
STATUTORY INSTRUMENTS

2007 No. 1843

**The Conservation (Natural Habitats,
&c.) (Amendment) Regulations 2007**

Amendments of the 1994 Regulations

5.—(1) The 1994 Regulations are amended as follows.

(2) In regulation 2 ^{M1} (interpretation and application), in paragraph (1)—

[^{F1}(a) before the definition of “agriculture Minister” insert the following definition—

““the 2007 Regulations” means the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 ^{M2};”];

^{F2}(b)

^{F2}(c)

(d) [^{F3}in the appropriate places insert the following definitions—

““British fishery limits” has the meaning given by the Fishery Limits Act 1976 ^{M3};”;

^{F4}cc ... ;

““European offshore marine site” means a European offshore marine site within the meaning of regulation 15 (meaning of European offshore marine site) of the 2007 Regulations;”;

““the offshore marine area” means—

(a) any part of the seabed and subsoil situated in any area designated under section 1(7) of the Continental Shelf Act 1964 ^{M4}; and

(b) any part of the waters within British fishery limits (except the internal waters of, and the territorial sea adjacent to, the United Kingdom, the Channel Islands and the Isle of Man);”;

““offshore marine installation” means any artificial island, installation or structure (other than a ship) which is situated—

(a) in any part of the waters in any area designated under section 1(7) of the Continental Shelf Act 1964; or

(b) in any part of the waters in any area designated under section 84(4) of the Energy Act 2004 ^{M5};”];

^{F5}cc ... ;

^{F5}cc ... ; and

^{F6}(e)

(3) After paragraph (2) of regulation 2 (interpretation and application) insert—

^{F7}cc (2A)

[^{F8}(2B) Any reference to a numbered provision of these Regulations is—

- (a) in relation to England and Wales, to the provision of that number which has effect in England and Wales; and
- (b) in relation to Scotland, to the provision of that number which has effect in Scotland.”].

^{F9}(4)

^{F9}(5)

[^{F10}(6) For regulation 4 (nature conservation bodies) substitute the following regulation—

“Nature Conservation bodies

4.—(1) Subject to paragraph (2), in these Regulations “nature conservation body” means Natural England, the Countryside Council for Wales or Scottish Natural Heritage; and references to “the appropriate nature conservation body”, in relation to England, Wales or Scotland shall be construed accordingly.

(2) In Parts IV and IVA of these Regulations, “nature conservation body” also includes the Joint Nature Conservation Committee, and references to “the appropriate nature conservation body” in relation to a European offshore marine site shall be construed as meaning the Joint Nature Conservation Committee.”.]

^{F11}(7)

^{F11}(8)

^{F11}(9)

^{F11}(10)

^{F11}(11)

^{F11}(12)

^{F11}(13)

^{F11}(14)

^{F11}(15)

^{F11}(16)

^{F11}(17)

^{F11}(18)

^{F11}(19)

^{F11}(20)

^{F11}(21)

[^{F12}(22) In regulation 47 (application of provisions of this Part)—

- (a) in paragraph (1)(a), after “European sites” insert “ in Great Britain and European offshore marine sites ”;
- (b) in paragraph (2)(b), after “European site” insert “ in Great Britain or European offshore marine site ”; and
- (c) after paragraph (2), add—

“(3) Nothing in these Regulations requires an appropriate assessment of any plan or project to be carried out on or in any part of the waters or on or in any part of the seabed

or subsoil comprising the offshore marine area, or on or in relation to an offshore marine installation.”.]

(23) In regulation 48 (assessment of implications for European site)—

[^{F13}(a) in paragraph (1)(a), after “Great Britain” insert “ or a European offshore marine site ”;]

^{F14}(b)

[^{F15}(c) in paragraph (5), after “European site” insert “ or European offshore marine site (as the case may be) ”;]

[^{F15}(d) for paragraph (7), substitute—

“(7) This regulation does not apply in relation to a site which is—

(a) a European site by reason of regulation 10(1)(c); or

(b) a European offshore marine site by reason of regulation 15(c) of the 2007 Regulations.”; and]

^{F16}(e)

(24) In regulation 49 (considerations of overriding public interest)—

^{F17}(a)

[^{F18}(b) in paragraph (5) for “a European site” substitute “ the site concerned ”.]

