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STATUTORY INSTRUMENTS

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**2010 No. 490**

**The Conservation of Habitats and Species Regulations 2010**

**PART 6**

**ASSESSMENT OF PLANS AND PROJECTS**

**CHAPTER 7**

**ENVIRONMENTAL CONTROLS**

**Derogations in relation to nitrate pollution prevention legislation**

**101.**—(1) The assessment provisions apply in relation to the granting of a derogation—

- (a) under Part 3A of the Nitrate Pollution Prevention Regulations 2008<sup>(1)</sup>; or
- (b) under Part 3A of the Nitrate Pollution Prevention (Wales) Regulations 2008<sup>(2)</sup>.

(2) Where the assessment provisions apply, the competent authority may, if they consider any adverse effects of the plan or project on the integrity of a European site or a European offshore marine site would be avoided if the derogation were subject to conditions, grant the derogation, subject to those conditions.

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(1) S.I. 2008/2349; Part 3A was inserted by S.I. 2009/3160.

(2) S.I. 2008/3143 (W.278); Part 3A was inserted by S.I. 2010/489 (W.55).