permission
- 55. Planning permission: duty to review
- 56. Planning permission: consideration on review
- 57. Effect of orders made on review: England and Wales
- 58. Effect of orders made on review: Scotland
- 59. Planning permission: supplementary provisions as to compensation
- 60. General development orders

- 61. General development orders: opinion of appropriate nature conservation body
- 62. General development orders: approval of local planning authority
- 63. General development orders: supplementary
- 64. Special development orders
- 64A Local development orders
- 65. Simplified planning zones
- 65A Simplified planning zones and European offshore marine sites
- 66. Enterprise zones
- 66A Enterprise zones and European offshore marine sites
- 67. Simplified planning zones and enterprise zones: supplementary provisions as to compensation
- 67A Grant of development consent
- 67B Development consent: review
- 68. Interpretation

Highways and roads

- 69. Construction or improvement of highways or roads
- 69A Core and other paths
- 70. Cycle tracks and other ancillary works

Electricity

- 71. Consents under Electricity Act 1989: application of general requirements
- 72. Consents under the Electricity Act 1989: procedure on review
- 73. Consents under Electricity Act 1989: effect of review
- 74. Consents under Electricity Act 1989: compensation for revocation or variation

Pipe-lines

- 75. Authorisations under the Pipe–lines Act 1962: application of general requirements
- 76. Authorisations under the Pipe–lines Act 1962: procedure on review
- 77. Authorisations under the Pipe–lines Act 1962: effect of review
- 78. Authorisations under the Pipe–lines Act 1962: compensation for revocation or variation

Transport and works

- 79. Orders under the Transport and Works Act 1992: application of general requirements
- 80. Orders under the Transport and Works Act 1992: procedure on review
- 81. Order under the Transport and Works Act 1992: effect of review
- 82. Orders under the Transport and Works Act 1992: compensation for revocation or variation

Environmental controls

- 83. Authorisations under Part I of the Environmental Protection Act 1990
- 84. Licences under Part II of the Environmental Protection Act 1990
- 84A Permits under the Pollution Prevention and Control (Scotland) Regulations 2012
- 84B Abstraction and works authorised under water legislation

- 84C Marine works
- 84D Derogations under the Nitrate Pollution Prevention Regulations 2008
- 84E Derogations under the Nitrate Pollution Prevention (Wales) Regulations 2008
- 85. Discharge consents under water pollution legislation

PART IVA

APPROPRIATE ASSESSMENTS FOR LAND USE PLANS

- 85A Interpretation
- 85B Assessment of implications for European site
- 85C Considerations of overriding public interest
- 85D Co-ordination for land use plan prepared by more than one planning authority
- 85E Compensatory measures
- 85F National Policy Statements

PART V

SUPPLEMENTARY PROVISIONS

Supplementary provisions as to management agreements

86. Powers of limited owners, &c. to enter into management agreements

Supplementary provisions as to potentially damaging operations

- 87. Carrying out of operation after expiry of period
- 88. Duties of agriculture Ministers with respect to European sites
- 89. Payments under certain agreements offered by authorities
- 90. Powers of entry
- 91. Compensation: amount and assessment
- 92. Compensation: other supplementary provisions
- 93. Compensation: procedural provisions

Supplementary provisions as to byelaws

- 94. Procedure for making byelaws, penalties, &c.
- 95. Powers of entry
- 96. Compensation: England and Wales
- 97. Compensation: Scotland

Supplementary provisions as to compulsory acquisition

- 98. Supplementary provisions as to acquisition of land
- 99. Powers of entry

Supplementary provisions as to protection of species

- 100. Attempts and possession of means of committing offence
- 101. Enforcement
- 101A Application of sections 19ZC and 19ZD of the Wildlife and Countryside Act 1981
- 101B Offences in connection with constables' powers to take samples
- 101C Wildlife inspectors
- 101D Powers of wildlife inspectors to enter premises

- 101E Wildlife inspectors' powers for examining specimens and taking samples
- 101F Offences in connection with wildlife inspectors' enforcement powers
- 101G Restrictions on taking samples from live specimens
- 101H Codes of practice
- 1011 Advice and assistance from nature conservation bodies
- 102. Proceedings for offences: venue, time limits
- 103. Power of court to order forfeiture
- 104. Saving for other protective provisions
- 104A Application of criminal offences to the Crown

General supplementary provisions

- 105. Powers of drainage authorities
- 106. Offences by bodies corporate, &c.
- 106A Application of criminal offences to the Crown
- 107. Local inquiries
- 108. Service of notices
- 109. Advisory role of the JNCC
- 110. Advisory role of Natural England, the Countryside Council for Wales and Scottish Natural Heritage
- 111. Research
- 112. Transitional provisions: EU exit
- 113. Amendment of Schedules
- 114. Amendment of the Annexes to the Directives
- 115. Regulations
 - Signature

SCHEDULE 1 — PROCEDURE IN CONNECTION WITH ORDERS UNDER REGULATION 22

Coming into operation

1. (1) An original order or a restrictive amending order takes...

Publicity for orders

2. (1) The Secretary of State shall, where an order has...

Unopposed orders

3. (1) Where an order has taken effect immediately and no...

Opposed orders

4. (1) If any representation or objection duly made with respect...

Restriction on power to amend orders or confirm them with modifications

5. The Secretary of State shall not by virtue of paragraphs...

Notice of final decision on order

6. (1) The Secretary of State shall as soon as practicable...

Proceedings for questioning validity of orders

7. (1) This paragraph applies to any order which has taken...

Interpretation

8. In this Schedule– "amending order" and "revoking order" mean an...

SCHEDULE 2 — EUROPEAN PROTECTED SPECIES OF ANIMALS

SCHEDULE 2A — EXCLUDED POPULATIONS OF CERTAIN SPECIES Common Name Scientific Name Excluded countries and areas Beaver, Eurasian...

NOTE: The common name or names given in the first...

SCHEDULE 3 — ANIMALS WHICH MAY NOT BE TAKEN OR KILLED IN CERTAIN WAYS

SCHEDULE 3A — PROHIBITED METHODS OF TAKING OR KILLING WILD ANIMALS

- 1. The prohibited means of taking or killing mammals are—
- 2. The prohibited methods of capturing or killing fish are—
- 3. The prohibited modes of transport are— (a) aircraft; and

SCHEDULE 4 — EUROPEAN PROTECTED SPECIES OF PLANTS

Explanatory Note

Changes to legislation: There are currently no known outstanding effects for the The Conservation (Natural Habitats, &c.) Regulations 1994.