

## SCHEDULE 1

Regulation 27(3)

### Special Nature Conservation Orders: Procedure

#### Coming into operation

- 1.—(1) An original order or a restrictive amending order takes effect on its being made.
- (2) The appropriate authority must consider every such order, and the order ceases to have effect nine months after it is made unless—
  - (a) that authority has previously given notice under paragraph 6 that the order has been considered and that it is not proposed to amend or revoke it; or
  - (b) the order has been revoked.
- (3) Subject to paragraphs 3(2) and 4(4), a revoking order, or an amending order which is not restrictive, does not take effect until confirmed by the appropriate authority.
- (4) An amending or revoking order requiring confirmation is to be treated as being revoked if the appropriate authority gives notice under paragraph 6(2) that it is not to be confirmed.

#### Publicity for orders

- 2.—(1) The appropriate authority must, where an order has been made, give notice setting out the order (or describing its general effect) and stating that it has taken effect or, as the case may be, that it has been made and requires confirmation.
- (2) The notice must—
  - (a) name a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours; and
  - (b) specify the time (not being less than 28 days from the date of the first publication of the notice) within which, and the manner in which, representations or objections with respect to the order may be made.
- (3) The notice must be given—
  - (a) by publication in the London Gazette and at least one local newspaper circulating in the area in which the land to which the order relates is situated;
  - (b) by serving an equivalent notice—
    - (i) on every owner and occupier of that land (subject to sub-paragraph (4)); and
    - (ii) on the local planning authority within whose area the land is situated.
- (4) The appropriate authority may, in any particular case, direct that it is not necessary to comply with sub-paragraph (3)(b)(i).
- (5) Where the appropriate authority gives a direction under paragraph (4) in the case of an order specifying any operation carried out, or proposed to be carried out, on any land—
  - (a) in addition to publication the notice must be addressed to “The owners and any occupiers” of the land (describing it), describing details of the operation and the details of the European site to which the order relates; and
  - (b) a copy or copies of the notice must be affixed to some conspicuous object or objects on the land.

#### Unopposed orders

- 3.—(1) Where an order has taken effect immediately and no representations or objections are duly made in respect of it, or any so made are withdrawn, the appropriate authority must, as soon

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as practicable after considering the order, decide either to take no action on it or to make an order amending or revoking it.

(2) Where an amending or revoking order is made under sub-paragraph (1)—

- (a) it takes effect immediately;
- (b) it does not require confirmation; and
- (c) it is not necessary to consider any representation or objection made in respect of it.

(3) Where an order requiring confirmation (in accordance with paragraph 1(3)) is made and no representations or objections are duly made in respect of it, or any so made are withdrawn, the appropriate authority may confirm the order (with or without modifications).

### **Opposed orders**

4.—(1) If any representation or objection duly made with respect to an order is not withdrawn, the appropriate authority must, as soon as practicable (in the case of an order having immediate effect) or (in the case of an order requiring confirmation) before confirming the order—

- (a) cause a local inquiry to be held; or
- (b) afford any person by whom a representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the appropriate authority for the purpose.

(2) On considering any representations or objections duly made and the report of any person appointed to hold the inquiry or to hear representations or objections, the appropriate authority—

- (a) if the order has already taken effect, must decide either to take no action on the order or to make an order amending or revoking it as appropriate in the light of the report, representations or objections; and
- (b) if the order requires confirmation, may confirm it (with or without modifications).

(3) The provisions of section 250(2) to (5) of the Local Government Act 1972 (which relate to evidence and costs in inquiries) apply in relation to an inquiry held under this paragraph.

(4) Where an amending or revoking order is made under sub-paragraph (2)(a)—

- (a) it takes effect immediately;
- (b) it does not require confirmation; and
- (c) it is not necessary to consider any representation or objection made in respect of it.

### **Restriction on power to amend orders or confirm them with modifications**

5. The appropriate authority may not, by virtue of paragraph 3(1) or 4(2), amend an order which has taken effect, or confirm any other order with modifications, so as to extend the area to which the order applies.

### **Notice of final decision on order**

6.—(1) The appropriate authority must, as soon as practicable after making an order under paragraph 3(1) or 4(2)(a), give notice—

- (a) setting out the order (or describing its effect) and stating that it has taken effect; and
- (b) naming a place in the area in which the land to which the order relates is situated where a copy of the order may be inspected free of charge at all reasonable hours.

