



Environment Act 2021

2021 CHAPTER 30

PART 6

NATURE AND BIODIVERSITY

Conservation

109 Species conservation strategies

- (1) Natural England may prepare and publish a strategy for improving the conservation status of any species of fauna or flora.
- (2) A strategy under subsection (1) is called a “species conservation strategy”.
- (3) A species conservation strategy must relate to an area (the “strategy area”) consisting of—
 - (a) England, or
 - (b) any part of England.
- (4) A species conservation strategy for a species may in particular—
 - (a) identify areas or features in the strategy area which are of importance to the conservation of the species,
 - (b) identify priorities in relation to the creation or enhancement of habitat for the purpose of improving the conservation status of the species in the strategy area,
 - (c) set out how Natural England proposes to exercise its functions in relation to the species across the whole of the strategy area or in any part of it for the purpose of improving the conservation status of the species in the strategy area,
 - (d) include Natural England’s opinion on the giving by any other public authority of consents or approvals which might affect the conservation status of the species in the strategy area, and

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- (e) include Natural England’s opinion on measures that it would be appropriate to take to avoid, mitigate or compensate for any adverse impact on the conservation status of the species in the strategy area that may arise from a plan, project or other activity.
- (5) Natural England may, from time to time, amend a species conservation strategy.
- (6) A local planning authority in England and any prescribed authority must co-operate with Natural England in the preparation and implementation of a species conservation strategy so far as relevant to the authority’s functions.
- (7) The Secretary of State may give guidance to local planning authorities in England and to prescribed authorities as to how to discharge the duty in subsection (6).
- (8) The Secretary of State must lay before Parliament, and publish, the guidance.
- (9) A local planning authority in England and any prescribed authority must in the exercise of its functions have regard to a species conservation strategy so far as relevant to its functions.
- (10) In this section—
 - “England” includes the territorial sea adjacent to England, which for this purpose does not include—
 - (a) any part of the territorial sea adjacent to Wales for the general or residual purposes of the Government of Wales Act 2006 (see section 158 of that Act), or
 - (b) any part of the territorial sea adjacent to Scotland for the general or residual purposes of the Scotland Act 1998 (see section 126 of that Act);
 - “local planning authority” means a person who is a local planning authority for the purposes of any provision of Part 3 of the Town and Country Planning Act 1990;
 - “prescribed authority” means an authority exercising functions of a public nature in England which is specified for the purposes of this section by regulations made by the Secretary of State.
- (11) Regulations under subsection (10) are subject to the negative procedure.

110 Protected site strategies

- (1) Natural England may prepare and publish a strategy for—
 - (a) improving the conservation and management of a protected site, and
 - (b) managing the impact of plans, projects or other activities (wherever undertaken) on the conservation and management of the protected site.
- (2) A strategy under subsection (1) is called a “protected site strategy”.
- (3) A “protected site” means—
 - (a) a European site,
 - (b) a site of special scientific interest, or
 - (c) a marine conservation zone,
 to the extent the site or zone is within England.
- (4) A protected site strategy for a protected site may in particular—

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- (a) include an assessment of the impact that any plan, project or other activity may have on the conservation or management of the protected site (whether assessed individually or cumulatively with other activities),
 - (b) include Natural England’s opinion on measures that it would be appropriate to take to avoid, mitigate or compensate for any adverse impact on the conservation or management of the protected site that may arise from a plan, project or other activity,
 - (c) identify any plan, project or other activity that Natural England considers is necessary for the purposes of the conservation or management of the protected site, and
 - (d) cover any other matter which Natural England considers is relevant to the conservation or management of the protected site.
- (5) In preparing a protected site strategy for a protected site, Natural England must consult—
- (a) any local planning authority in England which exercises functions in respect of an area—
 - (i) within which any part of the protected site is located, or
 - (ii) within which a plan, project or other activity that Natural England considers may have an adverse impact on the conservation or management of the protected site is being, or is proposed to be, undertaken,
 - (b) any public authority in England—
 - (i) that is undertaking, or proposing to undertake, a plan, project or other activity that Natural England considers may have an adverse impact on the conservation or management of the protected site,
 - (ii) the consent or approval of which is required in respect of a plan, project or other activity that Natural England considers may have an adverse impact on the conservation or management of the protected site, or
 - (iii) that Natural England considers may otherwise be affected by the strategy,
 - (c) any IFC authority in England which exercises functions in respect of an area—
 - (i) the conservation or management of which Natural England considers may be affected by the strategy, or
 - (ii) the sea fisheries resources of which Natural England considers may be affected by the strategy,
 - (d) the Marine Management Organisation, where—
 - (i) any part of the protected site is within the MMO’s area, or
 - (ii) Natural England considers any part of the MMO’s area may otherwise be affected by the strategy,
 - (e) the Environment Agency,
 - (f) the Secretary of State, and
 - (g) any other person that Natural England considers should be consulted in respect of the strategy, including the general public or any section of it.
- (6) In subsections (4) and (5), a reference to an adverse impact on the conservation or management of a protected site includes—
- (a) in relation to a European site, anything which adversely affects the integrity of the site,

