
STATUTORY INSTRUMENTS

2017 No. 1012

The Conservation of Habitats and Species Regulations 2017

PART 2

Conservation of Natural Habitats and Habitats of Species

European sites

Selection of sites eligible for identification as of Community importance

12.—(1) On the basis of the criteria set out in Annex III (Stage 1) to the Habitats Directive, and relevant scientific information, the appropriate authority must propose a list of sites in England or Wales which are eligible for identification as of Community importance, indicating with respect to each site—

- (a) which natural habitat types in Annex I to the Habitats Directive the site hosts; and
- (b) which species in Annex II to the Habitats Directive that are native to Great Britain the site hosts.

(2) For animal species ranging over wide areas, these sites must correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction.

(3) For aquatic species which range over wide areas, such sites are to be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction.

(4) The appropriate authority may propose modifications of the list in the light of the results of the surveillance referred to in Article 11 of the Habitats Directive (surveillance).

(5) The list, and any new site included in that list, must be transmitted to the European Commission together with information on each site including—

- (a) a map of the site,
- (b) its name, location and extent, and
- (c) the data resulting from application of the criteria specified in Annex III (Stage 1) to the Habitats Directive,

provided in a format established by the European Commission.

Designation of special areas of conservation

13.—(1) Once a site of Community importance in England or Wales has been adopted in accordance with the procedure laid down in Article 4(2) of the Habitats Directive (list of sites of Community importance), the appropriate authority must designate that site as a special area of conservation as soon as possible and no later than six years from the date of adoption of that site.

(2) The appropriate authority must establish priorities for the designation of sites in the light of—

Status: Point in time view as at 30/11/2017.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017, Cross Heading: European sites is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the importance of the sites for the maintenance or restoration at a favourable conservation status of—
 - (i) a natural habitat type specified in Annex I to the Habitats Directive; or
 - (ii) a species specified in Annex II to the Habitats Directive;
 and for the coherence of Natura 2000; and
- (b) the threats of degradation or destruction to which the sites are exposed.

Consultation as to inclusion of site omitted from the list

14.—(1) Paragraph (2) applies where consultation is initiated by the European Commission in accordance with Article 5(1) of the Habitats Directive (procedure following omission of site hosting a priority natural habitat type or priority species) with respect to a site in England or Wales hosting a priority natural habitat type or priority species, and—

- (a) the appropriate authority and the European Commission agree, within the period of six months mentioned in Article 5(2) of the Habitats Directive, that the site should be selected as a site of Community importance; or
- (b) the European Council, acting on a proposal from the European Commission in pursuance of Article 5(2) of the Habitats Directive, decides that the site should be so selected in accordance with Article 5(3) of that Directive.

(2) Where this paragraph applies, for the purposes of these Regulations the site is to be treated as having been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive as from the date of the agreement referred to in paragraph (a) or the decision referred to in paragraph (b).

Classification of sites as special protection areas

15.—(1) The appropriate authority must classify as special protection areas such sites in England and Wales as the authority considers necessary to ensure that the objective in paragraph (2) is met.

(2) The objective referred to in paragraph (1) is that those sites across the United Kingdom's territory which are most suitable in number and size for—

- (a) the conservation of the species listed in Annex 1 to the new Wild Birds Directive which naturally occur in that territory, and
- (b) the conservation of regularly occurring migratory species of birds not listed in Annex 1 which naturally occur in that territory,

are classified as special protection areas.

(3) The appropriate authority must make a decision as to the sites to be classified for the purpose mentioned in paragraph (1) only on the basis of relevant scientific information and—

- (a) in the case of a site to be classified for the purpose mentioned in paragraph (2)(a), on the basis of the criteria set out in Article 4(1) of the new Wild Birds Directive (classification of special protection areas); and
- (b) in the case of a site to be classified for the purpose mentioned in paragraph (2)(b), on the basis of the criteria set out in Article 4(2) of the new Wild Birds Directive.

(4) Where a site is classified under paragraph (1), the appropriate authority must provide information on that site to the Commission including—

- (a) a map or chart of the site;
- (b) its name, location and extent; and

- (c) the data resulting from application of the criteria set out in Article 4(1) or Article 4(2) of the new Wild Birds Directive.
- (5) The information specified in paragraph (4) must be provided in such format as is established by the Commission.
- (6) In this regulation “the United Kingdom's territory” means the United Kingdom and the offshore marine area (as defined in regulation 4(2)).

Notification of a proposal to classify a special protection area

16.—(1) If the appropriate authority proposes to classify a site as a special protection area under regulation 15, the authority must give to the appropriate nature conservation body—

- (a) notice of that proposal; and
- (b) an accompanying statement of the reasons for that proposal.

(2) Where the appropriate nature conservation body is given notice of a proposal under paragraph (1), the body must give notice of that proposal and provide a copy of the appropriate authority's statement of reasons for that proposal to—

- (a) any of the following who in its opinion ought to be notified—
 - (i) competent authorities which exercise functions in relation to the site;
 - (ii) competent authorities which exercise functions in relation to an area adjacent to the site; and
 - (iii) every owner and occupier of the site;
- (b) such other persons as in its opinion ought to be notified; and
- (c) such other persons as the appropriate authority directs.

(3) A notice under paragraph (2) must specify the date (being not less than 12 weeks from the date of the giving of the notice) by which representations with respect to the proposal may be made to the appropriate nature conservation body.

(4) The appropriate nature conservation body must provide to the appropriate authority a report describing the representations duly made, if any, that it received about the proposal, or, where no such representations have been received, stating that fact.

(5) The appropriate authority must consider the report provided under paragraph (4).

(6) The appropriate authority may issue guidance to the appropriate nature conservation body for the purposes of its functions under this regulation, and the appropriate nature conservation body must have regard to that guidance in discharging any of those functions.

(7) The appropriate authority may vary or revoke a direction under paragraph (2)(c).

Status:

Point in time view as at 30/11/2017.

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