(2) The appropriate authority must give notice of any of the following decisions as soon as practicable after making the decision—

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- (a) a decision under paragraph 3(1) or 4(2)(a) to take no action on an order which has already taken effect;
  - (b) a decision to confirm or not to confirm an order requiring confirmation under this Schedule.
- (3) A notice under this paragraph of a decision to confirm an order must—
- (a) set out the order as confirmed (or describe its general effect) and state the day on which the order took effect; and
  - (b) name a place in the area in which the land to which the order relates is situated where a copy of the order as confirmed may be inspected free of charge at all reasonable hours.
- (4) Any notice under this paragraph must be given by publishing it in accordance with paragraph 2(3)(a) and serving a copy of it on any person on whom a notice was required to be served under paragraph 2(3)(b).

### **Proceedings for questioning validity of orders**

7.—(1) This paragraph applies to any order which has taken effect and as to which the appropriate authority has given notice under paragraph 6(2) of a decision to take no action or to amend the order in accordance with paragraph 4 (“the relevant notice”).

(2) If any person is aggrieved by an order to which this paragraph applies and desires to question its validity on the ground that it is not within the powers of regulation 27 (power to make special nature conservation order), or that any of the requirements of this Schedule have not been complied with in relation to it, that person may within six weeks from the date of the relevant notice make an application to the High Court.

(3) On any such application the High Court may, if satisfied that the order is not within those powers or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of those requirements, quash the order, or any provision of the order, either generally or in so far as it affects the interests of the applicant.

(4) Except as provided by this paragraph, the validity of an order may not be questioned in any legal proceedings whatsoever.

### **Interpretation**

8. In this Schedule—

“amending order” and “revoking order” mean, respectively, an order which amends, and an order which revokes, a previous order;

“order” means an order under regulation 27 (special nature conservation order);

“original order” means an order other than an amending or revoking order;

“restrictive”, in relation to an amending order, means extending the area to which a previous order applies.

## SCHEDULE 2

Regulation 42(1)

### European Protected Species of animals

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*Common name*<sup>1</sup>

*Scientific name*

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<sup>1</sup> The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names must not be taken into account.

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Bats, Horseshoe (all species)	Rhinolophidae
Bats, Typical (all species)	Vespertilionidae
Butterfly, Large Blue	Maculinea arion
Cat, Wild	Felis silvestris
Dolphins, porpoises and whales (all species)	Cetacea
Dormouse	Muscardinus avellanarius
Frog, Pool	Rana lessonae
Lizard, Sand	Lacerta agilis
Moth, Fisher's Estuarine	Gortyna borelii lunata
Newt, Great Crested (or Warty)	Triturus cristatus
Otter, Common	Lutra lutra
Snail, Lesser Whirlpool Ram's-horn	Anisus vorticulus
Snake, Smooth	Coronella austriaca
Sturgeon	Acipenser sturio
Toad, Natterjack	Bufo calamita
Turtles, Marine	Caretta caretta Chelonia mydas Lepidochelys kempii Eretmochelys imbricata Dermochelys coriacea

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### SCHEDULE 3

Regulation 44(8)(a)

#### Excluded populations of certain species

<b>(1) Common name<sup>1</sup></b>	<b>(2) Scientific name</b>	<b>(3) Excluded countries and areas</b>
Beaver, Eurasian	Castor fiber	Estonia, Finland, Latvia, Lithuania, Poland and Sweden
Hamster, Common (or Black bellied)	Cricetus cricetus	Hungary
Lynx, Eurasian	Lynx lynx	Estonia
Viper, Seoane's	Vipera seoanni	Spain

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<sup>2</sup> A copy of this Finnish Act can be obtained from the Wildlife Management Team, Natural Environment Policy Directorate, Defra, Horizon House, Deanery Road, Bristol BS1 5AH.

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Wolf, Grey	Canis lupus	Bulgaria, Estonia, Greece north of the 39th parallel, Latvia, Lithuania, Poland, Slovakia, Spain north of the River Duero, and the reindeer management area in Finland as defined in paragraph 2 of Finnish Act No. 848/90 of 14th September 1990 on reindeer management <sup>2</sup>
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<sup>2</sup> A copy of this Finnish Act can be obtained from the Wildlife Management Team, Natural Environment Policy Directorate, Defra, Horizon House, Deanery Road, Bristol BS1 5AH.

