

Changes to legislation: The Conservation of Habitats and Species Regulations 2017, PART 2 is up to date with all changes known to be in force on or before 19 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

SCHEDULE 6

Consequential Amendments

PART 2

Subordinate Legislation

Public Gas Transporter Pipe-Line Works (Environmental Impact Assessment) Regulations 1999

9.—(1) The Public Gas Transporter Pipe-Line Works (Environmental Impact Assessment) Regulations 1999 ^{M1} are amended as follows.

(2) In regulation 2 (interpretation), in sub-paragraph (i) of the definition of “sensitive area”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

(3) In regulation 3 (environmental statements), in paragraph (7), for “regulation 61 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 63 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M1 [S.I. 1999/1672](#), amended by [S.I. 2017/582](#); there are other amending instruments but none is relevant.

Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999

10. In regulation 3C of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (coordination) ^{M2}, for “regulation 21 or 61 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 24 or 63 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M2 [S.I. 1999/1783](#), amended by [S.I. 2017/585](#); there are other amending instruments but none is relevant.

Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

11.—(1) The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 ^{M3} are amended as follows.

(2) In regulation 9A (co-ordination), in paragraph (2), for “regulation 61 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 63 of the Conservation of Habitats and Species Regulations 2017”.

(3) In paragraph 1 (interpretation) of Schedule 2 (description of projects likely to have significant effects on the environment), in sub-paragraph (h) of the definition of “sensitive area”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

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Marginal Citations

M3 [S.I. 1999/2228](#) amended by [S.I. 2017/592](#); there are other amending instruments but none is relevant.

Pipe-line Works (Environmental Impact Assessment) Regulations 2000

12. In regulation 3 of the Pipe-Line Works (Environmental Impact Assessment) Regulations 2000 (grant of pipe-line construction authorisation by Secretary of State in respect of relevant pipe-line works) ^{M4}, in paragraph (7), for “regulation 61 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 63 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M4 [S.I. 2000/1928](#), amended by [S.I. 2007/1992](#) and 2017/582; there are other amending instruments but none is relevant.

Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001

13. In regulation 3 of the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (exercise of functions of the Secretary of State and the Oil and Gas Authority) ^{M5}—

- (a) in paragraph (1), for “the 2010 Regulations” substitute “the 2017 Regulations”;
- (b) for paragraph (2) substitute—

“(2) In this regulation, the “2017 Regulations” means the Conservation of Habitats and Species Regulations 2017.”.

Marginal Citations

M5 [S.I. 2001/1754](#), amended by [S.I. 2007/77](#), 2010/1513, 2016/912; there are other amending instruments but none is relevant.

Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003

14. In regulation 3C of the Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 (coordination) ^{M6}, for “regulation 21 or 61 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 24 or 63 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M6 [S.I. 2003/164](#), amended by [S.I. 2017/583](#); there are other amending instruments but none is relevant.

Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006

15.—(1) The Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006 ^{M7} are amended as follows.

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(2) In regulation 2 (interpretation), in the definition of “the Habitats Regulations”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

(3) In regulation 3C (coordination of environmental assessments), for “regulation 21 or 61” substitute “regulation 24 or 63”.

(4) In regulation 17 (additional requirements relating to the Habitats Regulations), in paragraph (1),—

(a) for “regulations 41, 43 or 45” substitute “regulations 43, 45 or 47”;

(b) for “regulation 53” substitute “regulation 55”.

Marginal Citations

M7 [S.I. 2006/2522](#), amended by [S.I. 2017/593](#); there are other amending instruments but none is relevant.

Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009

16. In paragraph 5 (express authorisation) of Schedule 1 to the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 (damage to protected species, natural habitats and sites of special scientific interest) ^{M8}—

(a) in the English language text, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”;

(b) in the Welsh language text, for “Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010” substitute “Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2017”.

Marginal Citations

M8 [S.I. 2009/995](#) (W.81), amended by [S.I. 2015/1937](#) (W.291); there are other amending instruments but none is relevant.

