

STATUTORY INSTRUMENTS

2017 No. 1012

The Conservation of Habitats and Species Regulations 2017

PART 6

Assessment of plans and projects

CHAPTER 8

Land Use Plans

Land use plans

Assessment of implications for European site: neighbourhood development plans

106.—(1) A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required.

(2) In this regulation, “qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the TCPA 1990 (authorisation to act in relation to neighbourhood areas)^{M1}, as applied by section 38C of the 2004 Planning Act (supplementary provisions)^{M2}.

(3) Where the competent authority decides to revoke or modify a neighbourhood development plan after it has been made, it must for that purpose make an appropriate assessment of the implications for any European site likely to be significantly affected in view of that site's conservation objectives; and regulation 105 and paragraph (1) apply with the appropriate modifications in relation to such a revocation or modification.

[^{F1}(3A) See regulation 110A for the assumptions about nutrient pollution standards to be made in certain circumstances.]

(4) This regulation applies in relation to England only.

Textual Amendments

- F1** Reg. 106(3A) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(6), [Sch. 15 para. 14](#) (with s. 247)

Marginal Citations

- M1** [Section 61F](#) was inserted by the [Localism Act 2011 \(c. 20\)](#), [Schedule 9](#), paragraphs 1 and 2. It is prospectively amended by the [Neighbourhood Planning Act 2017 \(c. 20\)](#), [section 5](#), from a date to be appointed.
- M2** [Section 38C](#) was inserted the [Localism Act 2011 \(c. 20\)](#), [Schedule 9](#), paragraphs 5 and 7.

Status:

Point in time view as at 26/12/2023.

Changes to legislation:

The Conservation of Habitats and Species Regulations 2017, Section 106 is up to date with all changes known to be in force on or before 14 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.