[^{F19}(25) In regulation 50 (review of existing decisions and consents, &c), in paragraph (1), after “European site” insert “ or a European offshore marine site ”.]

[^{F19}(26) In regulation 52 (co-ordination where more than one competent authority involved), in sub-paragraphs (a) and (b) of paragraph (3), after “European site” insert “ or a European offshore marine site ”.]

[^{F19}(27) In regulation 53 (compensatory measures), in paragraph (a), after “European site” insert “ or European offshore marine site ”.]

(28) In regulation 53A ^{M6} (control of operations requiring consent)—

(a) in paragraph (1) for “European site” substitute “ European sites in Great Britain and European offshore marine sites ”; and

(b) in paragraph (2), after “European site” insert “ or European offshore marine site ”.

(29) In regulation 54 (grant of planning permission)—

^{F20}(a)

(b) in paragraph (2) for “European site” substitute “ European sites in Great Britain and European offshore marine sites ”;

[^{F21}(c) in paragraph (3), after “European site” insert “ or European offshore marine site ”; and]

[^{F21}(d) in paragraph (4), after “European site” insert “ or European offshore marine site ”.]

[^{F22}(30) In regulation 56(3) (planning permission: consideration on review), after “European site” insert “ or European offshore marine site ”.]

^{F23}(31)

(32) In regulation 58(6) (effect of orders made on review: Scotland), after “European site” insert “or European offshore marine site”.

[^{F24}(33) In regulation 60 (general development orders), in paragraph (1)(a), after “Great Britain” insert “ or a European offshore marine site ”.]

[^{F24}(34) In regulation 62 (general development orders: approval of local planning authority), in paragraph (6)—

- (a) after “In any other case” insert “ in which the application has been sent to the appropriate nature conservation body, ”; and
- (b) after “European site” insert “ or European offshore marine site ”.]

[^{F24}(35) In regulation 64 (special development orders)—

- (a) in paragraph (2), for “this regulation” substitute “ paragraph (1) ”; and
- (b) after paragraph (2) insert the following paragraph—

“(3) A special development order made on or after 21st August 2007 may not grant planning permission for development which is likely to have a significant effect on a European offshore marine site (either alone or in combination with other plans or projects).”.]

^{F25}(36)

[^{F26}(37) After regulation 65 (simplified planning zones) insert the following regulation—

“Simplified planning zones and European offshore marine sites

65A. The adoption or approval of a simplified planning zone scheme on or after 21st August 2007 shall not have effect to grant planning permission for development which is likely to have a significant effect on a European offshore marine site (either alone or in combination with other plans or projects).”.]

[^{F26}(38) After regulation 66 (enterprise zones) insert the following regulation—

“Enterprise zones and European offshore marine sites

66A. An order designating an enterprise zone, or the approval of a modified scheme, if made or given on or after 21st August 2007, shall not have effect to grant planning permission for development which is likely to have a significant effect on a European offshore marine site (either alone or in combination with other plans or projects).”.]

[^{F26}(39) In regulation 69 (construction or improvement of highways or roads)—

- (a) in paragraph (1) for “European site” substitute “ European sites in Great Britain and European offshore marine sites ”; and
- (b) in paragraph (2) after “European site” insert “ or European offshore marine site ”.]

(40) In regulation 69A(1) ^{M7} (core and other paths) for “European site” substitute “ European sites in Great Britain and European offshore marine sites ”.

^{F27}(41)

^{F27}(42)

^{F27}(43)

[^{F28}(44) In regulation 83 (authorisations under Part I of the Environmental Protection Act 1990)—

- (a) omit paragraphs (1) and (2);
- (b) in paragraph (3), for “such authorisation as is mentioned in paragraph (1)” substitute “ authorisation under Part I of the Environmental Protection Act 1990 ”; and
- (c) in paragraph (5) omit “agreeing to a plan or project, or”.]

