

SCHEDULE 4

Regulation 22

Review of decisions and consents

1. As soon as is reasonably practicable Natural England must, for the purpose of determining whether the project permitted by the decision or consent will adversely affect the integrity of the site, make an appropriate assessment of the implications of the project for the European site in view of the site's conservation objectives.

2. For the purposes of the assessment, Natural England may —

- (a) require any person interested in the relevant land to supply it with such information as it reasonably thinks necessary; and
- (b) if it considers it necessary, consult members of the public.

3. Unless, following the assessment, Natural England is satisfied that the project permitted by the decision or consent will not adversely affect the integrity of the European site, and regulation 18(4) does not apply, Natural England must—

- (a) in the case of a decision, revoke the decision; and
- (b) in the case of a consent, either—
 - (i) revoke the consent; or
 - (ii) make such modifications to the consent as appear to it to be necessary to ensure that the project will not adversely affect the integrity of the European site,

and Natural England must notify all persons who appear to it to have an interest in the relevant land of its decision (its “further decision”).

4. Subject to paragraph 5, a further decision does not affect any works that have already been carried out in relation to a decision or consent.

5.—(1) If—

- (a) a project which is subject to a further decision has commenced; and
- (b) it appears to Natural England to be necessary to safeguard the integrity of the European site,

Natural England may by notice require the person responsible for carrying out such works, or any person with an interest in the relevant land, to carry out such works of reinstatement as may be reasonable in the circumstances,

(2) A notice under paragraph (1) must state the period during which the works must be carried out.

(3) Any person who carries out such reinstatement works is entitled, on making a claim in accordance with paragraph 8, to recover from Natural England compensation in respect of any expenses reasonably incurred by him in carrying out those works.

6.—(1) Regulation 33 applies to a further decision made under paragraph 3.

(2) Regulation 32 applies to a notice served under paragraph 5.

7. If, following a further decision, a person has incurred expenditure in carrying out work which is rendered abortive by the further decision or has otherwise sustained loss of damage which is directly attributable to the further decision, he is entitled to be paid compensation on submitting a claim in accordance with paragraph 8.

8. A claim for compensation payable under paragraph 5(3) or 7 must be submitted to Natural England within 6 weeks of the notification of the further decision and must be accompanied by such evidence as Natural England may reasonably require.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

9. Any dispute as to the amount of compensation payable under paragraph 5(3) or 7 may be referred to the Lands Tribunal within 6 years of the date of notification of the further decision in respect of which compensation is payable.

10. Nothing in this Schedule affects anything done in pursuance of a decision or consent before the date the site became a European site.