THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

PART 1
Introductory and General Provisions

1. Citation and commencement
2. Extent
3. Interpretation
4. Plans or projects relating to offshore marine area or offshore marine installations
5. Nature conservation bodies
6. Relevant authorities in relation to marine areas and European marine sites
7. Competent authorities
8. European sites and European marine sites
9. Duties relating to compliance with the Directives
10. Duties in relation to wild bird habitat
11. Review by appropriate nature conservation body

PART 2
Conservation of Natural Habitats and Habitats of Species

European sites

12. Selection of sites eligible for identification as of Community importance
13. Designation of special areas of conservation
14. Consultation as to inclusion of site omitted from the list
15. Classification of sites as special protection areas
16. Notification of a proposal to classify a special protection area

Register of European sites
17. Register of European sites
18. Notification of changes to the register
19. Notice to landowners and other bodies

Management agreements
20. Management agreements
21. Existing agreements
22. Certain payments under management agreements

Control of potentially damaging operations
23. Notification of potentially damaging operations
24. Assessment of implications for European sites
25. Sites of special scientific interest which become European sites: duty to review
26. Farm capital grants

Special nature conservation orders
27. Power to make special nature conservation order
28. Restriction on carrying out operations specified in order
29. Assessment of implications for European sites after service of stop notice
30. Compensation for effect of stop notice
31. Restoration orders

Byelaws
32. Power to make byelaws
33. Byelaws: supplementary provisions
34. Compensation for effect of byelaws
35. Continuation in force of existing byelaws

Powers of compulsory acquisition
36. Powers of compulsory acquisition

European marine sites
37. Marking of site and advice by nature conservation bodies
38. Management scheme for European marine site
39. Direction to establish or amend management scheme
40. European marine sites: byelaws and orders

Nature conservation policy in planning contexts
41. Nature conservation policy in planning contexts

PART 3
Protection of species
Protection of animals

42. European protected species of animals
43. Protection of certain wild animals: offences
44. Protection of certain wild animals: defences
45. Prohibition of certain methods of capturing or killing wild animals

Protection of plants

46. European protected species of plants
47. Protection of certain wild plants: offences
48. Protection of certain wild plants: defences

Interpretation of Part 3

49. Interpretation of Part 3

PART 4
Additional protection of habitats and wild animals and plants

Surveillance and monitoring

50. Surveillance of conservation status of habitats and species
51. Protection of certain animals and plants from exploitation
52. Monitoring of incidental capture and killing
53. Protection from incidental capture and killing

Introduction of new species

54. Introduction of new species from ships

PART 5
Licences

Grant of licences

55. Licences for certain activities relating to animals or plants
56. Licences for the introduction of new species
57. Licences: general provisions

Relevant licensing body

58. Relevant licensing body

Offences

59. False statements made for obtaining licence
60. Offence of breaching licence condition

PART 6
Assessment of plans and projects

CHAPTER 1
General provisions
Introductory provisions

61. Interpretation of Part 6
62. Application of provisions of Chapter 1

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

63. Assessment of implications for European sites and European offshore marine sites
64. Considerations of overriding public interest
65. Review of existing decisions and consents
66. Consideration on review
67. Co-ordination where more than one competent authority involved
68. Compensatory measures
69. Modifications of regulations 63 to 68 in certain cases

CHAPTER 2

Planning

Planning permission

70. Grant of planning permission
71. Planning permission: duty to review
72. Planning permission: consideration on review
73. Planning permission: effect of orders made on review
74. Planning permission: compensation

General development orders

75. General development orders
76. General development orders: opinion of appropriate nature conservation body
77. General development orders: approval of local planning authority
78. General development orders: supplementary

Special development orders

79. Special development orders

Local development orders

80. Local development orders

Neighbourhood development orders

81. Neighbourhood development orders

Simplified planning zones and enterprise zones

82. Simplified planning zones
83. Enterprise zones

Development consent under Planning Act 2008

84. Grant of development consent
85. Development consent: review
Interpretation of Chapter 2

86. Interpretation of Chapter 2

CHAPTER 3

Highways and roads

87. Construction or improvement of highways or roads
88. Cycle tracks and other ancillary works

CHAPTER 4

Electricity

89. Consents under Electricity Act 1989: application of assessment and review provisions
90. Consents under Electricity Act 1989: procedure on review
91. Consents under Electricity Act 1989: effect of review
92. Consents under Electricity Act 1989: compensation

CHAPTER 5

Pipe-lines

93. Authorisations under Pipe-lines Act 1962: application of assessment and review provisions
94. Authorisations under Pipe-lines Act 1962: procedure on review
95. Authorisations under Pipe-lines Act 1962: effect of review
96. Authorisations under Pipe-lines Act 1962: compensation

CHAPTER 6

Transport and Works

98. Orders under Transport and Works Act 1992: procedure on review
100. Orders under Transport and Works Act 1992: compensation

CHAPTER 7

Environmental Controls

101. Environmental permits
102. Abstraction and works authorised under water legislation
103. Marine works
104. Derogations in relation to nitrate pollution prevention legislation

CHAPTER 8

Land Use Plans
Land use plans

105. Assessment of implications for European sites and European offshore marine sites
106. Assessment of implications for European site: neighbourhood development plans
107. Considerations of overriding public interest
108. Co-ordination for land use plan prepared by more than one authority
109. Compensatory measures

Planning Act 2008

110. National policy statements

Interpretation of Chapter 8

111. Interpretation of Chapter 8

CHAPTER 9

MARINE POLICY STATEMENTS AND MARINE PLANS

112. Marine policy statement
113. Marine plan

PART 7

Enforcement

Wildlife inspectors

Powers of entry

115. Powers of entry: constables
116. Powers of entry: wildlife inspectors
117. Powers of entry: other authorised persons

Powers of search etc.