[^{F28}(45) In regulation 84 (licences under Part II of the Environmental Protection Act 1990)—

- (a) in paragraph (1)—
 - (i) for “European site” substitute “ European sites in Great Britain and European offshore marine sites ”,
 - (ii) at the end of sub-paragraph (a) add “, and”,
 - (iii) at the end of sub-paragraph (b) omit “, and”, and
 - (iv) omit sub-paragraph (c);
- (b) in paragraph (2) after “European site” insert “ or European offshore marine site ”; and
- (c) in paragraph (4) after “European site” insert “ or European offshore marine site ”.]

^{F29}(46)

(47) In regulation 84A (permits under the Pollution Prevention and Control (Scotland) Regulations 2000) as it has effect in Scotland—

- (a) in paragraph (1), for “European site” substitute “ European sites in Great Britain and European offshore marine sites ”;
- (b) in paragraph (2), after “European site” insert “ or European offshore marine site ”; and
- (c) in paragraph (4), after “European site” insert “ or European offshore marine site ”.

^{F30}(48)

(49) In regulation 84B ^{M8} (abstraction and works authorised under water legislation) as it has effect in Scotland—

- (a) in paragraph (2), after “European site” insert “ or European offshore marine site ”; and
- (b) in paragraph (4), after “European site” insert “ or European offshore marine site ”.

^{F31}(50)

(51) In regulation 85B ^{M9} (assessment of implications for European site) as it has effect in Scotland—

- (a) in paragraph (1)(a), after “Great Britain” insert “ or a European offshore marine site ”;
- (b) in paragraph (4), after “European site” insert “ or the European offshore marine site (as the case may be) ”; and
- (c) for paragraph (6) substitute—

“(6) This regulation does not apply in relation to a site which is—

- (a) a European site by reason of regulation 10(1)(c); or
- (b) a European offshore marine site by reason of regulation 15(c) of the 2007 Regulations.”.

(52) In regulation 85C ^{M10} (considerations of overriding public interest) as it has effect in Scotland—

- (a) in paragraph (1), after “European site” insert “ or the European offshore marine site (as the case may be) ”; and
- (b) in paragraph (5), for “a European site” substitute “ the site concerned ”.

(53) In regulation 85D ^{M11} (co-ordination for land use plan prepared by more than one planning authority) as it has effect in Scotland, in sub-paragraphs (a) and (b) of paragraph (3), after “European site”, insert “ or a European offshore marine site ”.

(54) In regulation 85E ^{M12} as it has effect in Scotland, after “European site” insert “ or a European offshore marine site ”.

^{F32}(55)

F³²(56)

F³²(57)

F³²(58)

F³²(59)

F³²(60)

[^{F33}(61) After regulation 108 (service of notices) add the following regulations—

“Advisory role of the JNCC

109.—(1) The Joint Nature Conservation Committee may provide advice or make representations to any competent authority in relation to—

- (a) any question as to whether that authority is obliged to carry out an appropriate assessment in relation to a European offshore marine site under these Regulations;
- (b) any appropriate assessment on which that authority is obliged to consult the Committee under these Regulations;
- (c) any application made pursuant to regulation 62 of these Regulations and sent to the Committee by that authority pursuant to regulation 62(4); and
- (d) any decision of the Secretary of State in respect of which notice has been served on it by him under regulation 72(2)(b), 76(2)(b) or 80(2)(b) of these Regulations.

(2) The Joint Nature Conservation Committee may undertake, commission or support (whether by financial means or otherwise) such research and scientific work as it considers is required for the purposes of providing advice or making representations under this regulation.

(3) In this regulation and regulation 110 of these Regulations, “research” includes inquiries and investigations.

Advisory role of Natural England, the Countryside Council for Wales and Scottish Natural Heritage

110.—(1) Natural England may—

- (a) provide advice and assistance, or make representations, to any competent authority on any matter which relates to England and is connected with the discharge of the competent authority's functions under these Regulations; and
- (b) undertake, commission or support (whether by financial means or otherwise) such research and scientific work as it considers is required for the purposes of providing advice or assistance or making representations under sub-paragraph (a).

(2) The Countryside Council for Wales may—

- (a) provide advice and assistance, or make representations, to any competent authority on any matter which relates to Wales and is connected with the discharge of the competent authority's functions under these Regulations; and
- (b) undertake, commission or support (whether by financial means or otherwise) such research and scientific work as it considers is required for the purposes of providing advice or assistance or making representations under sub-paragraph (a).