## SCHEDULE 4

Regulation 45(1)(a)

Animals which may not be captured or killed in certain ways.

<i>Common name<sup>1</sup></i>	<i>Scientific name</i>
Barbel	Barbus barbus
Grayling	Thymallus thymallus
Hare, Mountain	Lepus timidus
Lamprey, River	Lampetra fluviatilis
Marten, Pine	Martes martes
Polecat	Mustela putorius (otherwise known as Putorius putorius)
Salmon, Atlantic	Salmo salar (only in fresh water)
Seal, Bearded	Erignathus barbatus
Seal, Common	Phoca vitulina
Seal, Grey	Halichoerus grypus
Seal, Harp	Phoca groenlandica (otherwise known as Pagophilus groenlandicus)
Seal, Hooded	Cystophora cristata
Seal, Ringed	Phoca hispida (otherwise known as Pusa hispida)
Shad, Allis	Alosa alosa
Shad, Twaite	Alosa fallax
Vendace	Coregonus albula
Whitefish	Coregonus lavaretus

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## SCHEDULE 5

Regulation 46(1)

### European Protected Species of plants

<i>Common name<sup>1</sup></i>	<i>Scientific name</i>
Dock, Shore	Rumex rupestris
Fern, Killarney	Trichomanes speciosum
Gentian, Early	Gentianella anglica
Lady's-slipper	Cypripedium calceolus
Marshwort, Creeping	Apium repens
Naiad, Slender	Najas flexilis
Orchid, Fen	Liparis loeselii
Plantain, Floating-leaved water	Luronium natans
Saxifrage, Yellow Marsh	Saxifraga hirculus

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## SCHEDULE 6

Regulation 139

### Consequential Amendments

## PART 1

### Primary Legislation

#### Harbours Act 1964

1. In Part 1 (orders made on application to the Secretary of State) of Schedule 3 to the Harbours Act 1964 (procedure for making harbour revision and empowerment orders) <sup>M1</sup>, in paragraph 1 (interpretation), in paragraph (j) of the definition of “sensitive area” as it has effect in England and Wales, for “the Conservation of Habitats and Species Regulations 2010 (see regulation 8)” substitute “the Conservation of Habitats and Species Regulations 2017 (see regulation 8)”.

#### Marginal Citations

**M1** 1964 c. 40; paragraph (j) of the definition of “sensitive area” was substituted in relation to England and Wales by S.I. 2010/490.

#### Sea Fisheries (Shellfish) Act 1967

2. In section 5F of the Sea Fisheries (Shellfish) Act 1967 (protection of marine environment: supplementary provision) <sup>M2</sup>, in subsection (1), in the definition of “European marine site”, for “the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490) (see regulation 8)” substitute “the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (see regulation 8)”.

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#### Marginal Citations

**M2** 1967 c. 83; section 5F was inserted by the Environment (Wales) Act 2016 (anaw 3), Part 5, section 75.

### Conservation of Seals Act 1970

3. In section 10 of the Conservation of Seals Act 1970 (power to grant licences) <sup>M3</sup>, in subsection (4A), for “regulation 43 of the Conservation of Habitats and Species Regulations 2010” substitute “regulation 45 of the Conservation of Habitats and Species Regulations 2017”.

#### Marginal Citations

**M3** 1970 c. 30; subsection (4A) was inserted in relation to England and Wales by S.I. 2007/1843 and amended by S.I. 2010/490.

### Highways Act 1980

4. In section 105A of the Highways Act 1980 (environmental impact assessments) <sup>M4</sup>, in subsection (6)(i), for “the Conservation of Habitats and Species Regulations 2010 (see regulation 8)” substitute “the Conservation of Habitats and Species Regulations 2017 (see regulation 8)”.

#### Marginal Citations

**M4** 1980 c. 66; section 105A was inserted by S.I. 1988/1241 and substituted by S.I. 1999/369. Subsection (6) was amended by 2010/490.