118. Constables’ powers of search, etc.

Powers in relation to specimens and samples

119. Powers in relation to samples: constables
120. Powers in relation to specimens and samples: wildlife inspectors
121. Restrictions on taking samples from live specimens

Offences

122. Attempts and possession of means of committing offence
123. Obstruction of persons exercising powers of entry under regulation 117
124. Obstruction in connection with constables’ powers to take samples
125. Offences in connection with wildlife inspectors’ enforcement powers
Codes of practice

126. Codes of practice

Miscellaneous

127. Advice and assistance from nature conservation bodies
128. Forfeiture
129. Proceedings for offences: venue and time limits
130. Offences by bodies corporate etc.
131. Application of criminal offences to the Crown

Interpretation of Part 7

132. Interpretation of Part 7

PART 8

Final Provisions

133. Powers of drainage authorities
134. Advisory role of the Joint Nature Conservation Committee
135. Advisory role of Natural England, the Natural Resources Body for Wales and Scottish Natural Heritage
136. Research
137. Local inquiries
138. Notices
139. Consequential Amendments
140. Revocations
141. Transitional provisions
142. Review: England
    Signature

SCHEDULE 1 — Special Nature Conservation Orders: Procedure
1. Coming into operation
2. Publicity for orders
3. Unopposed orders
4. Opposed orders
5. Restriction on power to amend orders or confirm them with modifications
6. Notice of final decision on order
7. Proceedings for questioning validity of orders
8. Interpretation

SCHEDULE 2 — European Protected Species of animals

SCHEDULE 3 — Excluded populations of certain species

SCHEDULE 4 — Animals which may not be captured or killed in certain ways.

SCHEDULE 5 — European Protected Species of plants

SCHEDULE 6 — Consequential Amendments

PART 1 — Primary Legislation
1. Harbours Act 1964
2. Sea Fisheries (Shellfish) Act 1967
4. Highways Act 1980
5. Town and Country Planning Act 1990
6. Planning Act 2008
7. Constitutional Reform Act 2005
9. PART 2 — Subordinate Legislation
11. Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999
18. Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010
19. Marine Strategy Regulations 2010
20. Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order 2010
22. Marine Licensing (Exempted Activities) (Wales) Order 2011
27. Neighbourhood Planning (General) Regulations 2012
28. Hinkley Point Harbour Empowerment Order 2012
29. Brechfa Forest West Wind Farm Order 2013
30. Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013
31. The Natural Resources Body for Wales (Functions) Order 2013
32. Galloper Wind Farm Order 2013
33. Nitrate Pollution Prevention (Wales) Regulations 2013
34. Marine Licensing (Application Fees) Regulations 2014
35. Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014
36. Rampion Offshore Wind Farm Order 2014
37. A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014
38. Clocaenog Forest Wind Farm Order 2014
39. Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014
40. Associated British Ports (Fisher Fleet Quay) Harbour Revision Order 2014
41. Able Marine Energy Park Development Consent Order 2014
42. Walney Extension Offshore Wind Farm Order 2014
43. Keeping and Introduction of Fish (Wales) Regulations 2014
44. Willington C Gas Pipeline Order 2014
45. Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015
46. A160/A180 (Port of Immingham Improvement) Development Consent Order 2015
47. Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015
49. Infrastructure Act 2015 (Strategic Highways Companies) (Consequential, Transitional and Savings Provisions) Regulations 2015
50. Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015
52. Town and Country Planning (General Permitted Development) (England) Order 2015
53. Nitrate Pollution Prevention Regulations 2015
54. Knottingley Power Plant Order 2015
56. White Moss Landfill Order 2015
57. Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015
58. Poole Harbour (Works) Revision Order 2015
60. Progress Power (Gas Fired Power Station) Order 2015
61. Dogger Bank Teeside A and B Offshore Wind Farm Order 2015
62. Ferrybridge Multifuel 2 Power Station Order 2015
63. Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2015
64. A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016
66. Thorpe Marsh Gas Pipeline Order 2016
67. A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016
68. Fal Fishery Order 2016
70. River Humber Gas Pipeline Replacement Order 2016
71. Triton Knoll Electrical System Order 2016
72. M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016
73. Environmental Permitting (England and Wales) Regulations 2016
74. Economic Growth (Regulatory Functions) Order 2017
75. Town and Country Planning (Brownfield Land Register) Regulations 2017
76. Keuper Underground Gas Storage Facility Order 2017
77. Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017
78. Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017
79. Town and Country Planning (Environmental Impact Assessment) Regulations 2017
80. Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
81. Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017

SCHEDULE 7 — Revocations

Explanatory Note