(3) Scottish Natural Heritage may—

- (a) provide advice and assistance, or make representations, to any competent authority on any matter which relates to Scotland and is connected with the discharge of the competent authority's functions under these Regulations; and

- (b) undertake, commission or support (whether by financial means or otherwise) such research and scientific work as it considers is required for the purposes of providing advice or assistance or making representations under sub-paragraph (a).”.]

F34(62)

Textual Amendments

- F1** Reg. 5(2)(a) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F2** Reg. 5(2)(b)(c) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F3** Words in reg. 5(2)(d) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F4** Words in reg. 5(2)(d) revoked (S.) (16.8.2012) by [The Conservation \(Natural Habitats, c.\) Amendment \(Scotland\) Regulations 2012 \(S.S.I. 2012/228\)](#), reg. 1(1), **sch.**
- F5** Words in reg. 5(2)(d) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F6** Reg. 5(2)(e) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F7** Words in reg. 5(3) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F8** Words in reg. 5(3) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F9** Reg. 5(4)(5) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F10** Reg. 5(6) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F11** Reg. 5(7)-(21) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F12** Reg. 5(22) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F13** Reg. 5(23)(a) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F14** Reg. 5(23)(b) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F15** Reg. 5(23)(c)(d) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F16** Reg. 5(23)(e) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F17** Reg. 5(24)(a) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F18** Reg. 5(24)(b) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F19** Reg. 5(25)-(27) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F20** Reg. 5(29)(a) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F21** Reg. 5(29)(c)(d) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F22** Reg. 5(30) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)

- F23** Reg. 5(31) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F24** Reg. 5(33)-(35) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F25** Reg. 5(36) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F26** Reg. 5(37)-(39) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F27** Reg. 5(41)(42)(43) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F28** Reg. 5(44)(45) revoked (E.W.N.I.) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F29** Reg. 5(46) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F30** Reg. 5(48) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F31** Reg. 5(50) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F32** Reg. 5(55)-(60) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)
- F33** Reg. 5(61) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 2** (with reg. 125)
- F34** Reg. 5(62) revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)

Marginal Citations

- M1** The definition of “the Habitats Directive” in regulation 2(1) of the 1994 Regulations was previously amended by regulation 2(2) of the [Conservation \(Natural Habitats, & c.\) \(Amendment\) Regulations 1997 \(S.I. 1997/3055\)](#).
- M2** [S.I. 2007/1842](#).
- M3** [1976 c.86](#).
- M4** [1964 c.29](#). Section 1(7) was amended by the [Oil and Gas \(Enterprise\) Act 1982 \(c.23\)](#) section 37 and Schedule 3, paragraph 1. Areas have been designated under section 1(7) by [S.I. 2000/3062](#) and [2001/3670](#).
- M5** [2004 c.20](#). An area has been designated under section 84(4) by [S.I. 2004/2668](#).
- M6** Regulation 53A was inserted by regulations 3 and 16(b) of the [Conservation \(Natural Habitats, &c\) Amendment \(Scotland\) Regulations 2004 \(S.S.I. 2004/475\)](#).
- M7** Regulation 69A was inserted by section 99 of, and paragraphs 14 and 16 of Schedule 2 to, the [Land Reform \(Scotland\) Act 2003 \(asp 2\)](#).
- M8** Regulation 84B (as it has effect in Scotland) was inserted by regulation 20 of the [Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/80\)](#).
- M9** Regulation 85B (as it has effect in Scotland) was inserted by regulation 22 of and Schedule 1 to the [Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/80\)](#).
- M10** Regulation 85C (as it has effect in Scotland) was inserted by regulation 22 of and Schedule 1 to the [Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/80\)](#).
- M11** Regulation 85D (as it has effect in Scotland) was inserted by regulation 22 of and Schedule 1 to the [Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/80\)](#).
- M12** Regulation 85E (as it has effect in Scotland) was inserted by regulation 22 of and Schedule 1 to the [Conservation \(Natural Habitats, &c.\) Amendment \(Scotland\) Regulations 2007 \(S.S.I. 2007/80\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007, Section 5.