Marine Management Organisation (Prescription of Powers to Fix Fees and Charges) Order 2010

17. In the Schedule to the Marine Management Organisation (Prescription of Powers to Fix Fees and Charges) Order 2010 (table of prescribed powers to fix fees and charges) ^{M9}—

(a) in the first column—

(i) for “The Conservation of Habitats and Species Regulations 2010” substitute “The Conservation of Habitats and Species Regulations 2017”;

(ii) for the entry “Regulation 55(5)” substitute “Regulation 57(5)”;

(b) in the second column, in relation to the substituted entry “Regulation 57(5)”, for “regulation 53(1) for a purpose specified in any of sub-paragraphs (e) to (g) of paragraph (2) of that regulation, regulation 53(4) or regulation 54” substitute “regulation 55(1) for a purpose specified in any of sub-paragraphs (e) to (g) of paragraph (2) of that regulation, regulation 55(4) or regulation 56”.

Marginal Citations

M9 [S.I. 2010/603](#).

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Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010

^{F1}18.

Textual Amendments

F1 Sch. 6 para. 18 revoked (26.2.2020) by [The Merchant Shipping \(Ship-to-Ship Transfers\) Regulations 2020 \(S.I. 2020/94\)](#), reg. 1, [Sch. 4](#)

Marine Strategy Regulations 2010

19. In Schedule 2 to the Marine Strategy Regulations 2010 (enactments in relation to which duty in regulation 4 applies) ^{M10}, for the entry “The Conservation of Natural Habitats and Species Regulations 2010” substitute— “ The Conservation of Habitats and Species Regulations 2017 ”.

Marginal Citations

M10 [S.I. 2010/1627](#), to which there are amendments not relevant to these Regulations.

Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order 2010

20. In Schedule 4 to the Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order 2010 (application of permitted development rights) ^{M11}—

- (a) in paragraph 2, for “regulation 73 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 75 of the Conservation of Habitats and Species Regulations 2017”;
- (b) in paragraph 3(a), for “regulation 61” substitute “regulation 63”.

Marginal Citations

M11 [S.I. 2010/2020](#).

Marine Licensing (Exempted Activities) Order 2011

21.—(1) The Marine Licensing (Exempted Activities) Order 2011 ^{M12} is amended as follows.

(2) In article 3 (interpretation), in the definition of “European site”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

(3) In article 26 (markers for European marine sites and marine conservation zones), in paragraph (1)(a), for “regulation 35(1) of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 37(1) of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M12 [S.I. 2011/409](#), amended by [S.I. 2013/526](#) and 2016/738.

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Marine Licensing (Exempted Activities) (Wales) Order 2011

22.—(1) The Marine Licensing (Exempted Activities) (Wales) Order 2011 ^{M13} is amended as follows.

(2) In article 3 (interpretation)—

- (a) in the English language text, in paragraph (a) of the definition of “European site”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”;
- (b) in the Welsh language text, in paragraph (a) of the definition of “safle Ewropeaidd” for “Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010” substitute “Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2017”.

(3) In article 25 (markers for European marine sites), in paragraph (1)(a)—

- (a) in the English language text, for “regulation 35(1) of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 37(1) of the Conservation of Habitats and Species Regulations 2017”;
- (b) in the Welsh language text, for “rheoliad 35(1) o Reoliadau Cadwraeth Cynefinoedd a Rhywogaethau 2010 (gosod arwyddion I ddynodi bodolaeth a ffiniau safle morol Ewropeaidd o fewn ystyr “European marine site” yn y Rheoliadau hynny)” substitute “rheoliad 37(1) o Reoliadau Cadwraeth Cynefinoedd a Rhywogaethau 2017 (gosod arwyddion I ddynodi bodolaeth a ffiniau safle morol Ewropeaidd o fewn ystyr “European marine site” yn y Rheoliadau hynny”.

Marginal Citations

M13 [S.I. 2011/559](#) (W.81), amended by [S.I. 2013/755](#) (W.90); there are other amending instruments but none is relevant.

Marine and Coastal Access Act 2009 (Transitional and Savings Provisions) Order 2011

23. In Part 1 of Schedule 2 to the Marine and Coastal Access Act 2009 (Transitional and Savings Provisions) Order 2011 ^{M14}, omit paragraph 12 (the Conservation of Habitats and Species Regulations 2010).

Marginal Citations

M14 [S.I. 2011/603](#), to which there are amendments not relevant to these Regulations.

Associated British Ports (Grimsby Riverside Ro-Ro Terminal) Harbour Revision Order 2011

24.—(1) In article 20 of the Associated British Ports (Grimsby Riverside Ro-Ro Terminal) Harbour Revision Order 2011 (disapplication of the Conservation of Habitats and Species Regulations) ^{M15}—

- (a) in the heading, for “regulation 73 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 75 of the Conservation of Habitats and Species Regulations 2017”;
- (b) in paragraph (1), for “Regulation 73 of the Conservation of Habitats and Species Regulations 2010” substitute “Regulation 75 of the Conservation of Habitats and Species Regulations 2017”;
- (c) in paragraph (2)(a), for “regulation 61” substitute “regulation 63”.