### Town and Country Planning Act 1990

5. In Schedule 4C of the TCPA 1990 (community right to build orders) <sup>M5</sup>, in sub-paragraph (5) of paragraph 6 (development likely to have significant effects on environment etc), 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

**M5** 1990 c. 8; Schedule 4C was inserted by the Localism Act 2010 (c. 20), Schedule 11.

### Planning Act 2008

6. In section 16 of the Planning Act 2008 (electric lines) <sup>M6</sup>, in subsection (4), in the definition of “European site”, for “the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490)” substitute “the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012)”.

#### Marginal Citations

**M6** 2008 c. 29; subsection (4) was substituted by S.I. 2013/1479.

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## Constitutional Reform Act 2005

7. In Part 3 (Tribunal-related and other appointments: appointments by the Lord Chancellor) of Schedule 14 to the Constitutional Reform Act 2005 (the judicial appointments commission: relevant offices and enactments)<sup>M7</sup>, in Table 1, in the column entitled “enactment”, for the entry “Regulation 34(3) of the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490)” substitute “Regulation 36(4) of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012)”.

### Marginal Citations

**M7** 2005 c. 4; the entry relating to regulation 34(3) of the Conservation of Habitats and Species Regulations 2010 was substituted in relation to England and Wales by [S.I. 2010/490](#).

## Marine and Coastal Access Act 2009

8.—(1) The Marine Act is amended as follows.

(2) In section 123 (creation of network of conservation sites)<sup>M8</sup>, in subsection (9), for paragraph (a)(ii) of the definition of “European marine site” substitute—

“(ii) the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (see regulation 8), or”.

(3) In section 158 (byelaws: supplementary provision)<sup>M9</sup>, in subsection (6)(d), for “the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490) (see regulation 8)” substitute “the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) (see regulation 8)”.

(4) In section 237 (enforcement of nature conservation legislation)<sup>M10</sup>, in subsection (2), for paragraphs (i) and (j) substitute—

“(i) regulations 43, 45, 47, 54, 59, 60 and 122(1) and (2) of the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012);

(j) any byelaws or orders made by virtue of regulation 32 or 40 of those Regulations.”.

### Marginal Citations

**M8** Subsection (9) was amended by [S.I. 2010/490](#).

**M9** Subsection (6)(d) was amended by [S.I. 2010/490](#).

**M10** Subsection (2) was amended by [S.I. 2010/490](#).

## 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<sup>M11</sup> 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”.



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(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**

**M11** [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)<sup>M12</sup>, 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**

**M12** [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<sup>M13</sup> 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”.

**Marginal Citations**

**M13** [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)<sup>M14</sup>, 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**

**M14** [S.I. 2000/1928](#), amended by [S.I. 2007/1992](#) and [2017/582](#); there are other amending instruments but none is relevant.

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### 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) <sup>M15</sup>—

- (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

**M15** [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) <sup>M16</sup>, 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

**M16** [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 <sup>M17</sup> are amended as follows.

(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

**M17** [S.I. 2006/2522](#), amended by [S.I. 2017/593](#); there are other amending instruments but none is relevant.

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## 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) <sup>M18</sup>—

- (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

**M18** [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) <sup>M19</sup>—

- (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

**M19** [S.I. 2010/603](#).

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

18. In regulation 2 of the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010 (interpretation) <sup>M20</sup>, 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

**M20** [S.I. 2010/1228](#), amended by [S.I. 2009/1176](#), 2012/742 and 2013/755; there are other amending instruments but none is relevant.

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## Marine Strategy Regulations 2010

19. In Schedule 2 to the Marine Strategy Regulations 2010 (enactments in relation to which duty in regulation 4 applies) <sup>M21</sup>, for the entry “The Conservation of Natural Habitats and Species Regulations 2010” substitute— “ The Conservation of Habitats and Species Regulations 2017 ”.

### Marginal Citations

**M21** [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) <sup>M22</sup>—

- (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

**M22** [S.I. 2010/2020](#).

## Marine Licensing (Exempted Activities) Order 2011

21.—(1) The Marine Licensing (Exempted Activities) Order 2011 <sup>M23</sup> 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

**M23** [S.I. 2011/409](#), amended by [S.I. 2013/526](#) and [2016/738](#).

## Marine Licensing (Exempted Activities) (Wales) Order 2011

22.—(1) The Marine Licensing (Exempted Activities) (Wales) Order 2011 <sup>M24</sup> 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”.

