
STATUTORY INSTRUMENTS

2017 No. 1012

The Conservation of Habitats and Species Regulations 2017

PART 6

Assessment of plans and projects

CHAPTER 3

Highways and roads

Construction or improvement of highways or roads

- 87.**—(1) The assessment provisions apply in relation to any plan or project—
- (a) by the appropriate authority or a strategic highways company to construct a new highway or to improve, within the meaning of the Highways Act 1980 ^{M1}, an existing highway; or
 - (b) by a local highway authority to carry out within the boundaries of a road any works required for the improvement of the road.
- (2) The review provisions apply to any such plan or project as is mentioned in paragraph (1) unless—
- (a) the works were completed before 30th October 1994; or
 - (b) the works have been completed before the site became a European site or a European offshore marine site.
- (3) In paragraph (1)(a) “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015 ^{M2}.

Marginal Citations

M1 1980 c. 66. See the definition of “improvement” in section 329(1).

M2 2015 c. 7.

[^{F1}Cycle tracks and other ancillary works

- 88.**—(1) Subject to paragraph (2), the assessment provisions apply to section 3(10) of the Cycle Tracks Act 1984.
- (2) Regulation 64 (Considerations of overriding public interest) does not apply to section 3(10) of that Act.
- (3) Section 3(10) of that Act is not to be taken to deem planning permission to be granted for development which—
- (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of the site,

Changes to legislation: *The Conservation of Habitats and Species Regulations 2017, CHAPTER 3 is up to date with all changes known to be in force on or before 21 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) View outstanding changes*

whether or not the development authorised by the permission has been begun, unless the competent authority has agreed to the plan or project in accordance with the assessment provisions.]

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Textual Amendments

- F1** [Reg. 88](#) substituted (28.12.2018) by [The Conservation of Habitats and Species and Planning \(Various Amendments\) \(England and Wales\) Regulations 2018 \(S.I. 2018/1307\)](#), regs. 1(1), **2(8)**

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 41(2)(aa) inserted by [2023 c. 55 Sch. 8 para. 38\(5\)](#)
- reg. 108(6) inserted by [2023 c. 55 Sch. 8 para. 39\(6\)](#)
- reg. 111(2)(aa)(ab) substituted for reg. 111(2)(a)(b) by [2023 c. 55 Sch. 8 para. 40\(3\)\(a\)](#)