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Marginal Citations

M15 [S.I. 2011/950](#).

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

25. In regulation 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (interpretation) ^{M16}, in paragraph (1), in sub-paragraph (g) of the definition of “sensitive area”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M16 [S.I. 2011/1824](#), which has been revoked by [S.I. 2017/571](#), subject to transitional provisions.

Localism Act 2011 (Infrastructure Planning) (Consequential Amendments) Regulations 2012

26. In the Localism Act 2011 (Infrastructure Planning) (Consequential Amendments) Regulations 2012 ^{M17}, omit regulation 9 (amendments to the Conservation of Habitats and Species Regulations 2010).

Marginal Citations

M17 [S.I. 2012/635](#), to which there are amendments not relevant to these Regulations.

Neighbourhood Planning (General) Regulations 2012

27.—(1) The Neighbourhood Planning (General) Regulations 2012 ^{M18} are amended as follows.

(2) In regulation 17 (submission of plan proposal to examination), in sub-paragraph (c)—

- (a) for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”;
- (b) for “regulation 102A” substitute “regulation 106”.

(3) In regulation 24 (submission of order proposal to examination), in sub-paragraph (d)—

- (a) for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”;
- (b) for “regulation 61(2)” substitute “regulation 63(2)”.

(4) In Schedule 2 (habitats)—

- (i) in paragraph 1, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”;
- (ii) omit paragraphs 2 to 5.

Marginal Citations

M18 [S.I. 2012/637](#), amended by [S.I. 2017/571](#); there are other amending instruments but none is relevant.

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Hinkley Point Harbour Empowerment Order 2012

28. In article 36 of the Hinkley Point Harbour Empowerment Order 2012 (disapplication of the Conservation of Habitats and Species Regulations) ^{M19}—

- (a) in the heading, for “regulation 73 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 75 of the Conservation of Habitats and Species Regulations 2017”;
- (b) in the words before sub-paragraph (a), for “Regulation 73 of the Conservation of Habitats and Species Regulations 2010” substitute “Regulation 75 of the Conservation of Habitats and Species Regulations 2017”;
- (c) in sub-paragraph (a), for “regulation 61” substitute “regulation 63”.

Marginal Citations

M19 [S.I. 2012/1914](#).

Brechfa Forest West Wind Farm Order 2013

29. In Part 3 (requirements) of Schedule 1 to the Brechfa Forest West Wind Farm Order 2013 (authorised project) ^{M20}, in sub-paragraph (1) of paragraph 1 (definitions), in the definition of “European Protected Species”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M20 [S.I. 2013/586](#), to which there are amendments not relevant to these Regulations.

Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013

30. In Schedule 2 to the Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013 (requirements) ^{M21}, in sub-paragraph (5) of paragraph 5 (landscape and ecology), for the definition of “European protected species” substitute—

““European protected species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017.”.

Marginal Citations

M21 [S.I. 2013/675](#), to which there are amendments not relevant to these Regulations.

The Natural Resources Body for Wales (Functions) Order 2013

31. In the English and Welsh language texts of the Natural Resources Body for Wales (Functions) Order 2013 ^{M22}, in Schedule 4, omit paragraphs 365 to 373 and the heading to those paragraphs (Conservation of Habitats and Species Regulations 2010).

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Marginal Citations

M22 [S.I. 2013/755](#) (W.90), to which there are amendments no relevant to these Regulations.

Galloper Wind Farm Order 2013

32. In Part 3 (requirements) of Schedule 1 (authorised project) to the Galloper Wind Farm Order 2013 ^{M23}, in sub-paragraph (3) of paragraph 33 (European protected species), for the definition of “European protected species” substitute—

““European protected species” has the same meaning as in regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017.”.

Marginal Citations

M23 [S.I. 2013/1203](#), to which there are amendments not relevant to these Regulations.

Nitrate Pollution Prevention (Wales) Regulations 2013

33.—(1) Regulation 13A of the Nitrate Pollution Prevention (Wales) Regulations 2013 (application for a derogation) ^{M24} is amended as follows.

