
STATUTORY INSTRUMENTS

2017 No. 1013

**The Conservation of Offshore Marine
Habitats and Species Regulations 2017**

PART 2

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

Plans and projects

Considerations of overriding public interest

29.—(1) If it is satisfied that, there being no alternative solutions, the plan or project referred to in regulation 28(1) must be carried out for imperative reasons of overriding public interest (which, subject to paragraph (2), may be of a social or economic nature), the competent authority may agree to the plan or project notwithstanding a negative assessment of the implications for the site.

(2) Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred to in paragraph (1) must be either—

- (a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment; or
- (b) any other imperative reasons of overriding public interest.

(3) A competent authority [^{F1}other than the relevant administration] may not agree to a plan or project under paragraph (1) for any reason referred to in paragraph (2)(b) unless it has had due regard to the opinion of the [^{F2}relevant administration] in satisfying itself that there are such reasons.

(4) Where a competent authority other than the [^{F3}relevant administration] desires to obtain the opinion of the [^{F3}relevant administration] as to whether reasons are to be considered imperative reasons of overriding public interest, it must submit a request to the [^{F3}relevant administration]—

- (a) identifying the matter on which an opinion is sought; and
- (b) accompanied by any documents or information that may be required.

[^{F4}(5) In giving its opinion as to whether the reasons are imperative reasons of overriding public interest, the relevant administration must have regard to the national interest, and provide its opinion to the competent authority.

(6) Before giving its opinion as to whether the reasons are imperative reasons of overriding public interest, the relevant administration must consult the following, and have regard to their opinion—

- (a) the Joint Nature Conservation Committee;
- (b) where the relevant administration is the Secretary of State, the devolved administrations;
- (c) where the relevant administration is a devolved administration, the Secretary of State and the other devolved administrations; and
- (d) any other person the relevant administration considers appropriate.

- (7) In this regulation, “the relevant administration” means—
- (a) in relation to a plan or project relating to an activity other than one specified in regulation 55(16)—
 - (i) where the plan or project is to be carried out in the Scottish offshore region, the Scottish Ministers; and
 - (ii) where the plan or project is to be carried out in the Welsh offshore region, the Welsh Ministers; and
 - (b) in relation to a plan or project relating to an activity specified in regulation 55(16), or in any case not falling within sub-paragraph (a)(i) or (ii), the Secretary of State.]

Textual Amendments

- F1** Words in [reg. 29\(3\)](#) inserted (31.12.2020) by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/579\)](#), regs. 1, **50(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in [reg. 29\(3\)](#) substituted (31.12.2020) by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/579\)](#), regs. 1, **50(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 29\(4\)](#) substituted (31.12.2020) by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/579\)](#), regs. 1, **50(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** [Reg. 29\(5\)-\(7\)](#) substituted (31.12.2020) by [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/579\)](#), regs. 1, **50(4)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017, Section 29.