
EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Conservation of Habitats and Species Regulations 2010 (“the 2010 Regulations”), which make provision implementing Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild flora and fauna (“the Habitats Directive”)(1). These Regulations also transpose certain aspects of Directive [2009/147/EC](#) on the conservation of wild birds (“the Birds Directive”)(2).

These Regulations generally extend to England and Wales only. Regulations 1 to 3, 6, 8 and, so far as it inserts regulation 107A of the 2010 Regulations, regulation 9 also extend to Scotland so far as necessary. Regulations 1 to 3 also extend to Northern Ireland.

Regulation 4 imposes a duty on the Secretary of State and Welsh Ministers to classify sites as special protection areas, to be protected under the Birds Directive.

Regulation 6 clarifies that the requirements of Part 6 of the 2010 Regulations apply in relation to the variation or modification of any authorisation, as well as in relation to the original grant of such an authorisation.

Regulation 8 amends regulation 100 of the 2010 Regulations (marine works) so that it applies in relation to revised categories of marine works. Regulation 100 of the 2010 Regulations requires the likely effect on any site protected under the Habitats Directive (“protected site”) to be considered before the grant of a relevant consent for marine works. It also requires relevant consents for marine works granted before the date on which a site becomes a protected site to be reviewed and, in certain circumstances, revoked where the integrity of the site would be adversely affected by the activity permitted by the consent. A relevant consent now includes the grant of a marine licence under Part 4 of the Marine and Coastal Access Act [2009 \(c.23\)](#) and an authorisation under the Aquatic Animal Health (England and Wales) Regulations 2009 ([S.I. 2009/463](#)).

Regulation 9 requires the likely effect on protected sites to be considered before the adoption and publication of a marine policy statement or a marine plan.

A transposition note and full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Marine Stewardship Team, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.

(1) OJ No L206, 22.7.1992, p.7, last amended by Council Directive [2006/105/EC](#) (OJ No L 363, 20.12.2006, p.368).

(2) OJ No L 20, 26.1.2010, p.7.