(2) In the words after paragraph (6)(b)—

- (a) in the English language text, for “regulation 61 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 63 of the Conservation of Habitats and Species Regulations 2017”;
- (b) in the Welsh language text, for “reoliad 61 o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010” substitute “reoliad 63 o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2017”.

(3) In paragraph (15)(b)—

- (a) in the English language text, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”;
- (b) in the Welsh language text, for “Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010” substitute “Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2017”.

Marginal Citations

M24 [S.I. 2013/2506](#) (W.245), amended by [S.I. 2015/2020](#) (W.308).

Marine Licensing (Application Fees) Regulations 2014

34. In the Schedule to the Marine Licensing (Application Fees) Regulations 2014 (application bands and maximum fees (“CAPS”)) ^{M25}, in paragraph 2(3), in the definition of “European site”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M25 [S.I. 2014/615](#), to which there are amendments not relevant to these Regulations.

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Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014

35. In Schedule 2 to the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014 (model clauses for petroleum exploration and development licences) ^{M26}, in paragraph 22A (prohibition on hydraulic fracturing in protected areas in England and Wales), in subparagraph (2)(a)(ii), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M26 [S.I. 2014/1686](#), amended by [S.I. 2016/1029](#); there are other amending instruments but none is relevant.

Rampion Offshore Wind Farm Order 2014

36.—(1) The Rampion Offshore Wind Farm Order 2014 ^{M27} is amended as follows.

(2) In article 2 (interpretation), in the definition of “European Protected Species”, for “regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010” substitute “regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017”.

(3) In article 39 (procedure in relation to further approvals, etc.)—

- (a) in paragraph (1), in the definition of “competent authority”, for “the Conservation of Habitats and Species Regulations 2010/490” substitute “the Conservation of Habitats and Species Regulations 2017/1012”;
- (b) in paragraph (5), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M27 [S.I. 2014/1873](#), amended by 2015/1319; there is another amending instrument but it is not relevant.

A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014

37. In Schedule 2 to the A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (requirements) ^{M28}, in paragraph 1 (interpretation), for the definition of “European protected species” substitute—

““European protected species” has the same meaning as in regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017; and”.

Marginal Citations

M28 [S.I. 2014/2269](#), to which there is an amendment not relevant to these Regulations.

Clocaenog Forest Wind Farm Order 2014

38. In Part 3 (requirements) of Schedule 1 to the Clocaenog Forest Wind Farm Order 2014 (authorised project) ^{M29}, in paragraph 1 (definitions), in the definition of “European protected species”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

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Marginal Citations

M29 [S.I. 2014/2441](#), to which there is an amendment not relevant to these Regulations.

Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014

39. In Schedule 2 to the Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (requirements)^{M30}, in sub-paragraph (4) of paragraph 5 (landscape and ecology), for the definition of “European protected species” substitute—

““European protected species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017.”.

Marginal Citations

M30 [S.I. 2014/2637](#), to which there is an amendment not relevant to these Regulations.

Associated British Ports (Fisher Fleet Quay) Harbour Revision Order 2014

40. In article 16 of the Associated British Ports (Fisher Fleet Quay) Harbour Revision Order 2014 (disapplication of the Conservation of Habitats and Species Regulations)^{M31}—

- (a) in the heading, for “regulation 73 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 75 of the Conservation of Habitats and Species Regulations 2017”;
- (b) in paragraph (1), for “Regulation 73 of the Conservation of Habitats and Species Regulations 2010” substitute “Regulation 75 of the Conservation of Habitats and Species Regulations 2017”;
- (c) in paragraph (2)(a), for “regulation 61” substitute “regulation 63”.

Marginal Citations

M31 [S.I. 2014/2933](#).

Able Marine Energy Park Development Consent Order 2014

41.—(1) The Able Marine Energy Park Development Consent Order 2014^{M32} is amended as follows.

(2) In article 22 (authority to survey and investigate the land), in paragraph (6), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

(3) In Schedule 11 (requirements), in paragraph 31 (European protected species)—

- (a) in sub-paragraph (2), for “regulation 53 (licences for certain activities relating to animals or plants) of the Conservation of Habitats and Species Regulations 2010”, substitute “regulation 55 (licences for certain activities relating to animals or plants) of the Conservation of Habitats and Species Regulations 2017”;

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- (b) in sub-paragraph (3), for “regulations 40 (European protected species of animals) and 44 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2010” substitute “regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M32 [S.I. 2014/2935](#) to which there are amendments not relevant to these Regulations.

