
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 6

ASSESSMENT OF PLANS AND PROJECTS

CHAPTER 2

PLANNING

Planning permission

Planning permission: consideration on review

70.—(1) In reviewing any planning permission or deemed planning permission under the review provisions, the competent authority must—

- (a) consider whether any adverse effects could be overcome by planning obligations under section 106(1) of the TCPA 1990 (planning obligations) being entered into; and
- (b) if they consider that those effects could be so overcome, invite those concerned to enter into such obligations.

(2) So far as the adverse effects are not thus overcome, the authority must make such order as may be required under—

- (a) section 97 of that Act (power to revoke or modify planning permission); or
- (b) section 102(2) of or paragraph 1 of Schedule 9(3) to that Act (orders requiring discontinuance of use etc.).

(3) Where the authority ascertain that the carrying out or, as the case may be, the continuation of the development would adversely affect the integrity of a European site or a European offshore marine site, they nevertheless need not proceed under the review provisions if and so long as they consider that there is no likelihood of the development being carried out or continued.

(1) Section 106 was substituted by the Planning and Compensation Act 1991 (c. 34), section 12(1), and amended by the Greater London Authority Act 2007 (c. 24), section 33.

(2) Section 102 was amended by the Planning and Compensation Act 1991 (c. 34), paragraph 6 of Schedule 1 and paragraph 21 of Schedule 7.

(3) Paragraph 1 of Schedule 9 was amended by the Planning and Compensation Act 1991 (c. 34), paragraph 15 of Schedule 1.