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- (b) in relation to a site of special scientific interest, anything which is likely to adversely affect the flora, fauna or geological or physiographical features by reason of which the site is of special interest,
 - (c) in relation to a marine conservation zone, anything which hinders the conservation objectives stated for the zone pursuant to section 117(2) of the Marine and Coastal Access Act 2009, and
 - (d) any other thing which causes deterioration of natural habitats and the habitats of species as well as disturbance of the species in the protected site, in so far as such disturbance could be significant in relation to the conservation or management of the protected site.
- (7) A person whom Natural England consults under subsection (5)(a) to (e) must cooperate with Natural England in the preparation of a protected site strategy so far as relevant to the person’s functions.
- (8) The Secretary of State may give guidance as to how to discharge the duty in subsection (7).
- (9) The Secretary of State must lay before Parliament, and publish, the guidance.
- (10) A person must have regard to a protected site strategy so far as relevant to any duty which the person has under—
- (a) the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012),
 - (b) sections 28G to 28I of the Wildlife and Countryside Act 1981, or
 - (c) sections 125 to 128 of the Marine and Coastal Access Act 2009.
- (11) Natural England may, from time to time, amend a protected site strategy.
- (12) The duty to consult a person under subsection (5) also applies when Natural England amends a protected site strategy under subsection (11) so far as the amendment is relevant to the person’s functions.
- (13) In this section—
- “England” has the meaning given in section 109;
 - “European site” has the meaning given in regulation 8 of the Conservation of Habitats and Species Regulations 2017;
 - “IFC authority” means an inshore fisheries and conservation authority created under section 150 of the Marine and Coastal Access Act 2009;
 - “local planning authority” has the meaning given in section 109;
 - “marine conservation zone” means an area designated as a marine conservation zone under section 116(1) of the Marine and Coastal Access Act 2009;
 - “MMO’s area” has the meaning given in section 2(12) of the Marine and Coastal Access Act 2009;
 - “public authority” has the meaning given in section 40(4) of the Natural Environment and Rural Communities Act 2006;
 - “sea fisheries resources” has the meaning given in section 153(10) of the Marine and Coastal Access Act 2009;
 - “site of special scientific interest” means an area notified under section 28(1) of the Wildlife and Countryside Act 1981.

111 Wildlife conservation: licences

- (1) In section 10 of the Wildlife and Countryside Act 1981 (exceptions to section 9 of that Act), in subsection (1)—
 - (a) in paragraph (a), omit the final “or”;
 - (b) at the end insert “or
 - (c) anything done in relation to an animal of any species pursuant to a licence granted by Natural England under regulation 55 of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) in respect of an animal or animals of that species”.
- (2) In section 16 of that Act (power to grant licences), in subsection (3)—
 - (a) in paragraph (h), omit the final “or”;
 - (b) at the end insert “or
 - (j) in England, for reasons of overriding public interest”.
- (3) In that section, after subsection (3A) insert—

“(3B) In England, the appropriate authority shall not grant a licence under subsection (3) unless it is satisfied—

 - (a) that there is no other satisfactory solution, and
 - (b) that the grant of the licence is not detrimental to the survival of any population of the species of animal or plant to which the licence relates.”
- (4) In that section, in subsections (5A)(c) and (6)(b), after “two years,” insert “or in the case of a licence granted by Natural England five years,”.
- (5) In that section, in subsection (9)(c), after “to (e)” insert “or (j)”.
- (6) In the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), in regulation 55(10), for “two years” substitute—
 - (a) five years, in the case of a licence granted by Natural England, or
 - (b) two years, in any other case.”