Walney Extension Offshore Wind Farm Order 2014

42. In Part 3 (requirements) of Schedule 1 to the Walney Extension Offshore Windfarm Order 2014 (authorised project) ^{M33}, in sub-paragraph (3) of paragraph 30 (European protected species), for the definition of “European protected species” substitute—

““European protected species” has the same meaning as in regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017.”.

Marginal Citations

M33 [S.I. 2014/2950](#), to which there are amendments not relevant to these Regulations.

Keeping and Introduction of Fish (Wales) Regulations 2014

43. In regulation 5 of the Keeping and Introduction of Fish (Wales) Regulations 2014 (keeping fish) ^{M34}, in paragraph 4(ii)—

- (a) in the English language text, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”;
- (b) in the Welsh language text, for “Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010” substitute “Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2017”.

Marginal Citations

M34 [S.I. 2014/3303](#) (W.336).

Willington C Gas Pipeline Order 2014

44. In Part 2 (requirements) of Schedule 1 to the Willington C Gas Pipeline Order 2014 ^{M35}, in paragraph 1 (interpretation), in the definition of “European protected species”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M35 [S.I. 2014/3328](#), amended by [S.I. 2015/1616](#); there is another amending instrument but it is not relevant.

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Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015

45. In regulation 5 of the Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015 (keeping fish) ^{M36}, in paragraph (4)(b), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M36 [S.I. 2015/10](#).

A160/A180 (Port of Immingham Improvement) Development Consent Order 2015

46. In Schedule 2 to the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (requirements) ^{M37}, in paragraph 1 (interpretation), for the definition of “European protected species” substitute—

““European protected species” has the same meaning as in regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017; and”.

Marginal Citations

M37 [S.I. 2015/129](#), to which there are amendments not relevant to these Regulations.

Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015

47. In Schedule 2 to the Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (requirements) ^{M38}, in sub-paragraph (5) of paragraph 4 (construction environmental management plan), for “regulations 40 (European protected species of animals) and 44 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2010” substitute “regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M38 [S.I. 2015/147](#), to which there are amendments not relevant to these Regulations.

Dogger Bank Creyke Beck Offshore Wind Farm Order 2015

48. In Part 3 (requirements) of Schedule 1 to the Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (authorised project) ^{M39}, in sub-paragraph (4) of paragraph 28 (European protected species: onshore) for “regulation 40 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 42 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M39 [S.I. 2015/318](#), to which there are amendments not relevant to these Regulations.

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Infrastructure Act 2015 (Strategic Highways Companies) (Consequential, Transitional and Savings Provisions) Regulations 2015

49. In the Schedule to the Infrastructure Act 2015 (Strategic Highways Companies) (Consequential, Transitional and Savings Provisions) Regulations 2015 ^{M40}, omit paragraph 45 (Conservation of Habitats and Species Regulations 2010).

Marginal Citations

M40 [S.I. 2015/377](#), to which there are amendments not relevant to these Regulations.

Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015

50. In Schedule 2 to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (prescription of consents) ^{M41}, in the table in Part 1—

- (a) in the first column, for the entry “Conservation of Habitats and Species Regulations 2010” substitute “Conservation of Habitats and Species Regulations 2017”; and
- (b) in the second column, for the entry “A licence under regulation 53 (licences for certain activities relating to animals or plants)” substitute “A licence under regulation 55 (licences for certain activities relating to animals or plants)”.

Marginal Citations

M41 [S.I. 2015/462](#), to which there are amendments not relevant to these Regulations.

Town and Country Planning (Development Management Procedure) (England) Order 2015

51. In article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (interpretation) ^{M42}, in paragraph (b) of the definition of “qualifying European site”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M42 [S.I. 2015/595](#), amended by [S.I. 2017/571](#); there are other amending instruments but none is relevant.

Town and Country Planning (General Permitted Development) (England) Order 2015

52. In article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (permitted development) ^{M43}, in paragraph (1), for “regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010” substitute “regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M43 [S.I. 2015/596](#), to which there are amendments not relevant to these Regulations.

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Nitrate Pollution Prevention Regulations 2015

53. In regulation 37 of the Nitrate Pollution Prevention Regulations 2015 (determination of application) ^{M44}, in paragraph (5), for “regulation 61 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 63 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M44 [S.I. 2015/668](#), to which there are amendments not relevant to these Regulations.