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

**Changes to legislation:** The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 22 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)

- (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**

**M24** [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 <sup>M25</sup>, omit paragraph 12 (the Conservation of Habitats and Species Regulations 2010).

**Marginal Citations**

**M25** [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) <sup>M26</sup>—

- (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**

**M26** [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) <sup>M27</sup>, 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”.

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

**Changes to legislation:** The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 22 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)

#### Marginal Citations

**M27** [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<sup>M28</sup>, omit regulation 9 (amendments to the Conservation of Habitats and Species Regulations 2010).

#### Marginal Citations

**M28** [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<sup>M29</sup> 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

**M29** [S.I. 2012/637](#), amended by [S.I. 2017/571](#); there are other amending instruments but none is relevant.

### 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)<sup>M30</sup>—
- (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”.

**Changes to legislation:** The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 22 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)

**Marginal Citations**

**M30** [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) <sup>M31</sup>, 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**

**M31** [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) <sup>M32</sup>, 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**

**M32** [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 <sup>M33</sup>, in Schedule 4, omit paragraphs 365 to 373 and the heading to those paragraphs (Conservation of Habitats and Species Regulations 2010).

**Marginal Citations**

**M33** [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 <sup>M34</sup>, 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.”.



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

**Changes to legislation:** The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 22 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)

#### Marginal Citations

**M34** 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)<sup>M35</sup> 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

**M35** 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”))<sup>M36</sup>, 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

**M36** S.I. 2014/615, to which there are amendments not relevant to these Regulations.

### 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)<sup>M37</sup>, 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

**M37** S.I. 2014/1686, amended by S.I. 2016/1029; there are other amending instruments but none is relevant.



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## Rampion Offshore Wind Farm Order 2014

**36.**—(1) The Rampion Offshore Wind Farm Order 2014<sup>M38</sup> 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

**M38** [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 Bowden Improvement) Development Consent Order 2014 (requirements)<sup>M39</sup>, 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

**M39** [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)<sup>M40</sup>, 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”.

### Marginal Citations

**M40** [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)<sup>M41</sup>, 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.”.

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

**Changes to legislation:** The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 22 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)

#### Marginal Citations

**M41** [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) <sup>M42</sup>—

- (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

**M42** [S.I. 2014/2933](#).

### Able Marine Energy Park Development Consent Order 2014

**41.—**(1) The Able Marine Energy Park Development Consent Order 2014 <sup>M43</sup> 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”;
- (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

**M43** [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) <sup>M44</sup>, in sub-paragraph (3) of paragraph 30 (European protected species), for the definition of “European protected species” substitute—

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

**Marginal Citations**

**M44** [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) <sup>M45</sup>, 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**

**M45** [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 <sup>M46</sup>, 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**

**M46** [S.I. 2014/3328](#), amended by [S.I. 2015/1616](#); there is another amending instrument but it is not relevant.

**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) <sup>M47</sup>, in paragraph (4)(b), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

**Marginal Citations**

**M47** [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) <sup>M48</sup>, 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”.

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

**Changes to legislation:** The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 22 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)

#### Marginal Citations

**M48** [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)<sup>M49</sup>, 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

**M49** [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)<sup>M50</sup>, 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

**M50** [S.I. 2015/318](#), to which there are amendments not relevant to these Regulations.

### 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<sup>M51</sup>, omit paragraph 45 (Conservation of Habitats and Species Regulations 2010).

#### Marginal Citations

**M51** [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)<sup>M52</sup>, 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)”.

**Changes to legislation:** The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 22 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)

**Marginal Citations**

**M52** [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)<sup>M53</sup>, 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**

**M53** [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)<sup>M54</sup>, 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**

**M54** [S.I. 2015/596](#), to which there are amendments not relevant to these Regulations.

**Nitrate Pollution Prevention Regulations 2015**

**53.** In regulation 37 of the Nitrate Pollution Prevention Regulations 2015 (determination of application)<sup>M55</sup>, 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**

**M55** [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)<sup>M56</sup>, 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**

**M56** [S.I. 2015/680](#), to which there are amendments not relevant to these Regulations.

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

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## 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)<sup>M57</sup>, in sub-paragraph (e), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

### Marginal Citations

**M57** [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)<sup>M58</sup>, 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

**M58** [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)<sup>M59</sup>—

- (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

**M59** [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)<sup>M60</sup>—

- (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”;

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

**Changes to legislation:** The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 22 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)

- (c) in paragraph (2)(a), for “regulation 61” substitute “regulation 63”.