Knottingley Power Plant Order 2015

54. In Part 2 (requirements) of Schedule 1 to the Knottingley Power Plant Order 2015 (authorised development) ^{M45}, in sub-paragraph (5) of paragraph 24 (European protected species), for “regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010” substitute “regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M45 [S.I. 2015/680](#), to which there are amendments not relevant to these Regulations.

Environmental Damage (Prevention and Remediation) (England) Regulations 2015

55. In paragraph 5 of Schedule 1 to the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 (express authorisation of damage to protected species, natural habitats and sites of special scientific interest) ^{M46}, in sub-paragraph (e), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M46 [S.I. 2015/810](#), to which there are amendments not relevant to these Regulations.

White Moss Landfill Order 2015

56. In paragraph 10 (European protected species) to Schedule 2 to the White Moss Landfill Order 2015 (requirements) ^{M47}, in sub-paragraph (2), for “regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010” substitute “regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M47 [S.I. 2015/1317](#), to which there is an amendment not relevant to these Regulations.

Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015

57. In Schedule 2 to the Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (requirements) ^{M48}—

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- (a) in paragraph 1(1) (interpretation), in the definition of “European protected species”, for “regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010”, substitute “regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017”;
- (b) in paragraph 25 (A1067 and Western Hall Road drainage), in sub-paragraph (2), for “the Conservation of Habitats and Species Regulations 2010”, substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M48 [S.I. 2015/1347](#), to which there is an amendment not relevant to these Regulations.

Poole Harbour (Works) Revision Order 2015

58. In article 19 of the Poole Harbour (Works) Revision Order 2015 (disapplication of the Conservation of Habitats and Species Regulations) ^{M49}—

- (a) in the heading, for “regulation 73 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 75 of the Conservation of Habitats and Species Regulations 2017”;
- (b) in paragraph (1), for “Regulation 73 of the Conservation of Habitats and Species Regulations 2010” substitute “Regulation 75 of the Conservation of Habitats and Species Regulations 2017”;
- (c) in paragraph (2)(a), for “regulation 61” substitute “regulation 63”.

Marginal Citations

M49 [S.I. 2015/1390](#).

Preesall Underground Gas Storage Facility Order 2015

59. In Schedule 9 to the Preesall Underground Gas Storage Facility Order 2015 (requirements) ^{M50}, in paragraph 1 (interpretation)—

- (a) for the definition of “the 2010 Regulations”, substitute—
““the 2017 Regulations” means the Conservation of Habitats and Species Regulations 2017.”;
- (b) in the definition of “European protected species”, for “regulation 40 of the 2010 Regulations” substitute “regulation 42 of the 2017 Regulations”;
- (c) in the definition of “European site”, for “the 2010 Regulations” substitute “the 2017 Regulations”.

Marginal Citations

M50 [S.I. 2015/1561](#), to which there are amendments not relevant to these Regulations.

Progress Power (Gas Fired Power Station) Order 2015

60. In paragraph 19 of Schedule 2 to the Progress Power (Gas Fired Power Station) Order 2015 (European protected species) ^{M51}, in sub-paragraph (3), for “regulations 40 and 44 of the

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Conservation of Habitats and Species Regulations 2010” substitute “regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017.”

Marginal Citations

M51 [S.I. 2015/1570](#), to which there are amendments not relevant to these Regulations.

Dogger Bank Teeside A and B Offshore Wind Farm Order 2015

61. In Part 3 (requirements) of Schedule 1 to the Dogger Bank Teeside A and B Offshore Wind Farm Order 2015 (authorised project) ^{M52}, in sub-paragraph (4) of paragraph 35 (European protected species: onshore), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M52 [S.I. 2015/1592](#), to which there is an amendment not relevant to these Regulations.

Ferrybridge Multifuel 2 Power Station Order 2015

62. In Schedule 2 to the Ferrybridge Multifuel 2 Power Station Order 2015 (requirements) ^{M53}, in sub-paragraph (3) of paragraph 18 (construction environmental management plan), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M53 [S.I. 2015/1832](#), to which there are amendments not relevant to these Regulations.

Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2015

63. In the English and Welsh language texts of the Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2015 ^{M54}, omit regulation 7 (amendment of the Conservation of Habitats and Species Regulations 2010).

Marginal Citations

M54 [S.I. 2015/2020](#) (W.308).

A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016

64. In Schedule 2 to the A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 (requirements) ^{M55}, in paragraph 1 (interpretation), for the definition of “European protected species” substitute—

““European protected species” has the same meaning as in regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017;”.

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Marginal Citations

M55 [S.I. 2016/73](#), to which there is an amendment not relevant to these Regulations.

Palm Paper Mill Generating Station Order 2016

65. In Schedule 2 to the Palm Paper Mill Generating Station Order 2016 (requirements) ^{M56}, in sub-paragraph (6) of paragraph 14 (European protected species), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M56 [S.I. 2016/166](#), to which there are amendments not relevant to these Regulations.

Thorpe Marsh Gas Pipeline Order 2016

66. In Part 2 (requirements) of Schedule 1 to the Thorpe Marsh Gas Pipeline Order 2016 (authorised development) ^{M57}, in paragraph 1 (interpretation), in the definition of “European protected species”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M57 [S.I. 2016/297](#), to which there are amendments not relevant to these Regulations.

A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016

67. In Schedule 2 to the A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (requirements) ^{M58}, in paragraph 1 (interpretation), for the definition of “European protected species” substitute—

““European Protected Species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017;”.

Marginal Citations

M58 [S.I. 2016/547](#), to which there are amendments not relevant to these Regulations.

Fal Fishery Order 2016

68. In article 4 of the Fal Fishery Order 2016 (power to make regulations and to carry out fisheries management and development activities) ^{M59}, in paragraph (7)(a), for “regulation 8(4) of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 8(3) of the Conservation of Habitats and Species Regulations 2017”.

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Marginal Citations

M59 [S.I. 2016/716](#).

York Potash Harbour Facilities Order 2016

69. In article 16 of the York Potash Harbour Facilities Order 2016 (authority to survey and investigate the land)^{M60}, in paragraph (6), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M60 [S.I. 2016/772](#), to which there is an amendment not relevant to these Regulations.

River Humber Gas Pipeline Replacement Order 2016

70. In Schedule 3 to the River Humber Gas Pipeline Replacement Order 2016 (requirements)^{M61}, in sub-paragraph (2) of paragraph 19 (ecological surveys), for “regulation 53 (licences for certain activities relating to animals or plants) of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 55 (licences for certain activities relating to animals or plants) of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M61 [S.I. 2016/853](#), to which there are amendment not relevant to these Regulations.

Triton Knoll Electrical System Order 2016

71. In Part 3 (requirements) of Schedule 1 to the Triton Knoll Electrical System Order 2016 (authorised project)^{M62}, in sub-paragraph (4) of paragraph 20 (European protected species), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M62 [S.I. 2016/880](#), to which there are amendments not relevant to these Regulations.

M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016

72. In Part 1 (requirements) of Schedule 2 to the M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016^{M63}, in paragraph 1 (interpretation), for the definition of “European protected species” substitute—

““European protected species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017; and”.

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Marginal Citations

M63 [S.I. 2016/863](#), to which there are amendments not relevant to these Regulations.

Environmental Permitting (England and Wales) Regulations 2016

73.—(1) The Environmental Permitting (England and Wales) Regulations 2016^{M64} are amended as follows.

(2) In Schedule 3 (exempt facilities and waste operations to which section 33(1)(a) of the 1990 Act does not apply: descriptions and conditions)—

- (a) in Part 2 (exempt water discharge activities: descriptions and conditions), in sub-paragraph (3)(a) of paragraph 1 (vegetation management activities), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”;
- (b) in Part 3 (exempt groundwater discharge activities: descriptions and conditions), in sub-paragraph (4) of paragraph 5 (open-loop ground source heating and cooling systems), in paragraph (a) of the definition of “groundwater-fed wetland”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”;
- (c) in Part 4 (exempt flood risk activities: descriptions and conditions), in sub-paragraph (4)(a) of paragraph 1 (general and interpretation), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

(3) In Schedule 10 (landfill), in sub-paragraph (2)(c)(i) of paragraph 2 (interpretation: general), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

(4) In Part 2 of Schedule 29, omit paragraph 34 (Conservation of Habitats and Species Regulations 2010).

Marginal Citations

M64 [S.I. 2016/1154](#).