**Marginal Citations**

**M60** [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)<sup>M61</sup>, 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**

**M61** [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)<sup>M62</sup>, in sub-paragraph (3), 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**

**M62** [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)<sup>M63</sup>, 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**

**M63** [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)<sup>M64</sup>, in sub-paragraph (3) of paragraph 18 (construction environmental management plan), for “the



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

**Marginal Citations**

**M64** [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 <sup>M65</sup>, omit regulation 7 (amendment of the Conservation of Habitats and Species Regulations 2010).

**Marginal Citations**

**M65** [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) <sup>M66</sup>, 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;”.

**Marginal Citations**

**M66** [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) <sup>M67</sup>, 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**

**M67** [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) <sup>M68</sup>, 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”.



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**Marginal Citations**

**M68** [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) <sup>M69</sup>, 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**

**M69** [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) <sup>M70</sup>, 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”.

**Marginal Citations**

**M70** [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) <sup>M71</sup>, in paragraph (6), for “the Conservation of Habitats and Species Regulations 2010” substitute “the Conservation of Habitats and Species Regulations 2017”.

**Marginal Citations**

**M71** [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) <sup>M72</sup>, 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”.

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#### Marginal Citations

**M72** 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)<sup>M73</sup>, 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

**M73** 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<sup>M74</sup>, 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”.

#### Marginal Citations

**M74** 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<sup>M75</sup> 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”.

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(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**

M75 [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) <sup>M76</sup>, under the heading “Agriculture”, for “Conservation of Habitats and Species Regulations 2010” substitute “Conservation of Habitats and Species Regulations 2017”.

**Marginal Citations**

M76 [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) <sup>M77</sup>, in paragraph (5), in 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**

M77 [S.I. 2017/403](#).

**Keuper Underground Gas Storage Facility Order 2017**

76. In Schedule 2 to the Keuper Underground Gas Storage Facility Order 2017 <sup>M78</sup>, in sub-paragraph (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**

M78 [S.I. 2017/433](#).

**Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017**

77.—(1) The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 <sup>M79</sup> are amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation)—

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- (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”.

#### Marginal Citations

M79 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<sup>M80</sup> 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”.

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**Marginal Citations**

**M80** [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<sup>M81</sup> 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**

**M81** [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<sup>M82</sup> are amended as follows.

(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**

**M82** [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<sup>M83</sup> 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”.

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(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**

**M83** [S.I. 2017/580](#).

SCHEDULE 7

Regulation 140

Revocations

<i>Title</i>	<i>Reference</i>	<i>Extent of revocation</i>
The 2010 Regulations	2010/490	The whole Regulations except: <ul style="list-style-type: none"> <li>(a) regulations 1 to 3;</li> <li>(b) regulation 73 so far as it relates to planning permission granted by a general development order made before 30th November 2017;</li> <li>(c) regulation 77 so far as it relates to a special development order made before 30th November 2017;</li> <li>(d) regulation 78 so far as it relates to a local development order made before 30th November 2017;</li> <li>(e) regulation 78A so far as it relates to a neighbourhood development order made before 30th November 2017;</li> <li>(f) regulation 79 so far as it relates to a simplified planning zone scheme adopted or approved before 30th November 2017;</li> </ul>

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- (g) regulation 80 so far as it relates to—
  - (i) an order designating an enterprise zone made before 30th November 2017, or
  - (ii) a modified enterprise zone scheme approved before that date;
- (h) regulation 132;
- (i) Schedule 6

The Conservation of Habitats 2011/625  
and Species (Amendment)  
Regulations 2011

The whole Regulations

The Conservation of Habitats 2012/1927  
and Species (Amendment)  
Regulations 2012

The whole Regulations except  
for:

- (a) regulations 1, 25 and 26; and
- (b) regulation 2, so far as it relates to regulations 25 and 26

**Status:**

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

**Changes to legislation:**

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