Economic Growth (Regulatory Functions) Order 2017

74. In Part 3 of the Schedule to the Economic Growth (Regulatory Functions) Order 2017 (regulatory functions to which section 108 of the Deregulation Act 2015 applies)^{M65}, under the heading “Agriculture”, for “Conservation of Habitats and Species Regulations 2010” substitute “Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M65 [S.I. 2017/267](#), as amended by [S.I. 2017/595](#); there is another amending instrument but it is not relevant.

Town and Country Planning (Brownfield Land Register) Regulations 2017

75. In regulation 14 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 (exemptions for certain types of land)^{M66}, in paragraph (5), in the definition of “qualifying

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European site”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M66 [S.I. 2017/403](#).

Keuper Underground Gas Storage Facility Order 2017

76. In Schedule 2 to the Keuper Underground Gas Storage Facility Order 2017 ^{M67}, in subparagraph (4) of paragraph 21 (European protected species), for “regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010 (as amended)” substitute “regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M67 [S.I. 2017/433](#).

Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017

77.—(1) The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 ^{M68} are amended as follows.

- (2) In paragraph (1) of regulation 2 (interpretation)—
 - (a) in the English language text, in the definition of “the Habitats Regulations”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”;
 - (b) in the Welsh language text, in the definition of “y Reoliadau Cynefinoedd” for “Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010” substitute “Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2017”.
- (3) In regulation 5 (thresholds), in paragraph (7)(c)—
 - (a) in the English language text, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Habitats Regulations”;
 - (b) in the Welsh language text, for “Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010” substitute “o'r Reoliadau Cynefinoedd”.
- (4) In regulation 16 (additional requirements relating to the Habitats Regulations)—
 - (a) in paragraph (1)—
 - (i) in the English language text, for “regulations 41, 43 or 45” substitute “regulations 43, 45 or 47”;
 - (ii) in the Welsh language text, for “reoliadau 41, 43, neu 45” substitute “reoliadau 43, 45 neu 47”;
 - (b) in paragraph (2)—
 - (i) in the English language text, for “regulation 53” substitute “regulation 55”;
 - (ii) in the Welsh language text, for “reoliadau 53” substitute “reoliadau 55”.

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Marginal Citations

M68 [S.I. 2017/565](#) (W.134).

Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

78.—(1) The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017^{M69} are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1)—

- (a) in the English language text, in the definition of “European site”, for “regulation 8(3) of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 8(1) of the Conservation of Habitats and Species Regulations 2017”;
- (b) in the Welsh language text, in the definition of “safle Ewropeaidd” for “reoliad 8(3) o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010” substitute “reoliad 8(1) o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2017”.

(3) In regulation 26 (coordination of assessments), in paragraph (2)—

- (a) in the English language text, for “regulation 61 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 63 of the Conservation of Habitats and Species Regulations 2017”;
- (b) in the Welsh language text, for “reoliad 61 o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010” substitute “reoliad 63 o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2017”.

Marginal Citations

M69 [S.I. 2017/567](#) (W.136).

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

79.—(1) The Town and Country Planning (Environmental Impact Assessment) Regulations 2017^{M70} are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “European site”, for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

(3) In regulation 27 (co-ordination), in paragraph (2), for “regulation 61 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 63 of the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M70 [S.I. 2017/571](#), to which there is an amendment not relevant to these Regulations.

Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

80.—(1) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017^{M71} are amended as follows.

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(2) In regulation 26 (co-ordination), in paragraph (2), for “regulation 61 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 63 of the Conservation of Habitats and Species Regulations 2017”.

(3) In Schedule 3 (selection criteria for screening Schedule 2 development), in sub-paragraph (2) of paragraph (2) (location of development), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M71 [S.I. 2017/572](#).

Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017

81.—(1) The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 ^{M72} are amended as follows.

(2) In regulation 8 (co-ordination of environmental impact assessment with Habitats Regulations assessment), in paragraph (2), for “regulation 61 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 63 of the Conservation of Habitats and Species Regulations 2017”.

(3) In Schedule 2 (development requiring screening if no EIA report provided), in sub-paragraph (g) of paragraph 4 (meaning of “sensitive area”), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

(4) In Schedule 3 (selection criteria for screening development), in sub-paragraph (c)(vi) of paragraph 2 (location of development), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

Marginal Citations

M72 [S.I. 2017/580](#).

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The Conservation of Habitats and Species Regulations 2017, PART 2 is up to date with all changes known to be in force on or before 19 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.

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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\(3\)\(a\)](#)